

Freedom of Information request 626-22

Request

1. How much has this health board paid out in compensation due to malpractice or medical negligence. Please provide this for calendar years 2018 to 2022 to date.
2. How many claims have been made on the grounds that malpractice or medical negligence has been committed? Please provide this for calendar years 2018 to 2022 to date.
3. In relation to question 2, how many of these claims resulted in financial compensation? Please provide this for calendar years 2018 to 2022 to date.
4. Please separate the above by reason. E.g. diagnosing the wrong medicine, accidents, poor hygiene etc.

Response

1. The total paid out by NHS Borders in compensation due to malpractice or medical negligence is:

Year	Total paid out
2018	£ 320,000
2019	£ 58,915
2020	£ 77,500
2021	£ 34,000
2022 to date	£ -

Please note, settlements are not necessarily made within the same year as the claim is lodged as in most cases as it takes some time before claims are settled.

2. The number of claims that have been made to NHS Borders on the grounds that malpractice or medical negligence has been committed is:

Year	No of Medical & Nursing Claims received
2018	13
2019	20
2020	5
2021	9
2022 to date	<5

3. The number of claims that resulted in financial compensation being paid by NHS Borders is:

Year	No of claims resulting in financial compensation
2018	<5
2019	5
2020	<5
2021	5
2022 to date	0

4. The reasons for the claims being made are:

Category of claim	2018	2019	2020	2021	2022 to date
Consent issues	<5	0	0	0	0
Investigation, diagnosis & treatment problems	<5	15	5	8	<5
MESH	<5	0	0	0	0
Procedure problems	<5	<5	0	0	0
Self-harming behaviour, absconsion	<5	<5	0	0	0
Obstetric event	<5	0	0	0	<5
Medication event	<5	0	0	0	0
Patient experience	<5	<5	0	0	0
Data protection, confidentiality, copyright	0	<5	0	0	0

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.

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 **626-22** 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.