



Resolution

2nd Floor
151 Buckingham Palace Road
London
SW1W 9SZ
Telephone: 020 7811 2700

February 2019
FOI_4258

The following information was requested on 21 January 2020:

Please provide the information requested below, regarding the Walton Centre NHS Foundation Trust [‘the Trust’].

For each year from 2012 how many instances of compensation have been paid out to individuals or their representatives as a result of claims for negligence, malpractice, neglect or other occurrences where an individual received injuries while in the Trust’s care?

How many instances of compensation were settled out of court and how many were the result of a court order?

Please indicate how many cases the Trust denied liability and how many they accepted liability?

For each requested year, please provide, ‘number of cases settled’, ‘range of compensation [lowest payment to highest]’ & ‘total compensation’. It is understood that compensation agreed in 2012 (and some subsequent years) will be for cases that occurred prior to 2012.

Please provide the total legal fees paid out [Trust as defendant & claimant’s fees agreed]

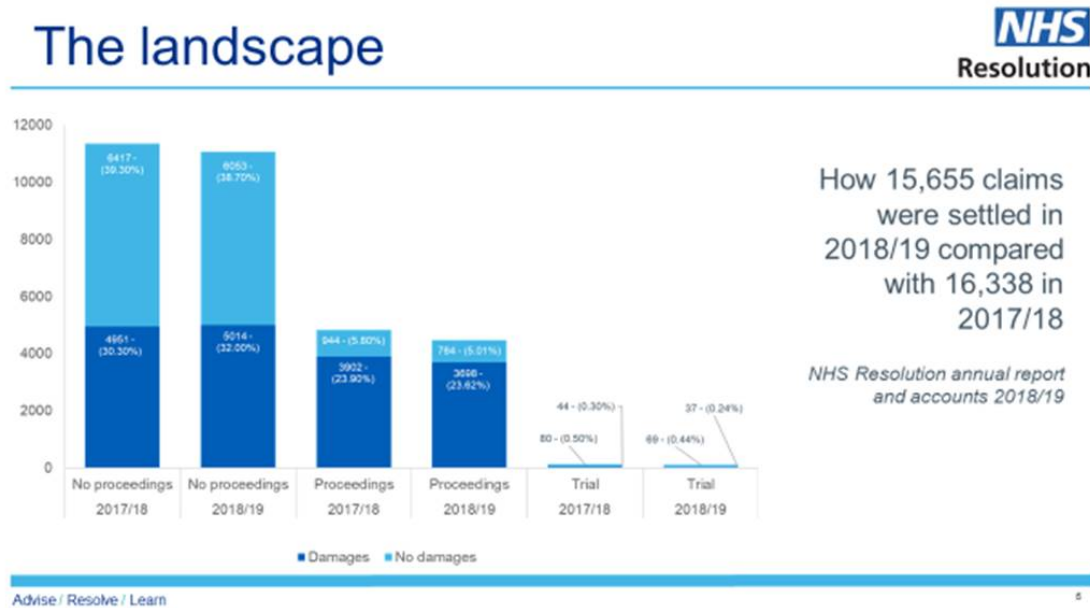
Please indicate how many ‘live’ claims for ‘damages’ or compensation [however worded] are currently ongoing, but not yet settled?

Please indicate how this compares to similar Trusts?

Our Response

1. Please see the attached.
2. Please see the attached.
3. The status of claims changes throughout the life of a claim and sometimes is settled without admission or discontinued without a denial. There might be an assumption being made here that liability is always accepted or denied, but that is not the case. Admissions are not tracked as a status post litigation. We have provided in the attached (table 2) the total number of claims settled and the number litigated.
4. Please see the attached.
5. Please see the attached.
6. Please see the number of open cases in the attached.

7. This information can be seen in our [annual report](#). The below graph is taken from our annual report.



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(3)(a)(i) 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. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

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.

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](#), Head of Corporate

and Information Governance 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

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 Claims received at Walton Centre NHS Foundation Trust that are currently Open.](#)

[Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2012/13 and 2018/19 at Walton Centre NHS Foundation Trust. Includes data on number of Litigated claims and Damages-Paid range in each](#)

Table 1: Number of Claims received at Walton Centre NHS Foundation Trust that are currently Open.

Notifications	Y
Clinical_NonClinical	Clinical
Scheme	CNST
Claim_Outcome	Open

Notification Year	No. of Claims
2014/15	#
2015/16	5
2016/17	8
2017/18	7
2018/19	14

Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2012/13 and 2018/19 at Walton Centre NHS Foundation Trust. Includes data on number of Litigated claims and Damages-Paid range in each year.

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims		Sum of Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid	Damages- Paid Range
		Litigated					
	#	#	#	#	#	#	#
2012/13	6	3	310,047	61,771	207,750	579,568	194,297
2013/14	6	3	586,585	105,466	244,000	936,051	528,938
2014/15	11	6	739,092	204,789	775,041	1,718,921	249,000
2015/16	10	8	1,468,020	332,731	1,213,550	3,014,301	648,000
2016/17	8	3	729,800	106,454	404,042	1,240,296	373,200
2017/18	8	7	4,854,877	383,005	1,334,963	6,572,845	1,581,000