

Date: Thursday, 19th December 2019
Our Ref: MB/SS FOI 4145

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Re: Freedom of Information Request FOI 4145

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 05th December 2019.

Your request was as follows:

For each year since January 2012 to 2019 [until the date information is provided], 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?

I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 (FOIA) that we do not collate information 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, this is collated by the NHS resolution team. Under the FOI Act, we are not required to create this information in order to answer your request. I should explain that the FOI Act is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities. The FOI Act does not require public authorities to generate information, or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

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

N/A

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

Additionally, if appropriate, how many instances where the Trust contested a case throughout but a court found in favour of the Claimant?

N/A

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.

N/A

For each requested year, please provide the total legal fees paid out [yours as defendant & total claimant's fees

awarded/agreed].

N/A

Please indicate how many 'live' claims for 'damages' or compensation [however worded] are currently ongoing, as of the date information is provided and not yet settled?

N/A

If the information is available, please indicate how these levels of claims for compensation rate compared to other similar Trusts?

N/A

Please see our response above in [blue](#).

Re-Use of Public Sector Information

All information supplied by the Trust in answering a request for information (RFI) under the Freedom of Information Act 2000 will be subject to the terms of the Re-use of Public Sector Information Regulations 2005, Statutory Instrument 2005 No. 1515 which came into effect on 1st July 2005.

Under the terms of the Regulations, the Trust will licence the re-use of any or all information supplied if being used in a form and for the purpose other than which it was originally supplied. This license for re-use will be in line with the requirements of the Regulations and the licensing terms and fees as laid down by the Office of Public Sector Information (OPSI). Most licenses will be free; however the Trust reserves the right, in certain circumstances, to charge a fee for the re-use of some information which it deems to be of commercial value.

Further information can be found at www.opsi.gov.uk where a sample license terms and fees can be found with guidance on copyright and publishing notes and a Guide to Best Practice and regulated advice and case studies, at www.opsi.gov.uk/advice/psi-regulations/index.htm

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Freedom of Information Office at the address above.

Please remember to quote the reference number, FOI 4145 in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Mike Burns

Mr. Mike Burns, Executive Lead for Freedom of Information