

Ref. No: FOI0027
Date: 11/07/23
Subject: Complaints and claims

REQUEST

This request is for STHK ONLY

- 1 . How many complaints has the trust received from July 2022 to July 2023?
2. How many of these complaints are related to poor or substandard care?
3. How many medical negligence claims were lodged against the trust in the same period?
4. How much compensation has the trust paid out in medical negligence claims in the past 12 months irrespective of when the claim was made?

RESPONSE

1 . How many complaints has the trust received from July 2022 to July 2023?

293 formal complaints received (all stages) between the date range of 1 July 2022 to 1 July 2023.

2. How many of these complaints are related to poor or substandard care?

The Trust does not classify complaints as related to “poor or substandard care”. Complaints data is recorded as per NHS Digital criteria K041A – Hospital and Community Health Services and K041B – Primary Care (GP and Dental).

3. How many medical negligence claims were lodged against the trust in the same period?

NHS Resolution (NHSR) instructed claims were received between July 2022 and July 2023. These are claims where allegations have been set out, either in a CPR compliant letter of claim, or via formal proceedings. During this period, we also received a number of requests for records from solicitors, which may or may not subsequently become a claim. Requests for records

which became NHSR instructed claims during this period would not be captured in the figure of 43, as our systems do not allow us to subsequently identify them without manually reviewing every claim file we have.

Section 12 of the FOIA allows a public authority to refuse a request where it estimates that it would exceed the appropriate limit to comply with the request. The relevant section states:

12. (1) - Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

where the appropriate limit is equal to 18 hours of staff time as set by the *Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004*

In determining the time limit, the Trust can only take into account

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

In order to determine whether the information is held in respect of your request, the Trust would need to **review** 580 individual folders some of which are stored off site for the financial year. A simple report can not be produced as there is not a specific code relating to foreign bodies being present in the patient's body.

Calculation - Across the Trust there are 580 files and folders to check. If it took six minutes to review each event, the total time for determining whether the information is held and retrieving this information would equal 58 hours¹

Advice and Assistance

Under section 16 of the FOIA, advice and assistance should be provided to allow the request to come under the appropriate limit by scaling or modifying the request.

Unable to narrow

However, as the information is not readily available and the number of attendances so large, it would not be easy to scale down the request in this instance, for example, to one site. It would also not be possible to scale the request to one month as this would still exceed the time limit.

Unfortunately, the Trust is unable to provide further assistance in this instance.

¹ 580 folders * 6 minutes to locate and review each event = 3480 minutes
3480 minutes = 58 hours,

4. How much compensation has the trust paid out in medical negligence claims in the past 12 months irrespective of when the claim was made?

The Trust is unable to provide an accurate figure. The Trust's indemnity for Clinical Negligence claims is provided by NHSR under the CSNT indemnity scheme. As part of this scheme NHS R have the option of settling claims on the Trust's behalf without having recourse to us. In addition, they will also make interim payments on cases that have not settled but where liability has been admitted and make payments in accordance with periodical payment orders made against the Trust. Information on the contributions and payments of all organisations indemnified via the CNST scheme is publicly available on NHSR Factsheet 5.