

Dear

FREEDOM OF INFORMATION – CLINICAL NEGLIGENCE CLAIMS

I write in response to your request for information in relation to clinical negligence claims.

Question:

1. The total annual sums paid by or attributable to this NHS health board in respect of maternity/obstetric clinical negligence claims, including: (last 5 financial years)
 - o Compensation or damages paid to pursuers
 - o Defender legal costs paid by or on behalf of the Board

Answer:

Note – the following is for settled / closed claims only that closed within the specified year.

| | Compensation or damages | Pursuers legal costs | CLO Legal Costs | Total Paid |
|---------|-------------------------|----------------------|-----------------|---------------|
| 2020/21 | £278,300.00 | £37,034.50 | £5,323.61 | £320,658.11 |
| 2021/22 | £5,929,760.14 | £735,440.20 | £266,528.62 | £6,931,728.96 |
| 2022/23 | £428,000.00 | £265,751.00 | £176,250.71 | £870,001.71 |
| 2023/24 | £501,500.00 | £198,821.91 | £300,198.81 | £1,000,520.72 |
| 2024/25 | £60,000.00 | £12,500.00 | £13,231.46 | £86,731.46 |

Question:

- Q2 The number of maternity/obstetric clinical negligence claims: (last 5 financial years)
 - o Newly intimated during each financial year
 - o Settled during each financial year (whether with or without admission of liability)

Answer:

| | New maternity/obstetric clinical negligence claims Received | Settled* |
|---------|---|----------|
| 2020/21 | 12 | 5< |
| 2021/22 | 4 | 7 |
| 2022/23 | 6 | 5< |
| 2023/24 | 5 | 5< |
| 2024/25 | 8 | 5< |

*Note – the settled claims figure will include claims received in previous years.

To protect the identity of the individuals involved any figure of 5 or less has not been shown in the table above. Since we do not have their consent to release this data from their records, the information is exempt under section 38(1)(b) of the Freedom of Information (Scotland) Act i.e. to provide it would breach the Data Protection Act (2018).

Question:

- Q3 Where applicable, confirmation of whether claims or payments are:
- Recorded locally by this NHS health board, or
 - Managed centrally (for example by the Central Legal Office), but with figures attributable to the Board.

Answer:

- Claims are recorded locally within NHS Lothian
- Claims are managed on behalf of NHS Lothian by the Central Legal Office

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhslothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing
Cc: Chief Executive