

Reference:	FOI.1805.19
Subject:	Negligence claims
Date of Request:	29 October 2019

Requested:

The period I am seeking information about is from 2010 to 2019 (per calendar year and to date)

1. Since 2010, how many claims for negligence has the health board received and how many has it settled? I would be grateful if you could provide this information year by year, and also by department (e.g. maternity or A&E). Please can you specify when the incident happened and the year in which it was settled.
2. I would be grateful if you could also tell me whether the claims were settled via the Welsh Risk Pool or by the Health Board directly (again by calendar year to date and department).
3. Where claims have been settled via the Welsh Risk Pool, can you please provide me with figures for lump sum payments and periodical payments (again by calendar year to date and department).

Response:

1. Hywel Dda University Health Board (the Health Board) is unable to provide all the information requested, as it is estimated that the cost of answering your request would exceed the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. The "appropriate level" represents the estimated cost of one person spending 18 hours or (2 ½ working days) in determining whether the UHB holds the information, and locating, retrieving and extracting the information.

The Health Board has asked the Legal & Risk service to provide the data in relation to the number of cases involving negligence claims. The organisation instructs Legal & Risk to manage negligence claims on its behalf, with oversight and governance remaining locally within the Health Board. The Health Board is unable to provide the department or details on the dates that each claims was received and settled as this information would have to be manually sourced from case files. During the requested timeframe the Health Board received 904 new claims, it is therefore estimated that collecting the requested information would cost:

904 @ 15 minutes per claim = 226 hours
 226 hours @ £25 per hours = £5,650

The UHB is therefore applying an exemption under Section 12 of the Freedom of Information Act 2000, which provides an exemption from a public authority's obligation to comply with a request for information where the cost of compliance is estimated to exceed the *appropriate limit*.

Under section 16 of the Freedom of Information Act, the Health Board has an obligation to provide advice and assistance. The information provided within the table below relates to new negligence claims received each year and the number of negligence claims settled each year. Due to the length of time claims take to be investigated, no correlation can be drawn between the new claims and settled claims each year. Additionally, a number of claims are successfully defended, with no damages paid by the NHS.

Financial Year	New claims received	Number of claims settled
2010/11	95	27
2011/12	93	21
2012/13	96	26
2013/14	119	27
2014/15	114	30
2015/16	97	47
2016/17	114	29
2017/18	120	39
2018/19	56	37

2. All payments for claims are paid from the Health Board's budget in the first instance. Reimbursement for some payments is then sought from the Welsh Risk Pool (WRP) budget; however, this is subject WRP rules.
3. The WRP manages Periodical Payments on behalf of NHS Wales organisations. The Health Board does not hold information relating to the annual payments made. For cases which have been settled via reimbursement from the WRP, the figures provided within the table below are the payments made to the organisation by the Health Board.

Financial Year	New claims received
2009/10	£1,141,171.35
2010/11	£2,784,649.75
2011/12	£4,504,969.26
2012/13	£5,131,541.60
2013/14	£5,842,949.79
2014/15	£9,565,085.77
2015/16	£4,361,818.10
2016/17	£5,315,513.45
2017/18	£3,376,985.23
2018/19	£11,007,703.90