

Date: 09/09/2016

FREEDOM OF INFORMATION REQUEST FOI/012971 – Personal injury claims

Health trusts are responsible for identifying and, where appropriate, reporting potential personal injury claims (e.g. clinical negligence claims) to the NHS Litigation Authority (NHS LA). The Association of Personal Injury Lawyers (APIL) is making Freedom of Information requests looking at the resources Trusts employ in fulfilling this responsibility.

As such, APIL seeks responses to the following questions under the Freedom of Information Act.

1. What policies does the Trust have in place to identify, investigate and report potential cases of clinical negligence?
- For a copy of the policy contact FOI@dgh.nhs.uk quoting FOI/012971 and a copy will be sent to you

2. In the financial year 2015/16, how much did the Trust spend in-house on managing clinical negligence claims - **£52,156**

To clarify what I mean by “managing clinical negligence claims”, can you please include spend on any of the following:

- Identification of clinical negligence claims
- Investigation and assessment of clinical negligence claims (including, for example, an assessment of the Trust’s legal liability, the probability of the claim succeeding, estimated claim value)
- Communication with claimants and their legal representatives
- Reporting clinical negligence claims to the NHS LA
- Any legal advice relating to clinical negligence claims
- Supporting the NHS LA, including their panel solicitors, to investigate and defend clinical negligence claims (including liaising with the NHS LA throughout the claims process)

Please only include in-house spend (e.g. do not include the premium which the Trust pays to the NHS LA, or any spend incurred by the NHS LA on the Trust’s behalf)

For your reference, some of the work which the Trust will have to carry out in managing a clinical negligence claim is set out in the Pre-Action Protocol for the Resolution of Clinical Disputes (https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/prot_rcd), the attached NHS LA documents, and the attached Quick Reference Guide produced by Portsmouth Hospitals NHS Trust. Your Trust’s own policies should also provide a guide as to what work is involved in managing a clinical negligence claim.

3. In the financial year 2015/16, how much did the Trust spend in-house on managing all personal injury claims (e.g. clinical, employer’s /public liability etc.) - **£5,795**

To clarify what I mean by “managing all personal injury claims”, can you please include spend on any of the following:

- Identification of personal injury claims
- Investigation and assessment of personal injury claims (including, for example, an assessment of the Trust’s legal liability, the probability of the claim succeeding, estimated claim value)

- Communication with claimants and their legal representatives
- Reporting personal injury claims to the NHS LA
- Any legal advice relating to personal injury claims
- Supporting the NHS LA, including their panel solicitors, to investigate and defend personal injury claims (including liaising with the NHS LA throughout the claims process)

Please only include in-house spend (e.g. do not include the premium which the Trust pays to the NHS LA, or any spend incurred by the NHS LA on the Trust's behalf).

4. How many full-time equivalent staff within the Trust's employment are responsible for managing clinical negligence claims? What is the total annual pay bill for these members of staff - **0.90 WTE, cost as per question 2 £52,156**

To clarify, can you include members of staff responsible for any of the following:

- Identifying clinical negligence claims
- Investigating and assessing clinical negligence claims (including, for example, assessing the Trust's legal liability, the probability of the claim succeeding, estimated claim value)
- Communication with claimants and their legal representatives
- Reporting clinical negligence claims to the NHS LA
- Providing legal advice on clinical negligence claims
- Supporting the NHS LA, including their panel solicitors, to investigate and defend clinical negligence claims (including liaising with the NHS LA throughout the claims process)

Please only include staff who are directly employed by the Trust

5. How many full-time equivalent staff within the Trust's employment are responsible for managing all types of personal injury claim? What is the total annual pay bill for these members of staff - **0.10 WTE, cost as per question 3 £5,795**

To clarify, can you include members of staff responsible for any of the following:

- Identifying personal injury claims
- Investigating and assessing personal injury claims (including, for example, assessing the Trust's legal liability, the probability of the claim succeeding, estimated claim value)
- Communication with claimants and their legal representatives
- Reporting personal injury claims to the NHS LA
- Providing legal advice on personal injury claims
- Supporting the NHS LA, including their panel solicitors, to investigate and defend personal injury claims (including liaising with the NHS LA throughout the claims process)

Please only include staff who are directly employed by the Trust

6. In total, how much did the Trust spend in 2015/16 on contracting outside providers (e.g. solicitors), other than the NHS LA, to deal with clinical negligence claims - **Nil**

To clarify, can you include spend on any of the following:

- Any legal advice relating to clinical negligence claims
- Identification of clinical negligence claims
- Communication with claimants and their legal representatives
- Investigation and assessment of clinical negligence claims (including, for example, assessment of the Trust's legal liability, the probability of the claim succeeding, estimated claim value)
- Reporting clinical negligence claims to the NHS LA
- Supporting the NHS LA, including their panel solicitors, to investigate and defend clinical negligence claims (including liaising with the NHS LA throughout the claims process)

Please do not include any spending incurred by the NHSLA on the Trust's behalf (e.g. NHSLA spend on its panel solicitors)