

Dear

FREEDOM OF INFORMATION – COMPENSATION

I write in response to your request for information in relation to compensation payouts by NHS Lothian.

Question:

1. The number of compensation payouts made by NHS Lothian in the last six financial years starting in 2019/2020, inclusive.

Answer:

The information you have requested is detailed in the table below:

Compensation cases, NHS Lothian	
Year	Cases closed with settlement
2019/20	73
2020/21	63
2021/22	73
2022/23	68
2023/24	64
2024/25	72
2025/26	67

Question:

2. Please specify whether each payout was made to an employee or member of the public under the care of NHS Lothian. In the case of an employee, please provide the job title of the employee (including but not limited to doctor, nurse, cleaner, executive, etc.)

Answer:

Our system records cases in the categories of medical negligence (patients), staff, or other. We do not have a searchable field on the system for the job title of the employee. Information on employee job title will be held in individual case records, but in order to provide the information you request it would be necessary to review each record over the period you have specified, requiring significant resources. Under section 12 of the Freedom of Information (Scotland) Act 2002, NHS Lothian is not required to respond to your request if the resources required to do so equate to more than £600 in cost.

The number of settlements in each category is detailed in the table below:

Settled compensation cases, NHS Lothian			
Year	Medical negligence	Staff	Other
2019/20	27	38	8
2020/21	35	23	5
2021/22	40	22	11
2022/23	28	34	6
2023/24	29	28	7
2024/25	30	31	11
2025/26	39	23	5

Question:

3. Please specify the amount of compensation paid per case in pounds sterling. Please also provide the total amount of all cases during the overall time period.

Answer:

We are not able to release the specific amount of compensation paid per case as this information could lead to the identification of the individuals involved. Since we do not have their consent to release their personal data, the information is exempt under section 38 of the Freedom of Information (Scotland) Act 2002 as to provide it would breach the principles of the Data Protection Act 2018.

The table below details the amounts paid per category per year:

Amount paid, settled compensation cases, NHS Lothian			
Year	Medical negligence	Staff	Other
2019/20	£5,317,791.72	£212,711.84	£37,240.00
2020/21	£4,988,064.00	£165,083.30	£31,391.50
2021/22	£26,471,160.14	£206,090.08	£76,421.70
2022/23	£2,231,732.82	£513,840.36	£63,500.00
2023/24	£5,669,303.29	£174,625.00	£29,400.00
2024/25	£2,296,890.96	£594,700.78	£88,878.70
2025/26	£14,699,998.78	£142,861.20	£3,876,950.00

Question:

4. Please specify the reason for the compensation paid per case (such as vehicle accident claims, employer liability and employment tribunal, public liability claims, etc.)

Answer:

This information is not collected centrally, as we do not have a searchable field for compensation reason. Information may be held in individual patient records, but in order to provide the information you request it would be necessary to review each patient record over the period you have specified, requiring significant resources. Under section 12 of the Freedom of Information (Scotland) Act 2002, NHS Lothian is not required to respond to your request if the resources required to do so equate to more than £600 in cost.

Question:

5. Please specify if the claim concerned a specific site or organisation, such as the Scottish Ambulance Service, Royal Infirmary of Edinburgh, St John's Hospital, etc.

Answer:

The cases are recorded by management department. Please note that the Scottish Ambulance Service is a separate Board and deals with its own compensation claims, so this is not included in our figures. Please see the table below.

The dates given are the date the settlement was made, not the date the relevant incident happened.

I have not released numbers of 5 or fewer in the table, as this information could lead to the identification of the individuals involved. Since we do not have their consent to release their personal data, the information is exempt under section 38 of the Freedom of Information (Scotland) Act 2002 as to provide it would breach the principles of the Data Protection Act 2018.

Settled Compensation cases by department, NHS Lothian								
Department	2019	2020	2021	2022	2023	2024	2025	Total
	/20	/21	/22	/23	/24	/25	/26	
Corporate Nursing	0	0	≤5	0	0	≤5	0	≤5
Diagnostics, Anaesthetics, Theatres and Critical Care	≤5	≤5	≤5	≤5	≤5	7	≤5	20
East Lothian Acute and Ongoing Care / Day Services	0	≤5	0	≤5	0	≤5	0	≤5
East Lothian Mental Health and Substance Misuse	0	0	0	0	0	0	≤5	≤5
East Lothian Allied Health Professionals	0	0	≤5	0	0	0	0	≤5
East Lothian Primary Care	0	0	≤5	0	0	0	0	≤5
Edinburgh Primary Care	≤5	0	0	≤5	≤5	0	≤5	≤5
Edinburgh Hospitals, Care Homes and Tech	0	0	≤5	0	0	0	≤5	≤5
E-Health	0	0	0	0	≤5	≤5	0	≤5

Settled Compensation cases by department, NHS Lothian								
Department	2019 /20	2020 /21	2021 /22	2022 /23	2023 /24	2024 /25	2025 /26	Total
Facilities	22	18	13	22	13	16	11	115
General Practice (Independent Contractor)	0	0	0	0	≤5	≤5	≤5	≤5
HMP Healthcare Services	0	0	≤5	≤5	0	0	≤5	≤5
Midlothian Allied Health Professionals	0	0	0	0	0	≤5	0	≤5
Midlothian Community Nursing	0	0	0	0	0	0	≤5	≤5
Midlothian Mental Health and Substance Misuse	0	0	0	≤5	0	≤5	≤5	≤5
Occupational Health and Safety Services	0	0	0	0	≤5	0	0	≤5
Oral Health Service	0	0	0	≤5	0	0	≤5	≤5
Outpatient and Associated Services	0	0	0	0	0	0	≤5	≤5
Pharmacy	0	0	0	0	≤5	≤5	0	≤5
Primary Care Directorate	0	≤5	0	≤5	0	0	0	≤5
Primary Care Pharmacists	0	0	≤5	0	≤5	0	≤5	≤5
Rehabilitation (Hosted Services – Astley Ainsley Hospital)	0	0	0	0	≤5	0	0	≤5
Royal Infirmary of Edinburgh Hospital Site Management Team	14	6	18	9	6	19	7	79
Royal Edinburgh and Associated Services	≤5	≤5	≤5	≤5	6	7	6	34
Sexual Health	≤5	0	≤5	0	≤5	≤5	0	≤5
St John's Hospital Site Management Team	≤5	11	7	6	≤5	≤5	10	48
Strategic Planning Performance Reporting and Information	0	0	0	0	0	0	≤5	≤5
Therapy and Rehabilitation Directorate	0	0	0	0	0	≤5	0	≤5
Western General Hospital Site Management Team	13	9	8	9	8	≤5	6	54
West Lothian Mental Health	≤5	≤5	≤5	≤5	0	≤5	0	10
West Lothian Community Nursing	≤5	0	0	0	≤5	0	0	≤5
Women's and Children's Services	≤5	9	14	7	11	6	11	62

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 <https://www.foi.scot/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 reviewer at the address at the top 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>

Yours sincerely

ALISON MACDONALD
Executive Director of Nursing Midwifery and AHPs
Cc: Chief Executive