



Resolution

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December 2025
FOI_7570

The following information was requested on 19 November 2025:

I would like to request some information from the NHS Resolution in relation to litigation around accessible healthcare and reasonable adjustments for RNID's communities, under the Freedom of Information Act 2000.

- 1. In the last five years, how many claims have NHS Resolution received that resulted wholly or partly from a failure of an NHS body to make reasonable adjustments under the Equality Act 2010, to meet the communication needs of a patients who is deaf or has hearing loss, where failure to provide reasonable adjustments has been plead as part of a clinical negligence case? For example, as part of a failure to provide informed consent.*
- 2. In the last five years, how many claims have NHS Resolution received that resulted wholly or partly from a failure of an NHS body to make reasonable adjustments under the Equality Act 2010, where action has been taken against an NHS body under the Equality Act as a direct result of failure to provide reasonable adjustments to a person who is deaf or has hearing loss?*
- 3. In the last five years, how many claims have NHS Resolution received that resulted wholly or partly from a failure of an NHS body to make reasonable adjustments under the Equality Act 2010 to meet the communication needs of communication needs of a patient with a disability, impairment, or sensory loss (as set out in the NHS Accessible Information Standard), where this failure to provide reasonable adjustments has been plead as part of a clinical negligence case? For example, as part of a failure to provide informed consent.*
- 4. In the last five years, how many claims has NHS Resolution received that resulted wholly or partly from a failure of an NHS body to make reasonable adjustments under the Equality Act 2010, where action has been taken against an NHS body under the Equality Act as a direct result of failure to provide reasonable adjustments to a patient with a disability, impairment, or sensory loss (as set out in the NHS Accessible Information Standard)?*
- 5. For 1-4, how many of these claims were upheld and compensation awarded?*
- 6. For 1-4, how much compensation in total was paid for such claims? If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request.*

Our Response

We only hold **claims** data for England (our schemes only cover England), not the UK.

Although NHS Resolution may hold some information relating to claims such as what you have requested (England only claims), 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, we do not have a code for *failure to make reasonable adjustments*. 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 all cases to identify which ones relate to claims involving *failure to make reasonable adjustments*.

NHS Resolution receives thousands of claims each year.

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. We would not be able to provide the information in the way you have set out your request.

It may be worthwhile reviewing our pre-defined cause, injury and speciality [codes](#) to see which codes may be relevant to your request.

For details of the claims data that we publish please refer to our [Annual Report Statistics](#).

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 (e.g. on orthopaedic surgery claims). 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

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