



GIG
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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board

Cadeirydd/Chair: **Emma Woollett**
Prif Weithredwr/Chief Executive: **Mark Hackett**

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

Rydym yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg. Atebir gohebiaeth Gymraeg yn y Gymraeg, ac ni fydd hyn yn arwain at oedi. We welcome correspondence in Welsh or English. Welsh language correspondence will be replied to in Welsh, and this will not lead to a delay.

Cais Rhyddid Gwybodaeth / Freedom of Information request **Ein Cyf / Our Ref: 22-H-010**

You asked:

In relation to a previous FOIA from April 2022, about clinical negligence claims over the last 3 financial years:

<https://sbuhb.nhs.wales/files/freedom-of-information-disclosure-log-2022/april/22-d-011-clinical-negligence-claims/>

1. Is there a lessons learned-type meeting/briefing for the team concerned, and/or a wider email bulletin to inform employees what the latest negligence cases are and recommended actions to try to prevent a re-occurrence?

Yes. Learning arrangements are managed locally by the department within the Delivery Unit responsible for the claim. Learning opportunities include relevant and specific actions to address the issue involved, for example a change of practice. However it is also important that the lessons learned from claims are shared with colleagues on a wider scale. Therefore, lessons learned are also agenda items in wider department meetings and forums. Themes, trends and analysis is then further fed into corporate Health Board groups such as the Quality and Safety Compliance Group. We are currently developing our reporting mechanisms to further develop how we report on and share learning across claims.

Furthermore, there are a range of newsletters that circulate learning from claims which are shared across the Health Board which highlight learning trends and themes and give an overview of risks and issues.

2. Is there a team which oversees negligence cases with a view to improving performance?

Yes. The Legal Services Team in the Health Board oversee the handling of clinical negligence claims, working closely with Legal & Risk Services who represent and act on the Health Board's behalf. The Legal Services Team are also responsible for co-ordinating learning submissions to the Welsh Risk Pool.

Any claim where a decision to settle has been triggered, then triggers the need to



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Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board

submit a learning/action plan to Welsh Risk Pool. This demonstrates what actions have been taken to minimise a re-occurrence, as well as how the learning/actions have been shared more widely to inform other employees. Improving performance is very much a team effort across the board, but it is the responsibility of the teams on the ground within the Delivery Units to implement learning and assurance measures and practices.

3. Does the health board actually fund clinical negligence payouts, or does it just pay an insurance excess, with the rest covered by insurance?

I can confirm that the Welsh Risk Pool reimburses Health Bodies, however a £25k excess will be applied to the reimbursement of claims settled by member health bodies under NHS Indemnity.

4. Does the health board defend clinical negligence cases or is it all done through the NHS Wales Shared Services Partnership?

The Health Board as the defendant will instruct Legal & Risk Services to act for and represent them on their behalf. The Health Board receive advice from Legal & Risk and will consider the advice at Health Board level and provide the relevant instructions to Legal & Risk who will action and liaise with Claimant Solicitors etc.

5. Finally, do the figures in answer to Question 1) of the FoI here - <https://sbuhb.nhs.wales/files/freedom-of-information-disclosure-log-2022/april/22-d-011-clinical-negligence-claims> relate to negligence claims that the health board has accepted (and will have to settle for) or claims which have been received and may be rejected or settled?

These numbers relate to the number of clinical negligence claims that have been received by the Health Board and are confirmed as being pursued, but may be defended or settled in the future.

