



Resolution

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April 2026
FOI_7811

The following information was requested on 27 March 2026:

I am writing to request information under the Freedom of Information Act 2000 regarding clinical negligence claims handled by NHS Resolution.

Please provide the following data for the last five financial years (2020/21 to 2024/25):

1. **Total Claims:** *The number of clinical negligence claims received where a "keyword search" of the case summary contains "Cauda Equina Syndrome" or "CES."*
2. **Settled Claims:** *Of the cases identified in Question 1, how many have been settled with a payment of damages?*
3. **Total Payouts:** *The total amount paid out in respect of these settled claims (including claimant's damages, claimant's legal costs, and NHS legal costs).*

Please only do the last three financial years - 2022/23, 2023/24, 2024/25.

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 *Cauda Equina* is not one of these. 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 review of all cases to identify which ones relate to claims involving *Cauda Equina*. NHS Resolution receives thousands of claims each year.

We note your request for a keyword search. However, this search has proven to be **incomplete, inaccurate** and provided a misleading picture as there are a number of causes for claims and they are settled for a number of multi-factorial reasons and the primary cause and injury may not relate entirely to what has been entered into the short free-text field. This approach would also be reliant on the precise phrases you have requested: "CES" or "*Cauda Equina*" having been used (and spelt correctly) in the free text field rather than other synonyms or general descriptions of the patient's condition/treatment. We would also have to carry out a manual review of the individual

cases identified from a free text search to ensure they are in fact relevant to your search criteria.

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.

Please refer to our NHS Resolution leaflet 'Did you know – Cauda Equina Syndrome' the leaflet produced in 2016 [here](#) for some information on this topic.

We have also produced an updated version which covers the period from January 2008 to December 2018, please see [here](#).

Additionally, GIRFT produced a report. <https://gettingitrightfirsttime.co.uk/wp-content/uploads/2019/01/spinal-surgery-report.pdf> which covered **Cauda Equina**.

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
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