



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board

Cadeirydd/Chair: **Emma Woollett**
Prif Weithredwr/Chief Executive: **Mark Hackett**

gofalu am ein gilydd, cydweithio, gwella bob amser
caring for each other, working together, always improving

Rydym yn croesawu gohebiaeth yn y Gymraeg ac yn y Saesneg. We welcome correspondence in Welsh or English.

Dyddiad/Date: 6th August 2021
Ein Cyf / Our Ref: 21-G-008

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FOIA.Requests@wales.nhs.uk



Corporate Services
Headquarters
1 Talbot Gateway
Baglan
Port Talbot, SA12 7BR



I refer to your Freedom of Information Act Request acknowledged by ourselves on 7th July 2021. Your request sought information relating to the Putting Things Right document.

Please note that due to the time period asked for within your response, we would like to note that there have been many organisational/boundary changes over this period.

On the 1st April 2008, Swansea NHS Trust and Bro Morgannwg NHS Trust merged to form ABMU NHS Trust. Then in October 2009, ABMU NHS Trust and the local health boards of Bridgend, Swansea and Neath Port Talbot merged to become ABMU Health Board. Then in April 2019, responsibility for providing healthcare services for people in the Bridgend County Borough Council area transferred from ABMU Health Board to Cwm Taf Morgannwg University Health Board. In light of this change to ABMU's responsibilities, the organisation's name has now changed to Swansea Bay University Health Board.

Therefore, the data below will cover all the organisations listed above.

1) What date did the Board adopt the "Putting it Right Policy"?

Putting Things Right is a guidance document on dealing with concerns about the NHS which applied from 1st April 2011. NHS Wales was required to follow the guidance from 1st April 2011 to comply with the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011. The guidance was approved by ABMU Health Board, Executive Board in July 2011.



Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR / Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR

Bwrdd Iechyd Prifysgol Bae Abertawe yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Bae Abertawe
Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board

The Regulations and associated policy / guidelines are controlled and managed by Welsh Government and therefore we would suggest that you may wish to direct your query to Welsh Government rather than specifically to this individual Health Board.

2) Have any reviews have been undertaken of the policy and its implementation since its implementation?

If the answer to this question is yes, please supply copies of the documented reviews.

Reviews would be undertaken by Welsh Government, although we do not believe the Regulations have been updated since implementation. The Guidance document is now on Version 3 (Nov 2013). To obtain copies of the documented reviews please contact the FOIA team at

Welsh Government: Freedomofinformation@gov.wales

3) Has the Welsh Government issued guidance on the adoption and implementation of the policy?

If the answer to this question is yes, please supply copies of the same

To obtain copies of any guidance on the adoption and implementation please contact the FOIA team at

Welsh Government: Freedomofinformation@gov.wales

4) Has the Welsh Government corresponded with the Board over the Boards implementation of the policy since its adoption?

The guidance document was adopted in 2011 for NHS Wales, so yes there will have been communication/updates regarding the reviewing of the policy from Welsh Government.

If the answer to this question is yes

a) Please specify the number of letters received

The Health Board does not have a central log of letters received via post, therefore we are unable to provide this information.

To obtain this information would involve a manual trawl and search of records which we have estimated would significantly exceed the 18 hours limit set down by the FOI Act as the reasonable limit. Section 12 of the FOI Act and The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 provides that we are not obliged to spend in excess of 18 hours in any sixty day period locating, retrieving and identifying information in order to deal with a request for information and therefore we are withholding this information at this time.

b) Please specify the number of e-mails received from the Welsh Government on the implementation of the policy

We have conducted a search of our email system for any emails from @gov.uk, since 2011 and can confirm that the Health Board does not hold this information. The search came back as a nil return on emails regarding the implementation of the "Putting it Right" policy.



5) The number of serious incidents occurring within the Board's hospitals is increasing, what are the consequent number of families resorting to the use of the "Putting things Right" policy

Number of cases dealt with under the policy for each calendar year the policy has been in force?

Please specify the year and totals of cases being processed e.g.

The table represents the number of Serious Incidents per year.

2017 – 202 (From April 17 only)

2018 – 286

2019 – 263

2020 – 157

2021 – 29 (Up to June 21)

Bridgend figures are included up to March 2019.

6) Please indicate the number of cases that received compensation in each year the policy was in place?

Please see below the number of cases where damages were paid. Please note that up to 2018/19 are figures for the former ABMU Health Board.

2012/13	48
2013/14	30
2014/15	46
2015/16	65
2016/17	56
2017/18	58
2018/19	64
2019/20	59
2020/21	58

7) Please indicate the average amount of compensation paid in each case per year the policy has been in force

Please see below the number of cases where damages were paid. Please note that up to 2018/19 are figures for the former ABMU Health Board.

2012/13	2,276
2013/14	5,371
2014/15	5,517
2015/16	6,446
2016/17	6,037



2017/18	8,269
2018/19	7,354
2019/20	6,129
2020/21	8,343

8) Please indicate the number of legal cases initiated against the Board on each calendar year since the "Putting it Right" policy has been adopted.

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Clinical Negligence	181	187	244	226	228	167	202	206	161	131

9) What has been the cost[s] to the Board, on an annual basis of compensation payments to families/individuals following legal action, since the adoption of the "Putting it Right Policy"

Losses payments as disclosed in the annual accounts – excludes redress payments. Please note that up to 2018/19 are figures for the former ABMU Health Board.

	Clinical Negligence (£)
2012/13	10,810,979.00
2013/14	12,597,070.52
2014/15	8,737,580.84
2015/16	8,802,634.87
2016/17	14,406,555.00
2017/18	21,402,958.66
2018/19	20,457,374.66
2019/20	13,496,976.40
2020/21	12,696,750.00

10. What are the annual costs for compensation payments by the Board, before the "Putting it Right" policy was adopted?

Please specify the costs for the previous five years before the policy came into being.

The payments for 2008/09 relate to ABMU NHS Trust. Information is not held prior to this date.

	Clinical Negligence (£)
2011/12	9,845,150



2010/11	12,201,866
2009/10	10,457,737
2008/09	5,896,519

11. Please tabulate the number of legal compensation cases for each year of the last ten years alongside the number of serious incidents reported in the same year

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Clinical Negligence	181	187	244	226	228	167	202	206	161	131
Serious Incidents	49	83	106	171	206	221	270	289	270	147

12. Is the Board satisfied that all serious incidents are notified and investigated promptly?

Previously, Health Boards in Wales were required to respond to 80% of serious incidents within 60 working days. This was often a difficult target to achieve given the complexities and the level of investigation required. As a result, NHS Wales is promoting timescales for completion of incidents as 30, 60, 90 and 120 days. The term serious incident is no longer used and instead it has been replaced with nationally reported incidents with the emphasis being on sharing learning at a national level.

NHS Wales has also extended the timeframe for reporting incidents from 24 hours to seven days of occurrence or knowledge. The Health Board are encouraging early reporting with NHS Wales providing three options following an incident being reported

If the answer is yes to the above question.

a) Please specify the average time taken to produce a serious incident report on an annual basis for the past 10 years.

The Health Board does not have this detail recorded centrally, therefore we are unable to provide this information.

To obtain this information would involve a manual trawl and search of records which we have estimated would significantly exceed the 18 hours limit set down by the FOI Act as the reasonable limit. Section 12 of the FOI Act and The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 provides that we are not obliged to spend in excess of 18 hours in any sixty day period locating, retrieving and identifying information in order to deal with a request for information and therefore we are withholding this information at this time.

b) What training is given to all levels of staff on the need to register a serious incident immediately?

There has been a change to the national policy for patient safety incidents and now nationally reportable incidents are required to be reported within seven working days from the occurrence, or point of knowledge. Briefing presentations



were provided to the Service Groups and also an alert of the changes was issued to staff through the alerts system.

c) Has the number of staff dealing with/liasing with the subjects/families of serious incidents been increased over the past 5 years? If so by how many FTE?

If the answer to the above question [12] is no! What action has/does the Board propose to take?

The Health Board has a serious incident (SI) team who co-ordinate and record SI's centrally (number staff – 2.5 FTE). However, this team will not be the point of contact for a family during an investigation. At the start of an investigation a point of contact for the family will usually be appointed during the initial meeting. This person will be from the area the investigation is taking place i.e. the department/unit involved in the SI. Therefore, there will usually be one point of contact for each SI.

13. What is the Board's policy in respect of allowing junior members of staff to sign highly significant/important letters? Please supply a copy of the same.

The Health Board Standing Orders delegate responsibility for functions to Executive Directors. There is no specific policy in places which details the sign off process for significant letters, this will done in accordance with the Health Board Standing Orders, Scheme of Delegation and Policy Framework.

14. Does the Board have a complaints policy that registers and regulates complaints against the Board or its officers? If so please supply a hard copy of the document.

The Health Board does not have a policy that regulates against the Health Board Officers, this would be dealt with in accordance with the appropriate HR Policy.

I hope this information is helpful. If you require anything further please contact us at FOIA.Requests@wales.nhs.uk.

Under the terms of the Health Board's Freedom of Information policy, individuals seeking access to recorded information held by the Health Board are entitled to request internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request please contact me directly at the address below or register your complaint via FOIA.Requests@wales.nhs.uk.

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 029 2067 8400.

Yours sincerely



Pam Wenger
Director of Corporate Governance

