

Ref. No: 2023  
Date: 2<sup>nd</sup> September 2025  
Subject: Outstanding Medical Negligence Claims

## REQUEST

Under the Freedom of Information Act 2000, I would like to request the following information regarding medical negligence claims currently open at your Trust:

1. Total number of medical negligence claims currently outstanding/open.
2. Of these, how many have exceeded the average resolution timeframe as reported by NHS Resolution (currently around 1.7 years from notification to settlement – source [GOV.UK](https://gov.uk))?
3. For each outstanding claim, the length of time it has been open (in months or years).

## RESPONSE

Response (Including refusal of request under section 12):

Section 12 of the FOIA allows a public authority to refuse a request where it estimates that it would exceed the appropriate limit to comply with the request. The relevant section states:

*12. (1) - Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.*

where the appropriate limit is equal to 18 hours of staff time as set by the *Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004*

In determining the time limit, the Trust can only take into account

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and

- extracting the information from a document containing it.

In order to determine whether the information is held in respect of your request, the Trust would need to review all potential reports and incidents which has been estimated to exceed the current time allowed under the FOIA. A simple report cannot be produced.

Calculation - Across the Trust the files to be reviewed has been estimated to take 45.5 hours<sup>1</sup>

### **Advice and Assistance**

Under section 16 of the FOIA, advice and assistance should be provided to allow the request to come under the appropriate limit by scaling or modifying the request.

### **Unable to narrow**

However, as the information is not readily available and the number of events to be checked would not be reduced it would not be easy to scale down the request in this instance, for example, to one site.

Unfortunately, the Trust is unable to provide further assistance in this instance.

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<sup>1</sup> 98000 attendances \* 1 minute to review each event = 98000 minutes  
98000 minutes = 1633 hours, 20 minutes