



Meeting Date	18 January 2022	Agenda Item	2.2
Report Title	Claim Management Policy		
Report Author	Hazel Lloyd, Acting Director of Corporate Governance		
Report Sponsor	Hazel Lloyd, Acting Director of Corporate Governance		
Presented by	Hazel Lloyd, Acting Director of Corporate Governance		
Freedom of Information	Open		
Purpose of the Report	The purpose of this report is to provide the Health Board Updated Claims Management Policy to the Audit Committee for approval, attached as Appendix 1.		
Key Issues	<p>The key changes in the policy include the following:</p> <ul style="list-style-type: none"> • Section 8 of the Welsh Government’s “Guidance on Dealing with Concerns about the NHS from 1 April 201”, replaces Welsh Health Circular (97) 17 “Clinical negligence and personal injury litigation claims handling” and allows Responsible Bodies to manage and settle concerns for financial compensation in relation to all episodes of clinical negligence and personal injury up to the sum of £1 million. • The Health Board are now responsible for General Medical Practical Indemnity (GMPI) Claims in relation to incidents that happened on or after 1st April 2019. • On 1st October 2019 the Welsh Risk Pool changed the claims reimbursement procedure and now required the Health Board to submit a Learning from Events Report (LFER) on a case, where a decision to settle is made (Admissions/offer) and the LFER has to be submitted within 60 days of the decision to settle is made. • In relation to requesting financial reimbursement from the Welsh Risk Pool, the Health Board is required to submit a Case Management Report (CMR), with approved learning from the Welsh Risk Pool and has to be submitted within 4 calendar months of the last financial payment on the case. 		
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input checked="" type="checkbox"/>
Recommendations	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> • APPROVE the amended Claims Management policy on behalf of the Board. 		

CLAIMS MANAGEMENT POLICY

1. INTRODUCTION

This report is to present the Audit Committee with the updated Claims Management Policy for approval, attached as Appendix 1. The policy was considered by the Management Board in December 2021.

2. GOVERNANCE AND RISK ISSUES

The Policy has been updated, changes set out in red type, using the latest guidance from Welsh Risk Pool in relation to claims management processes.

The key changes in the policy include the following:

- Section 8 of the Welsh Government's "Guidance on Dealing with Concerns about the NHS from 1 April 2017", replaces Welsh Health Circular (97) 17 "Clinical negligence and personal injury litigation claims handling" and allows Responsible Bodies to manage and settle concerns for financial compensation in relation to all episodes of clinical negligence and personal injury up to the sum of £1 million.
- The Health Board are now responsible for General Medical Practical Indemnity (GMP) Claims in relation to incidents that happened on or after 1st April 2019.
- On 1st October 2019 the Welsh Risk Pool changed the claims reimbursement procedure and now required the Health Board to submit a Learning from Events Report (LFER) on a case, where a decision to settle is made (Admissions/offer) and the LFER has to be submitted within 60 days of the decision to settle is made.
- In relation to requesting financial reimbursement from the Welsh Risk Pool, the Health Board is required to submit a Case Management Report (CMR), with approved learning from the Welsh Risk Pool and has to be submitted within 4 calendar months of the last financial payment on the case.

The Health Board must comply with the Welsh Risk Pool guidance in relation to timescales for processing claims and also providing sufficient evidence to support learning from the cases. The Welsh Risk Pool is able to withhold reimbursement for the cases on a temporary or permanent basis if there are concerns with the Health Boards ability to learn and improve from the issues identified during the investigation of these cases. To mitigate this risk, the Legal Services Team, support the Quality & Safety Teams in the Service Groups and check the learning from events reports in advance of submission to Welsh Risk Pool for reimbursement.

3. FINANCIAL IMPLICATIONS

There are financial implications if the Health Board does not comply with the policy as this follows the guidance set out by Welsh Risk Pool for reimbursements of claims, which includes redress cases.

4. RECOMMENDATION

The Committee are requested to:

- **APPROVE** the updated policy on behalf of the Board.

Governance and Assurance		
Link to Enabling Objectives <i>(please choose)</i>	Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities	
	Partnerships for Improving Health and Wellbeing	<input type="checkbox"/>
	Co-Production and Health Literacy	<input type="checkbox"/>
	Digitally Enabled Health and Wellbeing	<input type="checkbox"/>
	Deliver better care through excellent health and care services achieving the outcomes that matter most to people	
	Best Value Outcomes and High Quality Care	<input checked="" type="checkbox"/>
	Partnerships for Care	<input checked="" type="checkbox"/>
	Excellent Staff	<input checked="" type="checkbox"/>
	Digitally Enabled Care	<input checked="" type="checkbox"/>
	Outstanding Research, Innovation, Education and Learning	<input checked="" type="checkbox"/>
Health and Care Standards		
<i>(please choose)</i>	Staying Healthy	<input checked="" type="checkbox"/>
	Safe Care	<input checked="" type="checkbox"/>
	Effective Care	<input checked="" type="checkbox"/>
	Dignified Care	<input checked="" type="checkbox"/>
	Timely Care	<input checked="" type="checkbox"/>
	Individual Care	<input checked="" type="checkbox"/>
	Staff and Resources	<input checked="" type="checkbox"/>
Quality, Safety and Patient Experience		
Ensuring the organisation has a robust Claims Management Policy in place that ensure organisational risks are captured, assessed and mitigating actions are taken, is a key requisite to ensuring the quality, safety & experience of patients receiving care and staff working in the UHB.		
Financial Implications		
The risks outlined within this report have resource implications which are being addressed by the respective Executive Director leads and taken into consideration as part of the Board's IMTP processes.		
Legal Implications (including equality and diversity assessment)		
It is essential that the Board has robust Claims Management Policy in place.		
Staffing Implications		
Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)		
Report History	<ul style="list-style-type: none"> N/A 	
Appendices	<ul style="list-style-type: none"> Appendix 1- Claims Management Policy 	