



GIG
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NHS
WALES

Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	03 March 2020	Agenda Item	2.2	
Report Title	Personal Injury File Review Report			
Report Author	Hazel Lloyd, Head of Patient Experience, Risk & Legal Services			
Report Sponsor	Gareth Howells, Director of Nursing and Patient Experience			
Presented by	Hazel Lloyd, Head of Patient Experience, Risk & Legal Services			
Freedom of Information	Open			
Purpose of the Report	The purpose of this report is to provide the Committee with an overview of personal injury cases and a comparison on an all Wales basis.			
Key Issues	<p>Personal injury claims legal representation across Wales is provided by Legal & Risk Services (L&RS) in Shared Services Wales. On a six monthly basis L&RS provide Health Boards with a presentation, attached as Appendix 1, an overview in terms of the management of personal injury cases and comparison across NHS Wales.</p> <p>Key issues to note include:</p> <ul style="list-style-type: none"> • Highest number of claims are brought by estates staff followed by hotel services staff; • Health Boards claims profile compares favorable on an all Wales picture showing a reduction of claims. • Lessons learned across the NHS have been shared in a NHS newsletter and have been shared internally with the Health & Safety Team, Estates Team, Hotel Services Team and Unit staff – Appendix 2. 			
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance	Approval
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Recommendations	The Health & Safety Committee are asked to: <ul style="list-style-type: none">• NOTE the contents of the report and Appendices.
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Personal Injury File Review Report

1. INTRODUCTION

This report aims to inform the Health & Safety Committee of the six monthly review of personal injury claims across NHS Wales for the period April to September 2019 and lessons learned in investigating these claims.

2. BACKGROUND

Personal injury claims legal representation across Wales is provided by Legal & Risk Services (L&RS) in Shared Services Wales. On a six monthly basis L&RS provide Health Boards with a presentation, attached as **Appendix 1**, an overview in terms of the management of personal injury cases and comparison across NHS Wales. In addition L&RS provide a learning lessons newsletter, attached as **Appendix 2**.

3. GOVERNANCE AND RISK ISSUES

3.1 Personal Injury Profile

Across NHS Wales personal injury claims have been reducing and during the six month period L&RS have reported a saving of £1,395,545.27 in relation to successfully defending claims and negotiating reductions in settlements.

On an all Wales basis the highest number of claims open relate (slide 2) to:

- Falls – 142 of which 21 (15%) relate to Swansea Bay University Health Board “SBUHB” claims;
- Violence & Aggression – 134 of which 24 (18%) relate to SBUHB claims and;
- Defective Equipment - 91 of which 21 (23%) relate to SBUHB claims.

Number of cases for falls, violence & aggression, defective equipment, estates management, needle stick cases and manual handling the general trend is falling over the last five years and this is the position for SBUHB as well (slides 7 – 14). However, work related stress cases across NHS Wales are more variable, although SBUHB’s position is generally low numbers of cases over the years (slide 15).

3.2 Risks

If the Health Board does not ensure it has strong systems in place supporting effective health & safety management across the Health Board with documentary evidence to support then there is a risk that harm will be caused to patients and or staff and the health board’s personal injury cases will increase with more successful outcomes.

4. FINANCIAL IMPLICATIONS

The Health Board pays the first £25,000 for each successful personal injury claim and the Welsh Risk Pool reimburse the Health Board for any financial settlement above

£25,000. The majority of personal injury claims settle including damages for a sum below £25,000 and therefore the Health Board bears the full financial liability of these cases.

Slide 17 shows the Health Board paid the most damages for any six month period during October 2016 to March 2017. Since that time and to September 2019 the Health Boards damages has been fairly consistent ranging from £85,626 to £106,877.

5. RECOMMENDATIONS

The Health & Safety Committee is asked to:

- **NOTE** the contents of the report.

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 checked="" 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 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		
Patients are potentially exposed to health and safety risks and harm. Systems to manage those risks must be patient centered and support staff.		
Financial Implications		
A risk of increase in claims if we do not support safe systems of work in the Health Board.		
Legal Implications (including equality and diversity assessment)		
Health and safety law compliance, avoidance or mitigation of claims, effective use of staff and training resources etc.		
Staffing Implications		
Staff may be harmed if we do not ensure safe systems of work and provide appropriate training.		
Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)		
<ul style="list-style-type: none"> ○ Long Term - The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs. ○ Prevention - How acting to prevent problems occurring or getting worse may help public bodies meet their objectives. ○ Integration - Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies. ○ Collaboration - Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives. 		

<ul style="list-style-type: none"> ○ Involvement - The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves. 	
Report History	Committee has received reports on the Health & Safety risk register previously.
Appendices	Appendix 1 – Personal Injury Cases Profile; Appendix 2 – Learning lessons newsletter.