



# Resolution

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April 2025  
FOI\_7147

The following information was requested on 4 April 2025:

*I wondered if you could help me with some data I would be interested in.*

*I am currently writing a business case for a university module where I want to introduce video trolley interpreters for emergency theatres/A+E. The idea is that that communication with a video call as compared to a telephone should be easier, the patient does not have to be by the ward phone, and it can move with the patient through the hospital allowing them to have an interpreter present for procedures such as cannulation and consent check in the anaesthetic room.*

*One of my reasons for wanting to do this is to improve the quality of consent for patients who do not have English as a first language.*

*I was wondering if you had any data on the incidence of legal cases due to **inadequate consent**, particularly those when English was not the first language of the patient and what kind of costs these can occur for NHS trusts? I don't need any case specific information but wondered if you had any general data you would be able to share with me.*

## Our Response to your specific request

Although NHS Resolution may hold some information relating to claims such as these, due to the way claims are recorded on our claims database, we will not be able to identify such specific cases. It might be helpful to explain that when claims are notified to NHS Resolution they are categorised against pre-defined cause, injury and speciality **codes**, unfortunately *inadequate consent* is not one of these. The code we have is "Fail To Warn-Informed Consent". Therefore, while there may be information held in our records, we are not readily able to identify the relevant files by searching the database. To do so would involve a manual review of consent related cases to identify which ones relate to claims involving *inadequate consent*. NHS Resolution receives hundreds of claims each year relating to consent. For an example consent related FOI response please refer to the following request: [FOI 6337 Informed-Consent Failure-to-Warn.pdf](#)

Please visit our FOI disclosure log here [Fol Requests Archive - NHS Resolution](#) to search for previous similar requests. There is a search facility available, and you can type in key words to search for similar requests.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit.' Section 12(1) of the FOIA is a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'.

We estimate that it would take on average 10 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 108 files within 18 hours.

In addition, given the complexity of clinical negligence claims and their litigation, it is possible for a single electronic or paper-based file to contain hundreds of documents in a variety of formats.

Please also note even if we were able to carry out a review of 108 random files, we may not be able to provide you with the level of detail you require owing to Data Protection grounds.

We would need to suppress low numbers or any information that could possibly lead to the identification of claimants, patients, or individuals where disclosure would breach the General Data Protection Regulation.

For the details of the claims data that we publish please refer to the following link: [Annual statistics - NHS Resolution](#).

We also have the faculty of learning page on our website: <https://resolution.nhs.uk/resource-fol-module/consent/>

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data, which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

**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 [Joanne Appleby](#), Deputy Data Protection Officer 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

<https://ico.org.uk/>