



Resolution

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Telephone: 020 7811 2700

June 2026
FOI_7902

The following information was requested on 18 May 2026 and clarified on 19 May 2026:

[On 18 May, you requested]

I am writing to request the following information from NHS Resolution under the Freedom of Information Act 2000:

For 2019 onwards (please break down by year):

1) The number of claims made in relation to Entonox gas exposure in the workplace, broken down by NHS trust

a) For each NHS trust, please provide a total value of claims settled

b) Please also specify whether the claims were made by staff or patients

Please provide the information in an email.

[On 18 May, we responded with]

Thank you for your request to NHS Resolution. Before we can respond, I would like to clarify what information we hold and are able to provide.

Please refer to our publication: [Guidance-note-Understanding-NHS-Resolution-data-updated](#) and a set of codes against which claims are logged: [CNST-Codes.xlsx](#) (see the three tabs in the spreadsheet).

Unfortunately, we are unable to provide information about the type of medication used.

We have previously responded to request similar to what you requested: [FOI 7774 Claims-relating-to-Anaesthesia-broken-down-by-cause.pdf](#)

Please, would you be able to review the codes I linked above and confirm if any particular specialties, causes or injuries would be relevant for you?

Please, do not hesitate to contact us if you have any further queries.

[On 19 May, you replied with]

I am not sure what code this would apply to - could you please help me to choose the correct one?

I am after claims which have been submitted by staff who were exposed to nitrous oxide (known as gas and air), such as those outlined in this news story: <https://www.bbc.co.uk/news/articles/c74rdpkl4lo>

Please could you advise?

Our Response

Thank you for your request for information relating to claims submitted by staff in relation to exposure to nitrous oxide (Entonox / “gas and air”) in the workplace.

Section 12 refusal notice

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 readily 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, as we do not have a general code for “*nitrous oxide*” or “*Entonox*,” we will not be able to readily identify such specific cases. To do so would involve a manual review in relation to all individual claims to determine which ones are relevant and fall within the scope of your request.

Therefore, we estimate that the cost of complying with this request 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’. The [ICO’s guidance](#) confirms that such manual interrogation is not required where it would exceed the statutory cost limit.

We estimate that it would take on average 20 minutes to review each individual file in order to locate, retrieve and extract the requested information. It may therefore be the case that we would be able to examine only 54 files within 18 hours.

Advice and assistance

In line with our section 16 obligation to provide advice and assistance, we can provide the following assistance.

While there is no general coding structure to identify nitrous oxide exposure claims across all NHS trusts, NHS Resolution does use additional coding in certain cohorts of claims to identify them. We are aware of nitrous oxide claims relating to Mid and South Essex NHS Foundation Trust, but identification of these cases relies on such additional coding.

This means that relevant information may be identifiable in relation to this Trust, as those claims have been recorded with additional coding. However, outside of this specific instance, we would only be able to identify relevant claims for other Trusts by undertaking a manual review of individual files, as explained above.

You may wish to refine your request to focus on the specific trust referred to above.

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 several [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.

Please refer to [Understanding NHS Resolution data](#) guidance for further details on how our Claims database is categorised.

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/>