

Dear Dr Alexander

Thank you for your email of the 30 April 2017 which we have considered in accordance with s.1(1) Freedom of Information Act 2000 (FOIA). You have requested the following information:

1. *Please may I have a copy of all previous FOI disclosures by NHSLA that relate to Heart of England NHS Foundation Trust, including the following FOI disclosures:*

a) *FOI_1920 Heart of England compensation Claims - clinical negligence and non-clinical*

b) *FOI_2073 The total spent on claims (including NHSLA contribution)- Heart of England Claims - clinical negligence and non-clinical*

c) *FOI_2302 Heart of England Claims Claims - clinical negligence and non-clinical*

If the FOI disclosures previously provided by NHSLA does not contain the following information, please could NHSLA provide this information:

2. *Total legal costs so far in dealing with claims relating to Ian Stuart Paterson's (GMC number 2703453) clinical practice at Heart of England NHS Foundation Trust*

3. *The number of claims received so far about Ian Paterson's clinical practice at Heart of England NHS Foundation Trust (or if NHSLA does not hold central information about cases that relate to Ian Paterson, please give the number of claims received so far about breast surgery at Heart of England NHS Foundation Trust. Ideally, if possible, please give the number of claims that have related to "cleavage sparing mastectomy" and risk of or actual recurrence of cancer).*

4. *The number of these claims that have been closed.*

5. *When did NHSLA receive the first claim about Ian Paterson's clinical practice at Heart of England NHS Foundation Trust (or if NHSLA does not hold central information about cases that relate to Ian Paterson, please give the date of the first claim that NHSLA received about breast surgery at Heart of England NHS Foundation Trust. Ideally, if possible, please give the date of the first claim that related to "cleavage sparing mastectomy" and risk of or actual recurrence of cancer).*

Our response

1. ***Please may I have a copy of all previous FOI disclosures by NHSLA that relate to Heart of England NHS Foundation Trust, including the following FOI disclosures:***

a) ***FOI_1920 Heart of England compensation Claims - clinical negligence and non-clinical***

b) ***FOI_2073 The total spent on claims (including NHSLA contribution)- Heart of England Claims - clinical negligence and non-clinical***

c) ***FOI_2302 Heart of England Claims Claims - clinical negligence and non-clinical***

I can confirm that NHS Resolution holds some of the information requested.

We have disclosed the following previous FOI requests which relate to your request:

FOI_2072

FOI_2073 – this request relates to information about Calderdale & Huddersfield NHS Foundation Trust, and not Heart of England NHS Foundation Trust

FOI_2302

FOI_2953

Please note that in relation to FOI_1920, although our records show this request as having been responded to, we are unable to locate a copy of the response and therefore do not hold this information. I have attached the original request which we do still hold.

In respect of the above disclosures, we have withheld the names of third party requestors as we consider this information to be exempt under:

- **S.40 (Personal Information in relation to third parties)**

Section 40(2) FOIA provides an exemption from disclosure for information which is the personal data of an individual other than the applicant. Information is exempt from disclosure where one of the conditions listed in Sections 40(3) or 40(4) is satisfied. By virtue of s.40 (3), any disclosure must not breach the data protection principles (in the Data Protection Act 1998).

Taking into consideration the Data Protection Principles, and in particular the requirement to process personal data fairly and lawfully, in determining whether it would be fair to disclose third party personal data, we have considered the following:

- *Reasonable expectations of all data subjects:* the data subjects here have a legitimate expectation of privacy concerning their personal information and would not anticipated it being put into the public domain;
- *Balancing an individual's rights and the legitimate interests:* We have weighed individuals' privacy rights against the legitimate interests in disclosure and have concluded that the disclosure of the withheld personal information would constitute a disproportionate and unwarranted interference with the individuals' privacy rights.

We therefore consider that the personal data in question is exempt under section 40(2) by virtue of section 40(3)(a)(i). This is because the first condition (under Section 40(3)) is satisfied in this case, as the information requested falls within the definition of Personal Data under the Data Protection Act 1998 where disclosure of the information to you (a member of the public) would contravene at least one of the data protection principles contained in Schedule 1 of the Data Protection Act 1998, and in particular in this case, the First Principle. The data subjects have a reasonable expectation of Privacy, where to disclose their Personal Data to you would mean disclosing their personal data to the world at large. In terms of fairness, data subjects would not reasonably have expected their Personal Data to be made public. Furthermore disclosure of such information could be regarded as unduly intrusive.

This is an absolute exemption, which means that there is no additional public interest test to consider.

2. Total legal costs so far in dealing with claims relating to Ian Stuart Paterson's (GMC

number 2703453) clinical practice at Heart of England NHS Foundation Trust

£8,314,142.90 (combined claimant and defence costs)

3. The number of claims received so far about Ian Paterson's clinical practice at Heart of England NHS Foundation Trust (or if NHSLA does not hold central information about cases that relate to Ian Paterson, please give the number of claims received so far about breast surgery at Heart of England NHS Foundation Trust. Ideally, if possible, please give the number of claims that have related to "cleavage sparing mastectomy" and risk of or actual recurrence of cancer).

281 claims have been received

4. The number of these claims that have been closed.

Of the 281 claims received, 237 have resolved with a payment of damages and 19 discontinued with 25 outstanding

5. When did NHSLA receive the first claim about Ian Paterson's clinical practice at Heart of England NHS Foundation Trust (or if NHSLA does not hold central information about cases that relate to Ian Paterson, please give the date of the first claim that NHSLA received about breast surgery at Heart of England NHS Foundation Trust. Ideally, if possible, please give the date of the first claim that related to "cleavage sparing mastectomy" and risk of or actual recurrence of cancer).

We were notified of the first claim in July 2010

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Head of Governance for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Kind regards

Anthony Palmos | Information Access Manager | Corporate Governance Team

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Disclaimer.

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FOI_2953
Response.pdf



FOI_2072
Response.pdf



FOI_2073
Response.pdf



FOI_2302
Response.pdf

Anthony Palmos

From:	Michael Murphy
Sent:	28 May 2014 17:15
To:	Julia Wellard
Subject:	RE: Heart of England compensation

Thanks, Jules – will do.

Michael

From: Julia Wellard
Sent: 28 May 2014 16:11
To: Michael Murphy
Subject: FW: Heart of England compensation

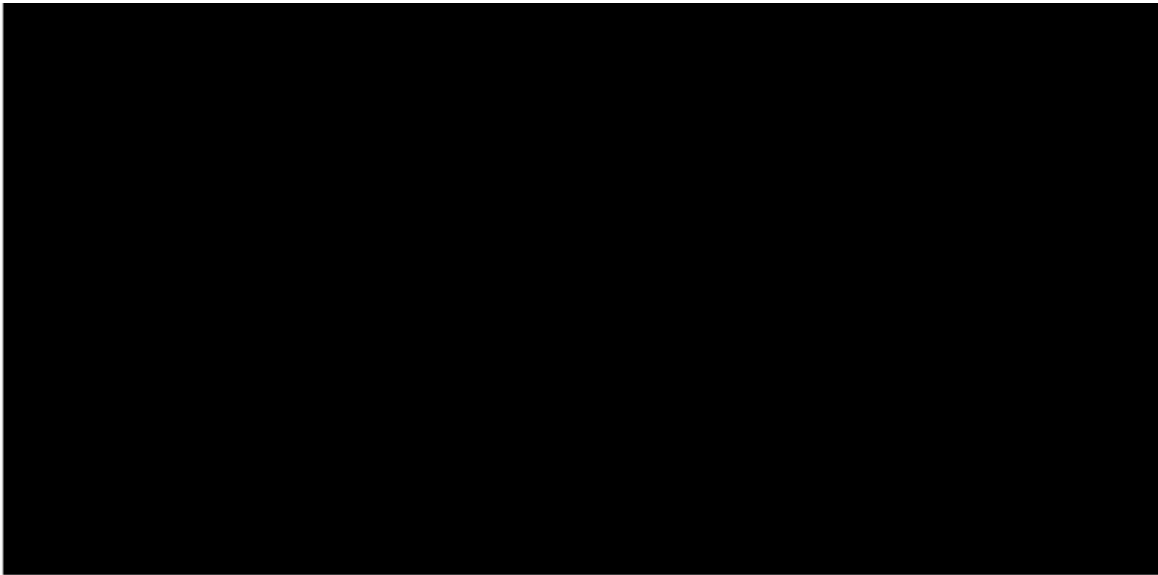
Michael – can I leave this with you?
Jules

From: [REDACTED]
Sent: 28 May 2014 15:38
To: generalenquiries
Subject: Heart of England compensation

Hi there,

I was wondering if you'd be able to send over the statistics of how much the Heart of England NHS Foundation Trust paid out in compensation as a total and broken down please.





[REDACTED]