NHS Litigation Authority (NHS LA) Information Sharing Principles

The NHS LA is committed to openness and transparency and sharing information where it is appropriate whilst maintaining the confidentiality of personal sensitive information of patients and staff.

The NHS LA is committed to working with the NHS and other interested parties to promote an understanding of the information the NHS LA holds and how it can be used to improve patient and staff safety.

The NHS LA will do this by:

- Ensuring that information which will support, promote and improve patient safety is shared appropriately.
- Regularly reviewing and updating the information sharing protocols it has with key stakeholders such as NHS England, the Royal Colleges, Health Education England, and health regulators to ensure that they are up to date and continue to meet the needs of the NHS and its patients.
- Continuing to explore opportunities for disclosing information, particularly where the information can improve the learning and understanding of patient and staff safety issues in the NHS.
- Where appropriate, sharing anonymised information to improve and enhance safety whilst maintaining the confidentiality of identifiable individuals.
- Publishing statistics about its work and exploring whether there are opportunities to share more statistical information.
- Continuing to develop the NHS LA’s extranet as a way of sharing detailed claims information and learning with the NHS and providers of NHS care.
- Developing a new Health Professional Alert Notices (HPAN) database which will enable healthcare employers to make alert notice checks easier and to share information with other bodies to make them aware of a concern regarding a healthcare professional.
- Continually striving to improve openness and transparency and information sharing within the NHS LA.
- Highlighting issues where current law and/or practice may restrict information and/or data sharing where sharing such information would be in the interest of the NHS and its patients.

The NHS LA recognises that information sharing can help to:

- improve patient and staff safety;
- promote organisational learning and educate and support the decision making of healthcare staff; and
- promote an understanding of the NHS LA’s work with a view to reducing the number and severity of claims thereby enabling greater investment in patient care whilst reducing harm and improving patient and staff safety.
The NHS LA holds information in the following areas:

- As part of its claims handling function, the NHS LA holds information regarding all of the claims which have arisen in the NHS in England (excluding general practice) since 1995 (clinical claims) and 1997 (non-clinical claims). It is considered to be one of the largest databases of claims information in the world.

- As part of its National Clinical Assessment Service (NCAS), the NHS LA holds information regarding the performance of doctors, dentists and pharmacists with a view to helping them and the organisations they work for resolve concerns about their professional practice and thereby improve the care given to patients.

- In connection with its Family Health Services Appeals Unit (FHSAU) which adjudicates on contractual issues between NHS commissioners, dentists, GPs, pharmacists and opticians.

**The NHS LA’s information sharing in practice**

**The NHS LA’s Claims Handling Function**

The NHS LA shares information relating to its claims with the relevant NHS LA scheme members so that they can actively be involved in resolving these claims and, where appropriate, learn from the things that have gone wrong. The NHS LA publishes information about the total cost of claims, number of claims and specialty areas in which those claims have been made.

The NHS LA is committed to highlighting any immediate threat to patient safety and, where appropriate, any serious concern involving an individual practitioner who is party to a significant number of claims which may not be brought to the attention of the individual practitioner’s employer.

Much of the specific information held in relation to each individual claim is legally privileged and/or contains patient sensitive information. As such, the NHS LA may be restricted in its ability to share such information and indeed it would be inappropriate for it to do so. The NHS LA will always aim to balance openness and transparency with maintaining claimant confidentiality and maintaining, where appropriate, legal privilege.

However, the NHS LA will make every effort to share lessons from claims with the NHS to help reduce harm and improve patient and staff safety.

**Apologies and Explanations (Saying Sorry)**

The NHS LA is committed to encouraging apologies and explanations from the NHS to patients when things go wrong. The NHS LA will never withdraw indemnity cover from an organisation which provides an apology and explanation when things go wrong. Guidance on saying sorry is available at: [Saying sorry leaflet](#).

**National Clinical Assessment Service (NCAS)**

NCAS aims to be open and transparent and importantly develop working relationships with referring healthcare organisations that it advises. NCAS aims to balance openness and transparency with maintaining confidentiality to encourage and give confidence to both referring organisations and the professionals who may be subject to the concerns. For these reasons, NCAS does not make public details of specific referrals. However, NCAS is committed to sharing information with other organisations where this information will promote and protect patient safety and/or assist particularly with regard to a regulatory and/or criminal
investigation or is in the public interest. We will do this by working with the health regulators and the Royal Colleges and to ensure our information sharing agreements remain appropriate, relevant and up to date.

Family Health Services Appeals Unit (FHSAU)

The FHSAU is responsible for determining appeals from, and disputes between, primary care contractors and NHS England. In doing so it will disclose information to parties whom it is statutorily entitled to and where decisions are published, those which contain personal sensitive information, are duly redacted.

The FHSAU also is responsible for receiving, storing and disclosing information to NHS England regarding the fitness to practise of primary care contractors.

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