

## Freedom of Information request 332-22

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### Request

1. How many claims have there been against your health board which are classified as 'litigation claims for accident and mistakes in maternity units' in each of the last five years\*?
2. How many of these claims were successful, broken down by year\*?
3. How much money has your health board paid out in total as a result of these successful claims, broken down by year\*?
4. What is the biggest amount for an individual settlement in each of those years\*?
5. Please tell me whether the total amount paid in settlements each year is accumulative. For example, if someone in Year 1 has a successful claim that means they will get regular payments each year, is the payment to them in Year 2 counted in Year 2's overall settlement figure? A yes/no answer will suffice but feel free to provide context.

\*you can use tax or calendar years, whatever is easiest for you.

### Response

1. The number of claims against NHS Borders classified as "litigation claims for accident and mistakes in maternity units" received in the years requested are shown below:

2017/18 - 0  
2018/19 - <5  
2019/20 - <5  
2020/21 - 0  
2021/22 - <5

2. Please note that while a case may be settled this does not necessary mean there has been an admission of liability. All claims included in the above list are currently on-going.
3. The money paid out in respect of claims received during the last 5 year period (see Q1) is provided below:

2017/18 - Paid £0  
2018/19 - Paid £0  
2019/20 - Paid £0  
2020/21 - Paid £0  
2021/22 - Paid £0

4. There have been no settlements for claims raised in the last five years.
5. Not applicable.

As the number of events in some areas are very small and in accordance with the Code of Practice for Official Statistics any number that is less than five, actual numbers and potentially identifiable information is withheld to help maintain patient confidentiality due to potential risk of disclosure. Further information is available in the [ISD Statistical Disclosure Control Protocol](#).

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](mailto: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 **332-22** 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.