



Resolution

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January 2026
FOI_7609

The following information was requested on 11 December and clarified on 15 December 2025:

[On 11 December 2025 you requested]

Under the Freedom of Information Act 2000 the Claimant hereby requests a response to the following within the next 20 working days:

Provide the number of clinical negligence claims which have been brought against the Defendant [County Durham and Darlington NHS Foundation Trust] since 2019 to present and specify:

- i. The number of claims which have settled pre-proceedings.*
- ii. The number of claims where proceedings have been issued but settled before trial.*
- iii. The number of claims which have gone to trial.*
- iv. The number of claims which have resulted in the Defendant paying compensation / damages to the Claimant.*
- v. The amount of compensation paid on each claim successfully brought.*
- vi. The average amount of compensation / damages (general and special damages) which the Defendant has paid.*
- vii. The full amount of compensation which the Defendant has paid.*
- viii. The number of claims which the Defendant has successfully defended.*

[On 15 December 2025 we sought clarification]

Thank you for your Freedom of Information request submitted to NHS Resolution. I am writing to seek a bit of clarification regarding your request. Could you please confirm whether your request pertains to all claims for the trust or is it specific to the Breast Service?

Additionally, in relation to the response you received from the trust, which mentions that this matter has been forwarded to NHS Resolution, I would like to inform you that we are currently investigating this. Our FOI team has not yet received any such request, and we are looking into where it may have been sent.

I appreciate your patience and cooperation in this matter. Please let me know if you have any further questions or require additional information.

[On 15 December 2025 you replied with]

Thank you for your email below.

My request is specific to the Breast Services at CDDFT.

Our Response

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

Although NHS Resolution may hold some information relating to claims such as what you have requested, 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](#). We do not have codes for: “*breast services*”. 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: “*breast services*”. This would be a time-consuming exercise.

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 20 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 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.

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. 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.

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:

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Water Lane
Wilmslow
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