

**WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES
BY SENATOR S.C. FERGUSON
ANSWER TO BE TABLED ON TUESDAY 26th JUNE 2012**

Question

Would the Minister provide details of the number of litigation claims made against the Health and Social Services Department over the past 10 years, identifying for each year –

- (i) the number of claims submitted by speciality;
- (ii) the number of claims upheld by specialty/department;
- (iii) the total amount paid to successful claimants by specialty/department;
- (iv) the overall cost to administer claims each year;
- (v) the number of FTE staff employed to administer claims, by grade and advising the total staffing costs and to which/whose budget these costs are attributed?

What amount is covered by “insurance” if any, and would the Minister advise what insurance payments are made, including insurance cost increases by year?

Answer

(i) Number of claims

Information is provided by Hospital division rather than specialty, so as not to be identifiable. In some specialities the numbers of claims are low which could result in claims/claimants being identified. Providing information by division, as opposed to by speciality, helps reduce this risk.

Information about Community and Social Services claims are provided as a total over the 10 year period in order to prevent potential identification.

Division	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Ambulatory Care	0		2				1				
Emergency Care	2	1	1	2		2	2	4	3	3	2
Theatres & Anaesthetics	1				1						
Women & Children	4	6	2	4	1	4	2	2	1	3	4
Medicine		4	3	1	2		4	4		3	3
Surgery	7	4	4	5	5	8	3	4	8	1	6
Mental Health					2	1	3			1	
Public Health				1							
Clinical Support	1			1							1
Total	15	14	12	14	11	15	15	14	12	11	16

	2001 - 2011
Community & Social Services	9

(ii) The number of claims upheld

These figures reflect the number of claims that upheld for the year in which they were notified. Therefore, as claims often take a number of years to be settled, claims received in 2010 and 2011 will not be upheld for some time.

Hospital Division	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Ambulatory Care							1				
Emergency Care	2	1	1	1		1	2	1			
Theatres & Anaesthetics					1						
Women & Children		2		2							
Medicine		3	1								
Surgery	4	3		2	1	1		1	1		
Mental Health											
Public Health											
Clinical Support											
Total	5	9	2	5	2	2	3	2	1	0	0

	2001 - 2011
Community & Social Services	1

(iii) Total amount paid to successful claimants

Settlements are generally made out of Court on a confidential basis. Damages and costs are not always separated, therefore the figures provided cannot be taken to be just the damages received by the claimant, some costs may be included.

The figures are not broken down by division as the number of successful claimants in any one division may be so small as to be identifiable.

The figures show the settlement against claim in the year in which the claim was made, not the year in which the payment was made (ie. 2001 figure is settlement for a claim received in 2001 although the payment was made in a different year).

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
£	£	£	£	£	£	£	£	£	£	£
356,134	396,600	80,000	167,796	20,215	125,000	35,743	282,207	750	0	2,500

(iv) The overall cost to administer claims each year

The overall cost to administer claims cannot be readily determined as various aspects of the work is undertaken HSSD, in relation to the administering of claims, and by the Treasury in relation to the management of insurances.

(v) The number of FTE staff to administer claims, by grade and advising the total staffing costs and to which budget these costs are attributed to?

There is approximately 1 FTE equivalent, spread across a number of roles, involved in the administration of claims within HSSD. The grades of the staff member vary as do their budget

lines. These staff also undertake other roles so it is not possible to extrapolate details in relation to hours worked and costs.

(vi) What amount is covered by insurance

If the claim is settled by the States Insurers there is an excess applied to the policy for which HSSD is liable.

If the claim is settled by a medical indemnifying body, such as the Medical Defence Union or Medical Protection Society, there is no excess on the policy and the settlement is paid for by the indemnifying body in full with no HSSD liability.

(vii) Would the Minister advise what insurance payments are made, including insurance cost increases by year?

This information was provided to the States on 29th May in response to Question 6898.