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Bwrdd Iechyd Prifysgol
Abertawe Bro Morgannwg
University Health Board



AN EXAMPLE

Meeting Date	15th March 2018	Agenda Item	3a
Report Title	Losses and Special Payments Update		
Report Author	Andrew Biston, Head of Accounting & Governance		
Report Sponsor	Lynne Hamilton, Director of Finance		
Presented by	Lynne Hamilton, Director of Finance		
Freedom of Information	Closed		
Purpose of the Report	To provide the Audit Committee with an update on losses and special payments, for the period 1st December 2017 to 31st January 2018 and provide an analysis of the gross losses for 1st April 2017 to 31st January 2018 compared to the period 1st April 2016 to 31st January 2017.		
Key Issues	<p>The losses and special payments recorded during the period 1st December 2017 to 31st January 2018 totalled £3,459,869 of which £2,799,230 is recoverable from the Welsh Risk Pool and £127,012 from Welsh Government. Taking this recovery into account, the actual loss to the Health Board in the period totals £533,627</p> <p>After the recoveries from Welsh Risk Pool and Welsh Government are taken into account, the net loss to the Health Board totals £2,130,051 for the period 1st April 2017 to 31st January 2018 and £1,985,216 for the period 1st April 2016 to 31st January 2017.</p>		
Specific Action Required <i>(please ✓ one only)</i>	Information	Discussion	Assurance
	√		
Recommendations	<p>Members are asked to:</p> <p>Note</p> <p>The losses and special payments made in the period which will need to be reported to the Board</p>		

1. INTRODUCTION

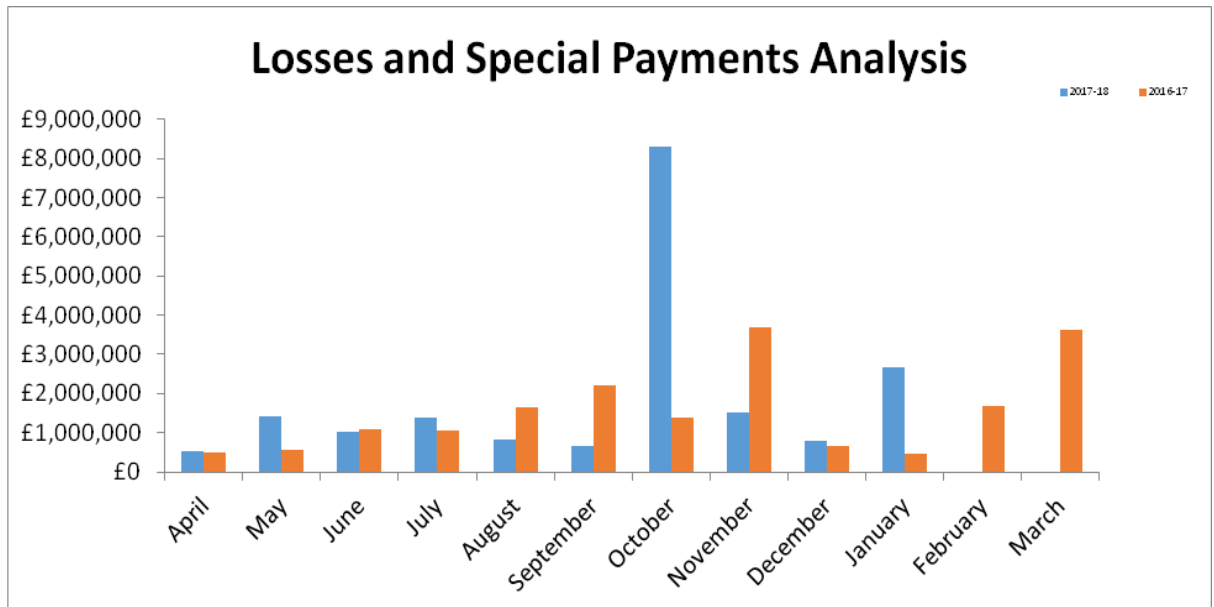
- 1.1. The Audit Committee handbook recommends that losses and special payments made by the Health Board be reported to the Audit Committee at each meeting. This report addresses that requirement by providing an update on losses and special payments, for the period 1st December 2017 to 31st January 2018 and an analysis of the gross losses for 1st April 2017 to 31st January 2018 compared to the period 1st April 2016 to 31st January 2017.

2. BACKGROUND

- 2.1. The losses and special payments recorded during the period totalled £3,459,869, with the most significant payments relating to Clinical Negligence totalling £3,087,532 and Personal Injury payments totalling £167,387. The remaining losses of £204,950 relate to losses arising as a result of write off of obsolete drug stock, ex gratia payments, compensation payments, redress payments and bad debts.
- 2.2. These losses are detailed in **Appendices A and B**, and summarised in the table below:

Loss Type	Value £
Obsolete Drug Stock	13,133
Ex Gratia Payments	4,588
Compensation Payments	500
Bad Debt Written Off	44,669
Redress Payments	142,060
Clinical Negligence - Defence Fees	99,609
Clinical Negligence – Claimant Costs	180,183
Clinical Negligence – Damages	2,769,441
Clinical Negligence - CRU	38,299
Personal Injury – Defence Fees	34,553
Personal Injury – Claimant Costs	13,065
Personal Injury - Damages	119,769
Total	3,459,869

- 2.3. For the period 1st April 2017 to 31st January 2018, the Health Board has incurred gross losses totalling £19.100m compared to £13.327m for the period 1st April 2016 to 31st January 2017. The chart below analyses these losses and special payments on a month by month basis.



2.4. The graph above shows that there are variations in payments across the year with there being no discernible trend to when cases are settled. However, the increase of £5.773m for the period 1st April 2017 to 31st January 2018 as compared to the period 1st April 2016 to 31st January 2017 is primarily due to increases in October 2017 and January 2018. The October 2017 payments are the largest of any month over the period by some distance this being due to settlement payments of £6.421m on a paediatric case at Singleton Hospital dating back to 2009, the case relating to a delay in diagnosing meningitis.

2.5. The January payments were also high, with 2 significant payments being made. The first being a settlement for £850,000 relating to an obstetric case at Singleton Hospital dating back to April 2009 and the second being for £575,000 relating to a mental health claim dating back to August 2013.

2.6. During December, the Health Board made payments against 42 clinical negligence cases and 11 personal injury cases, with the corresponding figures for January being 56 clinical negligence cases and 15 personal injury cases. As at the end of January, the Health Board had 530 open clinical negligence cases for which a provision was in place and 102 open personal injury cases for which a provision was in place.

3. GOVERNANCE AND RISK ISSUES

3.1. This paper addresses the financial governance requirements for reporting Losses and Special Payments to the Audit Committee. The Health Board

adheres to the authorisation process for such payments as prescribed in the Welsh Government Losses and Special Payments manual and Standing Financial Instructions ensuring sound financial governance for such payments

- 3.2. The clinical governance issues raised and lessons learned from previous claims are discussed as part of the clinical governance agenda and does not form part of this report to the Audit Committee.

4. FINANCIAL IMPLICATIONS

- 4.1. The financial implications associated with Losses and Special Payments for the Health Board comprise two elements. Firstly, there is the amount directly taken from the health budget by Welsh Government to fund the Welsh Risk Pool. This is supplemented by a risk sharing agreement across NHS Wales which requires additional contributions to be made from Health Boards and Trusts in the event that the amount required by Welsh Risk pool exceeds this directly funded amount. To date there has been no requirement to invoke this agreement as the Welsh Risk Pool outturn has been below the directly funded sum.

- 4.2. The second implication is the net charge to the Health Board's resource limit of costs incurred which comprise the first £25,000 of all clinical negligence and personal injury claims, legal fees for redress claims which are not reimbursed under the Welsh Government's Putting Things Right Scheme and the cost of all other losses and special payments.

- 4.3. Of the £3,459,869 paid out in the period 1st December 2017 to 31st January 2018, £2,799,230 is recoverable from the Welsh Risk Pool and £127,012 from Welsh Government. Taking this recovery into account, the actual loss to the Health Board in the period totals £533,627 as summarised in the table below:

Losses & Special Payments	Amount
	£
Clinical Negligence	3,087,532
Personal Injury	167,387
Obsolete Drug Stock	13,133
Ex Gratia Payments	4,588
Compensation Payments	500
Bad Debt Written Off	44,669
Redress Payments	142,060
Sub Total	3,459,869

Less WRP Recovery	-2,799,230
Less Redress Payments Reimbursed by WG	-127,012
Health Board Losses in the Period	533,627

4.4. After the recoveries from Welsh Risk Pool and Welsh Government are taken into account, the net loss totals £2,130,051 for the period 1st April 2017 to 31st January 2018 and £1,985,216 for the period 1st April 2016 to 31st January 2017.

5. RECOMMENDATIONS

5.1. The Audit Committee is asked to note the losses and special payments in the period of £3,459,869, of which £2,799,230 will be recovered from the Welsh Risk Pool and £127,012 from Welsh Government, leaving an actual loss to the Health Board in the period of £533,627.

5.2. These losses and special payments will need to be reported to the Board and disclosed in the Health Board's Annual Accounts.

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Losses & Special Payments - 2017/18

Period 1st December 2017 - 31st January 2018

Clinical Negligence				Settlement of Damages	Claimant Costs	CRU Payments	Defence	Total Paid in Period	Amount Paid in prior Periods	Loss to HB in Period	Total Paid to Date
Date	Case Ref	Location	Directorate	£	£	£	£	£	£	£	£
Dec-2017	10RYMMN0223	Princess of Wales	Women & Child Health				7,759	7,759	958,232	0	965,991
Dec-2017	11RYMMN0162	Princess of Wales	Medical Negligence				2,168	2,168	142,248	0	144,416
Dec-2017	12RYMMN0001	Princess of Wales	Medical Negligence				9,804	9,804	97,394	0	107,199
Dec-2017	12RYMMN0007	Morrison	Medical Negligence		18,000	600	500	19,100	53,483	0	72,583
Dec-2017	12RYMMN0047	Neath Port Talbot	Medical Negligence	123,000			2,200	125,200	4,450	20,550	129,650
Dec-2017	13RYMMN0075	Singleton	Multi Directorate				900	900	93,237	0	94,137
Dec-2017	13RYMMN0151	Singleton	Medical Negligence				1,600	1,600	91,330	0	92,930
Dec-2017	13RYMMN0194	Neath Port Talbot	Diabetology		15,000			15,000	63,835	0	78,835
Dec-2017	13RYMMN0216	Morrison	Accident & Emergency		24,683			24,683	84,967	0	109,649
Dec-2017	13RYMMN0225	Singleton	Obstetrics & Gynaecology				1,475	1,475	23,288	1,475	24,763
Dec-2017	14RYMMN0065	Morrison	Orthopaedics				600	600	24,125	600	24,725
Dec-2017	14RYMMN0072	Princess of Wales	Respiratory Medicine				316	316	80,420	0	80,736
Dec-2017	14RYMMN0079	Neath Port Talbot	Casualty	12,000		1,447		13,447	2,400	13,447	15,847
Dec-2017	14RYMMN0103	Morrison	General Surgery		82,500			82,500	873,501	0	956,001
Dec-2017	14RYMMN0143	Singleton	General Surgery				563	563	585	563	1,148
Dec-2017	14RYMMN0149	Morrison	TBC				1,000	1,000	2,700	1,000	3,700
Dec-2017	14RYMMN0166	Singleton	Obstetrics & Gynaecology	20,000				20,000	60,450	0	80,450
Dec-2017	14RYMMN0175	GP Surgery	Neath Locality				2,673	2,673	10,876	2,673	13,549
Dec-2017	14RYMMN0183	Not Specified	Medical Negligence				750	750	4,835	750	5,585
Dec-2017	15RYMMN0029	Morrison	Spinal	80,000			3,550	83,550	125,890	0	209,440
Dec-2017	15RYMMN0036	Princess of Wales	Multi Directorate				2,250	2,250	10,575	2,250	12,825
Dec-2017	15RYMMN0046	Singleton	Casualty				1,785	1,785	22,679	1,785	24,464
Dec-2017	15RYMMN0179	Neath Port Talbot	Orthopaedics				755	755	47,425	0	48,180
Dec-2017	15RYMMN0187	Princess of Wales	Orthopaedics	64,000		21,003		85,003	20,315	4,685	105,318
Dec-2017	15RYMMN0190	Princess of Wales	General Surgery	25,000				25,000	2,100	22,900	27,100
Dec-2017	16RYMMN0018	Morrison	Neurology				125	125	0	125	125
Dec-2017	16RYMMN0041	Princess of Wales	General Surgery				800	800	0	800	800
Dec-2017	16RYMMN0061	Neath Port Talbot	Radiology				208	208	0	208	208
Dec-2017	16RYMMN0065	Princess of Wales	Ears, Nose & Throat				650	650	1,435	650	2,085
Dec-2017	16RYMMN0080	Morrison	Orthopaedics	5,800				5,800	8,500	5,800	14,300
Dec-2017	16RYMMN0082	Princess of Wales	Orthopaedics	11,000				11,000	23,000	2,000	34,000
Dec-2017	16RYMMN0096	Singleton	Paediatrics	12,500				12,500	5,000	12,500	17,500
Dec-2017	16RYMMN0097	Singleton	General Medicine	4,000				4,000	10,750	4,000	14,750
Dec-2017	16RYMMN0100	Princess of Wales	Paediatrics				840	840	50	840	890
Dec-2017	16RYMMN0156	Singleton	Obstetrics & Gynaecology				880	880	0	880	880
Dec-2017	16RYMMN0161	Princess of Wales	Cardiology				1,990	1,990	3,315	1,990	5,305
Dec-2017	17RYMMN0006	Singleton	Ophthalmology				450	450	2,310	450	2,760
Dec-2017	17RYMMN0042	Morrison	Orthopaedics	15,000				15,000	12,950	12,050	27,950
Dec-2017	17RYMMN0100	Princess of Wales	General Surgery				10	10	0	10	10
Dec-2017	18RYMMN0059	Morrison	Outpatients	2,000				2,000	0	2,000	2,000
Dec-2017	18RYMMN0079	Caswell Clinic	Adult Mental Health			12,044		12,044	70,000	0	82,044
Dec-2017	18RYMMN0104	Singleton	Obstetrics	2,000				2,000	0	2,000	2,000
Jan-2018	10RYMMN0033	Singleton	Obstetrics & Gynaecology	850,000				850,000	262,934	0	1,112,934
Jan-2018	10RYMMN0223	Princess of Wales	Women & Child Health				4,609	4,609	965,991	0	970,600
Jan-2018	12RYMMN0007	Morrison	Medical Negligence				-50	-50	72,583	0	72,533
Jan-2018	13RYMMN0075	Singleton	Multi Directorate				150	150	94,137	0	94,287
Jan-2018	13RYMMN0093	Princess of Wales	Medical Negligence	20,000				20,000	73,148	0	93,148
Jan-2018	13RYMMN0094	Princess of Wales	Medical Negligence				3,457	3,457	70,986	0	74,443
Jan-2018	13RYMMN0186	Morrison	General Surgery	14,000				14,000	29,950	0	43,950
Jan-2018	13RYMMN0194	Neath Port Talbot	Diabetology	4,000				4,000	78,835	0	82,835
Jan-2018	13RYMMN0196	Singleton	General Medicine	90,000			12,100	102,100	7,635	17,365	109,735
Jan-2018	13RYMMN0208	Morrison	Orthopaedics				800	800	12,107	800	12,907
Jan-2018	13RYMMN0225	Singleton	Obstetrics & Gynaecology				740	740	24,763	237	25,503
Jan-2018	14RYMMN0110	Morrison	Accident & Emergency	210,000	30,000	3,205		243,205	4,856	20,144	248,061
Jan-2018	14RYMMN0122	Singleton	Casualty				3,800	3,800	50,400	0	54,200

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Jan-2018	14RYMMN0125	Neath Port Talbot	Physiotherapy	35,000				35,000	29,550	0	64,550
Jan-2018	14RYMMN0175	GP Surgery	Neath Locality	10,000				10,000	13,549	10,000	23,549
Jan-2018	14RYMMN0183	Not Specified	Medical Negligence				2,200	2,200	5,585	2,200	7,785
Jan-2018	15RYMMN0010	Morrison	General Surgery				1,644	1,644	5,125	1,644	6,769
Jan-2018	15RYMMN0011	Princess of Wales	Elderly Care				2,075	2,075	20,548	2,075	22,623
Jan-2018	15RYMMN0016	Morrison	Orthopaedics				1,285	1,285	2,340	1,285	3,625
Jan-2018	15RYMMN0037	Princess of Wales	Urology	19,000				19,000	148,033	0	167,033
Jan-2018	15RYMMN0046	Singleton	Casualty				165	165	24,464	165	24,629
Jan-2018	15RYMMN0049	Princess of Wales	Respiratory	25,000				25,000	9,000	16,000	34,000
Jan-2018	15RYMMN0062	Princess of Wales	Gynaecology	60,000			600	60,600	5,992	19,008	66,592
Jan-2018	15RYMMN0106	Forge Centre	Mental Health	575,000			2,240	577,240	4,756	20,245	581,996
Jan-2018	15RYMMN0110	Princess of Wales	General Medicine				250	250	255	250	505
Jan-2018	15RYMMN0113	Morrison	General Surgery	3,500				3,500	3,010	3,500	6,510
Jan-2018	15RYMMN0138	Singleton	Orthopaedics				84	84	688	84	772
Jan-2018	15RYMMN0166	Princess of Wales	General Surgery	105,000			2,250	107,250	28,900	0	136,150
Jan-2018	15RYMMN0169	Princess of Wales	Obstetrics & Gynaecology	33,000	10,000			43,000	64,542	0	107,542
Jan-2018	15RYMMN0176	Morrison	Accident & Emergency	3,329			3,950	7,279	135,490	0	142,770
Jan-2018	15RYMMN0207	Neath Port Talbot	Orthopaedics				75	75	51,213	0	51,288
Jan-2018	15RYMMN0232	Morrison	Orthopaedics				534	534	7,750	534	8,284
Jan-2018	15RYMMN0234	Singleton	Obstetrics & Gynaecology	43,750				43,750	0	25,000	43,750
Jan-2018	15RYMMN0240	Princess of Wales	Orthopaedics	140,000			600	140,600	214,243	0	354,843
Jan-2018	16RYMMN0105	Princess of Wales	General Surgery				2,050	2,050	2,400	2,050	4,450
Jan-2018	16RYMMN0120	Princess of Wales	Accident & Emergency	36,000				36,000	365,205	0	401,205
Jan-2018	16RYMMN0124	Princess of Wales	General Medicine				110	110	4,388	110	4,498
Jan-2018	16RYMMN0132	Princess of Wales	Urology				1,221	1,221	3,439	1,221	4,660
Jan-2018	16RYMMN0144	Princess of Wales	Elderly Mental Health	16,750				16,750	6,715	16,750	23,465
Jan-2018	16RYMMN0157	Morrison	General Medicine	9,750				9,750	0	9,750	9,750
Jan-2018	16RYMMN0160	Morrison	Neurology				5	5	5	5	10
Jan-2018	16RYMMN0190	Singleton	Gynaecology	12,000				12,000	10,700	12,000	22,700
Jan-2018	16RYMMN0193	Princess of Wales	Urology				1,000	1,000	0	1,000	1,000
Jan-2018	16RYMMN0198	Singleton	Oncology	4,561				4,561	53,724	0	58,285
Jan-2018	17RYMMN0006	Singleton	Ophthalmology				1,400	1,400	2,760	1,400	4,160
Jan-2018	17RYMMN0015	Morrison	A&E				51	51	76	51	127
Jan-2018	17RYMMN0017	Singleton	General Medicine				10	10	0	10	10
Jan-2018	17RYMMN0030	Morrison	Urology	45,000				45,000	655,270	0	700,270
Jan-2018	17RYMMN0055	Rowan House	Learning Disabilities	25,000				25,000	48	24,952	25,048
Jan-2018	17RYMMN0112	Princess of Wales	Orthopaedics				1,000	1,000	1,600	1,000	2,600
Jan-2018	17RYMMN0124	Princess of Wales	Older Peoples Mental Health	1,500				1,500	1,200	1,500	2,700
Jan-2018	17RYMMN0143	Morrison	Orthopaedics	2,000				2,000	0	2,000	2,000
Jan-2018	17RYMMN0144	Singleton	General Medicine				10	10	0	10	10
Jan-2018	17RYMMN0160	Morrison	Orthopaedics				-6	-6	0	-6	-6
Jan-2018	18RYMMN0021	Morrison	General Surgery				1,000	1,000	0	1,000	1,000
Jan-2018	18RYMMN0034	Princess of Wales	GPOOH				1,600	1,600	0	1,600	1,600
Total Clinical Negligence				2,769,441	180,183	38,299	99,609	3,087,532	5,711,302	335,920	8,791,074

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Losses & Special Payments - 2017/18

Appendix B

Period 1st December 2017 to 31st January 2018

Location	Loss Category (as per FCP 17)	Description	Loss £
Obsolete Drug Stock			
Singleton	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.12.17 - 31.12.17	5,808
Cefn Coed	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.12.17 - 31.12.17	297
Morrison	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.12.17 - 31.12.17	1,587
NPTH	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.12.17 - 31.12.17	23
POW	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.12.17 - 31.12.17	20
Singleton	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.01.18 - 31.01.18	2,031
Cefn Coed	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.01.18 - 31.01.18	139
Morrison	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.01.18 - 31.01.18	3,210
POW	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.01.18 - 31.01.18	14
NPTH	4(b) - Damage or Loss of Equipment and Property	Obsolete Drug Stock 01.01.18 - 31.01.18	4
		Sub Total	13,133
Ex Gratia Payment			
14/12/17	7(e) - Other	Travel Expenses Reimbursement	108
20/12/17	7(a) - Loss of Personal Effects	Lost I pad and Phone on Clydach Ward	750
04/01/18	7(a) - Loss of Personal Effects	Lost Dentures on Acute MAU	430
22/01/18	7(a) - Loss of Personal Effects	Lost Hearing Aid on Cardigan Ward	3,300
		Sub Total	4,588
Bad Debt			
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	72
Dec-17	3(c) - Other	Salary Overpayment Terminated Employee	65
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Morrison	29
Dec-17	3(c) - Other	Salary Overpayment Terminated Employee	61
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Morrison	115
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	193
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	100
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	100
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Morrison	87
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	100
Dec-17	3(c) - Other	Salary Overpayment Terminated Employee	41
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	100
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Dental	28
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	100
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	152
Dec-17	3(c) - Other	Salary Overpayment Terminated Employee	132
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Laser Treatment	100
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	135
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Bridgend Clinic	172
Dec-17	3(b) - Overseas Visitors	Overseas Visitor Fees - Morrison	42,687
Dec-17	3(a) - Bad Debt, Private Patients	Private Patient Fees - Singleton	77
Jan-18	3(c) - Other	Overpayment of salary	1
Jan-18	3(b) - Overseas Visitors	Overseas Visitor Fees - Princess of Wales	21

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Location	Loss Category (as per FCP 17)	Description	Loss £
Jan-18	3(a) - Bad Debt, Private Patients	Private Patient Fees - MRI Scan	2
		Sub Total	44,669
Compensation Payments			
12/01/2018	5 - Compensation Payments	Complaints Payment - ID8171	250
18/01/2018	5 - Compensation Payments	Complaints Payment - ID5151	250
		Sub Total	500
Redress Payments			
11/12/2017	Redress Payment	Damages	1,000
11/12/2017	Redress Payment	Damages	647
14/12/2017	Redress Payment	Damages	8,526
18/12/2017	Redress Payment	Damages	16,300
22/12/2017	Redress Payment	Damages	3,000
01/12/2017	Redress Payment	Expert Advice	10
08/12/2017	Redress Payment	Expert Advice	1,449
08/12/2017	Redress Payment	Expert Advice	900
15/12/2017	Redress Payment	Copy Records	50
22/12/2017	Redress Payment	Expert Advice	700
13/12/2017	Redress Payment	Legal Fees	2,436
08/01/2018	Redress Payment	Damages	500
17/01/2018	Redress Payment	Damages	12,000
18/01/2018	Redress Payment	Damages	32,000
23/01/2018	Redress Payment	Damages	10,000
29/01/2018	Redress Payment	Damages	16,080
31/01/2018	Redress Payment	Damages	16,000
23/01/2018	Redress Payment	Expert Advice	2,000
25/01/2018	Redress Payment	Expert Advice	4,700
29/01/2018	Redress Payment	Expert Advice	1,200
08/01/2018	Redress Payment	Legal Fees	2,441
08/01/2018	Redress Payment	Legal Fees	1,920
12/01/2018	Redress Payment	Legal Fees	1,926
12/01/2018	Redress Payment	Legal Fees	2,436
26/01/2018	Redress Payment	Legal Fees	1,920
29/01/2018	Redress Payment	Legal Fees	1,920
		Sub Total	142,060
		Total	204,951