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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: 11th February 2020
Ein Cyf / Our Ref: 20-A-018

01639 [REDACTED]
FOIA.Requests@wales.nhs.uk

[REDACTED]
[REDACTED]

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 16th January 2020. Your request sought information relating to clinical negligence claims.

The period I am seeking information about is from 2009/10 to 2019/20 (per financial year and to date)

1. The number of clinical negligence claims received since 2009/10, including 2019/20 to date. Please break down your response by financial year.

2009/10	179
2010/11	203
2011/12	175
2012/13	181
2013/14	249
2014/15	229
2015/16	205
2016/17	176
2017/18	188
2018/19	106
2019/20 (to date)	130



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

2. The number of clinical negligence claims settled since 2009/10, including 2019/20 to date. Please break down your response by financial year.

2009/10	114
2010/11	127
2011/12	122
2012/13	103
2013/14	102
2014/15	97
2015/16	84
2016/17	90
2017/18	125
2018/19	143
2019/20 (to date)	176

Please note the increase in numbers over the last 3 years is due to the redress scheme which is now categorised in the annual accounts as clinical negligence and therefore claims are settled quicker therefore reflecting the increase in numbers.

3. Total payments made in respect of clinical negligence claims since 2009/10, including 2019/20 to date. Please break down your response by financial year.

2009/10	£10,457,737
2010/11	£12,201,866
2011/12	£9,845,150
2012/13	£10,920,227
2013/14	£12,758,197
2014/15	£8,991,377
2015/16	£9,221,640
2016/17	£14,744,612
2017/18	£21,882,532
2018/19	£20,928,034
2019/20 (to date)	£11,186,991

4. The three highest individual clinical negligence cash payments for your Health Board in 2019-20 to date

I can confirm that the Health Board holds this information in draft format and as a result I am unable to comply with your request. This is in line with Section 22 of the Freedom of Information Act which states that information is exempt if it is intended that the information held by the public authority will be published at a future date. These amounts are published within our annual accounts which will be available later in the year and published on our website.



5. The clinical/medical/administrative reason each of those top three payments was made

We are unable to provide you with the level of detail you are seeking as to the reasons for these payments as there is a potential risk of identifying individuals if this was disclosed. Therefore, the data is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute as unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

6. The three highest individual clinical negligence cash payments for your Health Board in 2018-19

2018/19	1. £4,140,000	2. £3,005,000	3. £1,618,830
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7. The clinical/medical/administrative reason each of those top three payments was made

We are unable to provide you with the level of detail you are seeking as to the reasons for these payments as there is a potential risk of identifying individuals if this was disclosed. Therefore, the data is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute as unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

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

P. a. werye



Pam Wenger
Director of Corporate Governance

