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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board

Cadeirydd Dros Dro/ Interim Chair: **Emma Woollett**
Prif Weithredwr/Chief Executive: **Tracy Myhill**

gofalu am ein gilydd, cydweithio, gwella bob amser
caring for each other, working together, always improving

Rydym yn croesawu gohebiaeth yn y Gymraeg ac yn y Saesneg. We welcome correspondence in Welsh or English.

Dyddiad/Date: 26th November 2019
Ein Cyf / Our Ref: 19-J-044

☎ 01639 648363

✉ FOIA.Requests@wales.nhs.uk

[REDACTED]
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Corporate Services
Headquarters
1 Talbot Gateway
Baglan
Port Talbot, SA12 7BR

[REDACTED]

I refer to your Freedom of Information Act Request acknowledged by ourselves on 30th October 2019. Your request sought information relating to negligence claims.

To give you some background information to claims management within the NHS. The Welsh Risk Pool (WRP) is a mutual organisation funded by the NHS in Wales to reimburse losses to NHS organisations in Wales. Its main functions are to reimburse Health Boards for expenditure incurred when claims are made against them and to manage claims on behalf of the Health Boards. The Health Board instructs Legal & Risk – Welsh Risk Pool, to manage negligence claims on its behalf and therefore this information is held by them on behalf of the Health Board. Oversight of the claims and governance arrangements remain with the Health Board.

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.

The information provided 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.



Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR / Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR

Bwrdd Iechyd Prifysgol Bae Abertawe yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Bae Abertawe
Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board

	New claims received in a year	Claims settled in a year
2010/11	203	60
2011/12	175	69
2012/13	181	67
2013/14	249	62
2014/15	229	51
2015/16	205	48
2016/17	176	40
2017/18	188	53
2018/19	106	68

The Health Board is unable to provide the index year of occurrence or details on departments involved as this is not held centrally. There to obtain this information would involve a manual trawl and search of records which we have estimated would significantly exceed the 18 hours limit set down by the FOI Act as the reasonable limit. Section 12 of the FOI Act provides that we are not obliged to spend in excess of 18 hours in any sixty day period locating, retrieving and identifying information in order to deal with a request for information and therefore we are withholding this information at this time.

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).

The payment in all claims are paid initially by the Health Board and reimbursement is sought, based on scheme rules, from the Welsh Risk Pool budget.

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)

The Welsh Risk Pool manages periodical payments on behalf of Health Boards in Wales. The Health Board does not hold information on periodical payments made.

The reimbursement payments received by the Health Board from the Welsh Risk Pool are as follows:

2009/10 - £9,290,970.14
2010/11 - £9,895,026.54
2011/12 - £11,729,865.59
2012/13 - £8,526,534.81
2013/14 - £12,531,205.70
2014/15 - £8,322,143.69
2015/16 - £7,145,290.38
2016/17 - £10,672,051.66
2017/18 - £21,144,953.90*



2018/19 - £22,884,907.59*

*These higher figures are the result of several high value older cases settled during this year and are not indicative of an in-year rise in claims

I hope this information is helpful. If you require anything further please contact us at FOIA.Requests@wales.nhs.uk.

Under the terms of the Health Board's Freedom of Information policy, individuals seeking access to recorded information held by the Health Board are entitled to request internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request please contact me directly at the address below or register your complaint via FOIA.Requests@wales.nhs.uk.

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 029 2067 8400.

Yours sincerely



Pam Wenger
Director of Corporate Governance

