

Our ref: IG/FOI/FOI.129.24

10 January 2025

Sent via email to: [REDACTED]

Dear [REDACTED]

Request under the Freedom of Information Act 2000

I write further to your request for information which was received on 28 November 2024 and subsequent clarification received on 18 December 2024, to confirm, in accordance with S.1(1)(a) of the Freedom of Information Act 2000, that Powys Teaching Health Board (PTHB) does hold the information that you require. For ease of reference your request is set out below and my response follows.

Your Freedom of Information (FOI) Request:

I am writing about an FOI on clinical negligence payments paid out by your Board, so would be grateful if you could let me know the following:

1. Total amounts of clinical negligence paid in 2020-21, 2021-22, 2022-23 and 2023-24.
2. The number of claims made in the above years;
3. A breakdown of groups of claims made to the Board in the above years; and
4. The total number of outstanding claims against the Board.

Clarification Requested:

Q1. Please can you confirm if this includes cost.

Q2. Please can you confirm if this relates to the date of incident or number of claims received in that year.

Q3. Please can you confirm what is meant by 'groups' of claims.

Q4. With regards to 'Outstanding claims', does this mean the number of claims that are currently open?

Clarification Received:

Q1. No just the sums paid out.

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Q2. The number of claims within those years.

Q3. to clarify 'breakdown of group of claims' if you could group them by cost per department, I would be grateful. However, if this were to be beyond the reach/cost of FOI please disregard this question (Q3).

Q4. Yes, the number of claims still open/ unsettled.

Powys Response:

Q1 & Q2. Please see the table below for Powys Teaching Health Boards (PTHB) claims and the total amounts of clinical negligence paid in 2020-21, 2021-22, 2022-23 and 2023-24.

Financial Year	Amount paid clinical negligence claims	No. of claims
2020/21	£3,750.00	3
2021/22	£143,427.00	5
2022/23	£39,000.00	3
2023/24	£76,000.00	4

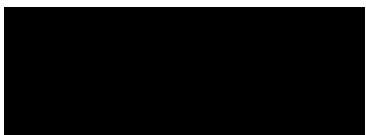
Q3. PTHB is unable to provide these exact numbers due to the low numbers of individuals involved (5 or less). PTHB believes there is a potential risk of individuals being able to be identified, when considered with other information already available within the public domain, if this was disclosed. Therefore, the data is classed as personal data as defined under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of UK GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

Q4. I can confirm PTHB currently has 10 outstanding claims against the Board. Please Note: This does not include General Medical Practice Indemnity (GMPI) and may include cases which have settled but are awaiting costs/ Compensation Recovery Unit (CRU). This does not include potential claims against the health board.

Under the terms of the Health Board's Freedom of Information procedure, individuals seeking access to recorded information held by the Health Board are entitled to request an internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request, please contact us directly at the address below or register your complaint via powysfoi.foi@wales.nhs.uk

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 0330 414 6421.

Yours sincerely



Hywel Pullen
Deputy Director of Finance

Rydym yn croesawu derbyn gohebiaeth yng Nghymraeg. Byddwn yn ateb y fath ohebiaeth yng Nghymraeg ac ni fydd hyn yn arwain at oedi.

We welcome receiving correspondence in Welsh. We will reply to such correspondence in Welsh and this will not lead to a delay.