

## Freedom of Information request 368-22

### Request

How many medical negligence claims were lodged against the health board in each of the following years: 2017, 2018, 2019, 2020, 2021, 2022 (to date)

For the above, please also provide a breakdown of these claims by the hospital and department/specialty they relate to\*

How many negligence claims were settled in each of the following years: 2017, 2018, 2019, 2020, 2021, 2022

For each year, what was the total value of negligence settlements paid  
What hospital and department/specialty did settlements relate to\*

\*if breaking this hospital/dept data down per year cannot be done due to numbers being <5/disclosure issues, please provide the breakdown instead as cumulative totals covering the 6 years

### Response

Please find below the cumulative totals of negligence claims as requested:

Calendar Year	Claims Lodged	How Many claims settled	Value of Settlements Paid £
2017	15	6	412,672
2018	12	4	291,815
2019	28	5	416,107
2020	8	6	601,049
2021	12	6	542,558
2022 (to date)	6	12	289,943

Please note that claims settled in year are not necessarily claims lodged in the same year. i.e. a lodged claim can take some years before settlement.

The breakdown by year of claims lodged is as follows:

#### 2017

Service	Dept / Ward	Number
Adult Mental Health Services	West Team	<5
BGH Consultants/Medics/Doctors	Clinical Service - A and E/Emergency Doctors	<5
BGH Consultants/Medics/Doctors	Clinical Service - Obstetrics and Gynaecology	6
BGH Consultants/Medics/Doctors	Clinical Service - Surgery and Urology	<5
Finance	Estates - Grounds	<5
Planned Care and Commissioning	Day Procedure Unit	<5
Women & Children's Services	Maternity (based in Ward 16)	<5
<b>Total</b>		<b>15</b>

**2018**

<b>Service</b>	<b>Dept / Ward</b>	<b>Number</b>
BGH Consultants/Medics/Doctors	Clinical Service - Surgery and Urology	<5
CAMHS	Andrew Lang Unit	<5
BGH Consultants/Medics/Doctors	Clinical Service - Orthopaedics	<5
BGH Consultants/Medics/Doctors	Clinical Service - Obstetrics and Gynaecology	<5
Planned Care and Commissioning	ASDU	<5
Planned Care and Commissioning	Pregnancy Assessment Unit and Ante Natal Outpatients	<5
BGH Consultants/Medics/Doctors	Clinical Service - Paediatrics	<5
Primary Care	Dental - Community	<5
Planned Care and Commissioning	Ward 9	<5
<b>Total</b>		<b>12</b>

**2019**

<b>Service</b>	<b>Dept / Ward</b>	<b>Number</b>
Primary Care	Cheviot - District Nurses	<5
BGH Consultants/Medics/Doctors	Clinical Service - Obstetrics and Gynaecology	<5
Workforce	Human Resources	<5
BGH Consultants/Medics/Doctors	Clinical Service - Surgery and Urology	<5
BGH Consultants/Medics/Doctors	Clinical Service - Orthopaedics	<5
Unscheduled Care	HDU Ward 5	<5
Primary Care	External Providers - GPs	<5
Planned Care and Commissioning	Waiting Times and Booking	<5
BGH Consultants/Medics/Doctors	Clinical Service - Radiology	<5
Unscheduled Care	Ward 14 (Department of Medicine for the Elderly)	<5
BGH Consultants/Medics/Doctors	Clinical Service - Acute Medicine, Palliative Care and Liaison	<5
Unscheduled Care	Emergency Department (A and E)	<5
Older Adults	MHOAS South and East	<5
Acute Management	Acute - GM/Senior Management	<5
BGH Consultants/Medics/Doctors	Clinical Service - Radiology	<5
Mental Health Rehab	Community Rehab Team	<5
Finance	General Services - Acute	<5
BGH Consultants/Medics/Doctors	Clinical Service - BUCC	<5
BGH Consultants/Medics/Doctors	Clinical Service - Medicine for the Elderly and Stroke	<5
BGH Consultants/Medics/Doctors	Clinical Service - Medical Specialities: GI, Respiratory and Diabetes	<5
<b>Total</b>		<b>28</b>

**2020**

<b>Service</b>	<b>Dept / Ward</b>	<b>Number</b>
BGH Consultants/Medics/Doctors	Clinical Service - Acute Medicine, Palliative Care and Liaison	<5
Workforce	Human Resources - Employee Relations, Policy and Corporate Training	<5
Workforce	Occupational Health and Safety - Health and Safety	<5
BGH Consultants/Medics/Doctors	Clinical Service - Radiology	<5
BGH Consultants/Medics/Doctors	Clinical Service - Orthopaedics	<5
<b>Total</b>		<b>8</b>

**2021**

<b>Total</b>	Unable to provide Service & Dept/Ward details under FOI(S)A 2002 Section 38(2)(ii)	<b>12</b>
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2022 (to 31/07/22)

Total	Unable to provide Service & Dept/Ward details under FOI(S)A 2002 Section 38(2)(ii)	6
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Please note under Section 38(2)(ii) NHS Borders is not able to provide a breakdown of the claims settled in each of the requested years.

As NHS Borders is such a small Board the number of negligence claims is very small, and to provide further details of claims could allow individuals to be identified and we would be in breach of the Data Protection Act 2018. We are therefore withholding all other data under Section 38(2)(ii) of the Freedom of Information (Scotland) Act 2002. This is also 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 **368-22** 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.