

Freedom of Information request 86-19

Request

I would like to request the following information under the Freedom of Information (Scotland) Act 2002:

Question 1) What was the total monetary value of payments paid out in your health board in a) 2015/16 b) 2016/17 c) 2017/18 d) current financial year due to a claim in relation to clinical negligence

Question 2) How many a) claims of clinical negligence were brought against your health board and b) how many of those claims resulted in a pay-out, c) were rejected or failed and d) were ongoing in a) 2015/16 b) 2016/17 c) 2017/18 d) current financial year

Question 3) How many of those payments were paid a) directly by your health board and b) Through the CNORIS scheme a) 2015/16 b) 2016/17 c) 2017/18 d) current financial year

Question 4) How many of those claims that were settled outside of court a) 2015/16 b) 2016/17 c) 2017/18 d) current financial year

Question 5) What was the highest single payment made for a claim in relation to clinical negligence a) 2015/16 b) 2016/17 c) 2017/18 d) current financial year

Question 6) What was the a) average and b) median financial award for clinical negligence a) 2015/16 b) 2016/17 c) 2017/18 d) current financial year

Question 7) Where possible, please provide information on what the clinical negligence was in cases where a settlement was paid a) 2015/16 b) 2016/17 c) 2017/18 d) current financial year

Response

1. Please find below the total monetary value of payments paid out in relation to clinical negligence:

- a) 2015/16 - £211,559.30
- b) 2016/17 - £345,850
- c) 2017/18 - £256,507.96
- d) 2018/19 to 18 February 2019 - £180.500

2. Please find below the number of new clinical claims and outcome:

Year	Number of New Clinical Claims	Resulted in Settlement	Rejected/Failed	Ongoing
2015/16	8	4		4
2016/17	13	1	6	6
2017/18	7	1		6
2018/19 – 18/02/19	6			6

3. Please find below the number of payments that were paid directly or through CNORIS scheme:

Year	Settlement paid by	Settlement paid by
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	Health Board	CNORIS scheme
2015/16	1	3
2016/17	Nil	1
2017/18	1	Nil
2018/19 – 18/02/19	Nil	Nil

4. All claims were settled out of court.
5. Please find below the highest single payment made for a claim in relation to clinical negligence:
- 2015/16 - £168,559.30
 - 2016/17 - £230,000
 - 2017/18 - £251,507.96
 - 2018/19 – 18 February 2019 - £150,000

6. A) Please find below the average financial award for clinical negligence:

- 2015/16 - £70,519.77
- 2016/17 - £86,462.50
- 2017/18 - £128,253.98
- 2018/19 - 18 February 2019 - £60,166.66

- B) Please find below the median financial award for clinical negligence:

- 2015/16 - £40,000
- 2016/17 - £50,300
- 2017/18 - £128,253.98
- 2018/19 - 18 February 2019 - £25,000

7. Please find below the clinical negligence reasons where a settlement was paid:

- Investigation/treatment/diagnosis
- Clinical procedure
- Medication error

Please note that as NHS Borders is such a small Board the number of clinical negligence claims is very small, and to provide further details of these could allow individuals to be identified and we would be in breach of the Data Protection Act 1998. We are therefore withholding all other data under Section 38(2)(ii) of the Freedom of Information (Scotland) Act 2002.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **86-19** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.

