



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

February 2024
FOI_6393

The following information was requested on 30 January 2024:

Please can you tell me how many times Buckinghamshire Healthcare NHS Trust has been sued by former members of staff since 2010. How many of those cases were they successful and what compensation was paid out?

Our Response

NHS Resolution will only hold the claims data notified to us and it is possible for some claims to be dealt with locally by Trusts without being transferred to NHS Resolution. Therefore, we can only provide the information we hold. You may wish to approach the Trust directly who may hold further information.

Please note that without manually interrogating individual claim files we are not able to confirm whether or not the member of staff was a former member of staff. Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the FOIA is a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'.

Please find attached the requested information we are able to provide within the FOI cost limit, for the financial period: - 2010/11 to 2022/23.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as nil damages payment), challenged, reopened and closed again at conclusion.

The data shows variation in numbers of cases received, closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

Table 1 shows: - Number of LTPS Claims received between financial year 2010/11 and 2022/23 where the liability type is 'Employer Liability' for Buckinghamshire Healthcare NHS Trust, broken down by year.

Table 2 shows: - Number and Cost of LTPS Claims Closed between financial year 2010/11 - 2022/23 with a damages payment, where the liability type is 'Employer Liability' for Buckinghamshire Healthcare NHS Trust, broken down by year.

Table 3 shows: - Number and Cost of LTPS Claims Closed between financial year 2010/11 and 2022/23 with **NIL** damages, where the liability type is 'Employer Liability' for Buckinghamshire Healthcare NHS Trust, broken down by year.

For an explanation of the LTPS scheme, please visit our website here: [Non-clinical schemes - NHS Resolution](#)

Low Numbers

Please note we have suppressed low figures as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A) (a) of the Freedom of Information Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation.

In some instances, the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher-level fields containing this data.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Deputy Director of Corporate and Information Governance, Data Protection Officer for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/>

TABLE OF CONTENTS

NB: Number of claims fewer than 5 (and any associated values, within the same row) are masked with a "#" (in accordance with Data Protection guidelines). Accordingly, some total values may also be approximated to prevent masked values to be deduced through reverse calculation.

Table 1: Number of LTPS Claims received between financial year 2010/11 and 2022/23 where the liability type is 'Employer Liability' for Buckinghamshire Healthcare NHS Trust, broken down by year.

Table 2: Number and Cost of LTPS Claims Closed between financial year 2010/11 and 2022/23 with a damages payment, where the liability type is 'Employer Liability' for Buckinghamshire Healthcare NHS Trust, broken down by year.

Table 3: Number and Cost of LTPS Claims Closed between financial year 2010/11 and 2022/23 with NIL damages, where the liability type is 'Employer Liability' for Buckinghamshire Healthcare NHS Trust, broken down by year.

Table 1: Number of LTPS Claims received between financial year 2010/11 and 2022/23 where the liability type is 'Employer Liability' for Buckinghamshire Healthcare NHS Trust, broken down by year.

FOI View	Notified
Year of Notification	No. of Claims
2010/11	11
2011/12	12
2012/13	5
2013/14	12
2014/15	9
2015/16	8
2016/17	8
2017/18	7
2018/19	5
2019/20	#
2020/21	9
2021/22	#
2022/23	5
Grand Total	97

Table 2: Number and Cost of LTPS Claims Closed between financial year 2010/11 and 2022/23 with a damages payment, where the liability type is 'Employer Liability' for Buckinghamshire Healthcare NHS Trust, broken down by year.

FOI View Closed Settled

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	6	136,667	21,777	82,165	240,608
2011/12	5	37,182	#	35,015	76,673
2012/13	6	47,003	#	44,989	96,177
2013/14	8	56,431	13,991	85,886	156,308
2014/15	#	#	#	#	#
2015/16	#	#	#	#	#
2016/17	#	#	#	#	#
2017/18	#	#	#	#	#
2018/19	5	60,980	18,958	53,229	133,166
2019/20	#	#	#	#	#
2020/21	#	#	#	#	#
2021/22	#	#	#	#	#
2022/23	#	#	#	#	#
Grand Total	52	687,358	173,108	544,151	1,404,617

Table 3: Number and Cost of LTPS Claims Closed between financial year 2010/11 and 2022/23 with NIL damages, where the liability type is 'Employer Liability' for Buckinghamshire Healthcare NHS Trust, broken down by year.

FOI View Closed Settled

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2010/11	#	#	#
2011/12	#	#	#
2012/13	#	#	#
2013/14	6	#	0
2014/15	9	6,698	#
2015/16	6	0	0
2016/17	5	0	0
2017/18	10	35,026	#
2018/19	#	#	#
2019/20	7	#	0
2020/21	5	6,550	0
2021/22	#	#	#
2022/23	#	#	#
Grand Total	67	54,958	#