Dear [Name]

REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2015 ("the Act")

Thank you for your request to the Department of Health and Social Care, dated 28 May 2017

Your request

You asked for:

**Question 01**: “Who insures Nobles Hospital and its employees against claims for medical negligence?”

**Question 02**: “From April 2007 to April 2017, can you please provide the total annual amount paid to claimants for medical negligence on an annual Basis.”

**Question 03**: “From April 2007 to April 2017, can the amount be divided into that paid for damages and that for Costs on an individual basis”

Response to your request

We are pleased to be able to provide a response to your request with answers to some of your questions; while our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested; the reasons are shown as part of the corresponding answers below.

**Question 01**: Who insures Noble’s Hospital and its employees against claims for medical negligence?

In response to **Question 01**, we can confirm that the Isle of Man Government self-insures the Department, in regards to claims of medical negligence raised against the Department.
**Question 02:** From April 2007 to April 2017, can you please provide the total annual amount paid to claimants for medical negligence on an annual basis

In response to **Question 02**, your request for information is for both information before and after 11 October 2011; a Freedom of Information request can only be made in respect of information created on or before 11 October 2011, our response is as follows.

In respect of the portion of the information requested, created before 11 October 2011, we are not obliged to respond to it as a Freedom of Information request. However, we will endeavour to respond to it under the Code of Practice on Access to Government Information which can be found at [www.gov.im/media/881974/access-code.pdf](http://www.gov.im/media/881974/access-code.pdf).

In respect of the scope of the information requested created on or after 11 October 2011, under the provisions of the Freedom of Information Act 2015, please see the table below:

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<tbody>
<tr>
<td>Settlements/Damages Total*</td>
<td>£669,437</td>
<td>£222,500</td>
<td>£66,989</td>
<td>£11,000</td>
<td>£0.00</td>
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*The settlements and damages figures provided represent the amount paid to claimants.

**Question 03:** From April 2007 to April 2017, can the amount be divided into that paid for damages and that for costs on an individual basis

In response to **Question 03**, in this instance we are unable to provide the information you have requested because it is absolutely exempt under section 25 of the Act (absolutely exempt personal information). The justification for this is that the Department is satisfied that the information for “costs on an individual basis” amounts to personal data under the Data Protection Act 2002.

We are able to provide the annual total paid and costs which you may find useful; however, as above, your request for information is for both information before and after 11 October 2011; a Freedom of Information request can only be made in respect of information created on or before 11 October 2011, our response is as follows.

In respect of the scope of the information requested, created before 11 October 2011, we are not obliged to respond to it as a Freedom of Information request. However, we will endeavour to respond to it under the Code of Practice on Access to Government Information which can be found at [www.gov.im/media/881974/access-code.pdf](http://www.gov.im/media/881974/access-code.pdf).

In respect of the portion of the information requested (as discussed above), created on or after 11 October 2011, under the provisions of the Freedom of Information Act 2015, please see the table below:

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<tbody>
<tr>
<td>Costs Total</td>
<td>£238,764</td>
<td>£466,564</td>
<td>£449,856</td>
<td>£231,245</td>
<td>£16,089</td>
</tr>
<tr>
<td>Settlements/Damages Total</td>
<td>£669,437</td>
<td>£222,500</td>
<td>£66,989</td>
<td>£11,000</td>
<td>£0.00</td>
</tr>
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Your right to request a review

If you are unhappy with this response to your Freedom of Information request, you may ask us to carry out an internal review of the response, by completing a complaint form and submitting it electronically or by delivery/post to the FOI Co-ordinator, Department of Health & Social Care, Chief Executive’s Officer, Crokall House, Demesne Road, Douglas, Isle of Man, IM1 3QA. An electronic version and paper version of our complaint form can be found by going to our website www.gov.im/about-the-government/freedom-of-information/how-to-make-a-freedom-of-information-request/. Your review request should explain why you are dissatisfied with this response, and should be made as soon as practicable. We will respond as soon as the review has been concluded.

If you are not satisfied with the result of the review, you then have the right to appeal to the Information Commissioner for a decision on:

01. Whether we have responded to your request for information in accordance with Part 2 of the Freedom of Information Act; or
02. Whether we are justified in refusing to give you the information requested.

In response to an application for review, the Information Commissioner may, at any time, attempt to resolve a matter by negotiation, conciliation, mediation or another form of alternative dispute resolution and will have regard to any outcome of this in making any subsequent decision.

Further information about Freedom of Information requests can be found on the Information Commissioner’s website at: www.inforights.im/information-centre/freedom-of-information.

Should you have any queries concerning this letter, please do not hesitate to contact us.

Yours Sincerely

Freedom of Information Team
Department of Health and Social Care