



Resolution

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February 2026
FOI_7689

The following information was requested on 27 January 2026:

Under the Freedom of Information Act 2000, I request the following information in relation to clinical negligence claims handled by NHS Resolution.

For the financial year 2024 to 2025, please provide:

- The average length of time taken to resolve a clinical negligence claim, measured from the date legal proceedings were issued to settlement or conclusion.*
- The number of clinical negligence cases in which defendants applied for an extension of time to file a defence.*
- The average and median length of time taken by defendants to file a defence after proceedings have been issued in clinical negligence cases.*

If any of the requested information is not held, please confirm this.

This information should be made available to me in electronic form if possible.

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 these, due to the way claims are recorded on our claims database, we will not be able to identify such specific cases accurately, within a reasonable time. Our Claims database was designed primarily as a claims management tool, and records information in a way which would mean it would involve a manual review of all cases to identify which claims: *"...measured from the date legal proceedings were issued to settlement or conclusion...the number of claims in which defendants applied for an extension of time to file a defence... average and median length of time taken by defendants to file a defence after proceedings have been issued in clinical negligence cases."*

This would involve reviewing each case to determine, locate and extract the requested information. NHS Resolution receives thousands of claims each year.

While some information may exist within individual case files, our systems do not allow us to readily search for or extract these details electronically. Identifying the relevant data would require a manual review of all clinical negligence claims to determine the points outlined above. 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 54 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.

Further to our obligations to provide advice and assistance, you may find it helpful to review NHS Resolution's publication Supplementary Annual Statistics, which can be found here: [Annual statistics - NHS Resolution](#). Please refer to **Sheet 17** in the spreadsheet for information on the average number of years from NHS Resolution notification to settlement.

Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle and close. **They are not guaranteed to be settled and closed in the same year.** As such, there will be a time gap between incident and claim closure.

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

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