

[REDACTED]

Date 20 May 2026  
Your Ref FOI-2026-3365  
Our Ref FOI-2026-3365

Enquiries to [REDACTED]  
Email [psd.foi@nhs.scot](mailto:psd.foi@nhs.scot)

Dear [REDACTED]

**Freedom of Information Reference FOI-2026-3365**

I refer to your Freedom of Information (Scotland) Act 2002 (FOISA) request that we received on 7 May 2026 requesting the following information:

**I am writing to make a request under the Freedom of Information**

**(Scotland) Act 2002 for information regarding litigation costs to NHS Scotland relating to Entonox (nitrous oxide/oxygen analgesia) over the last ten years, administered through the Clinical Negligence and Other Risks Indemnity Scheme (CNORIS).**

I note that CNORIS Annual Reports (including the 2023-24 edition) provide detailed breakdowns by specialty and claim value but do not disaggregate claims by specific drug or medical gas. I am therefore requesting that NHS NSS/Central Legal Office undertake a targeted review of CNORIS case records to identify Entonox/nitrous oxide related claims, or provide the closest available proxy data.

**REQUEST:**

**For the period 1 January 2015 to 31 December 2025 (or the nearest available financial-year period, e.g., 2014/15–2024/25), please provide:**

- 1. The total number of clinical-negligence claims received and/or reimbursed by CNORIS in which Entonox, nitrous oxide, "gas and air," or N<sub>2</sub>O is recorded or referenced as a material contributing factor to the alleged harm, broken down by financial year.**
- 2. For each such claim where CNORIS made a reimbursement payment, please provide:**
  - a) Total damages/compensation paid**
  - b) Grand total reimbursement value**

3. **The total number and aggregate cost of employer-liability/occupational-exposure claims brought by NHS Scotland staff (including but not limited to midwives) alleging injury from chronic or acute exposure to nitrous oxide in NHS premises, broken down by:**
  - a) **Total claims received**
  - b) **Total claims settled/reimbursed**
  - c) **Total damages paid**
  
4. **If CNORIS case-management systems do not code claims by drug/medical gas and a comprehensive manual review is not feasible within the statutory cost limits, please provide:**
  - a) **A sample or sub-set limited to Anaesthesia and/or Obstetrics & Gynaecology claims for the most recent five financial years (2019/20–2023/24) where Entonox/nitrous oxide is referenced in case summaries or clinical notes.**
  - b) **An estimate of the total number of claims that may involve Entonox/nitrous oxide, even if full financial breakdown cannot be provided.**
  
5. **Confirmation of whether NHS NSS/CNORIS holds any aggregated data on Entonox-specific litigation costs not published in CNORIS Annual Reports, and if so, whether such data can be released.**

**CONTEXT:**

**This request is made in the public interest to understand the scale and nature of Entonox-related litigation in Scotland, particularly in light of:**

- **NHS Scotland's publication of technical guidance on Entonox system-loss mitigation and occupational-exposure management (August 2023).**
- **Wider UK concerns regarding occupational exposure to nitrous oxide in maternity units, with some NHS trusts in England recording staff exposure at up to 30 times the HSE workplace exposure limit (100 ppm 8-hour TWA).**
- **The need for comparable data across all four UK nations to inform patient safety and occupational health policy.**

The Central Legal Office (CLO) are unable to provide the specific information requested in your questions 1-2 as we do not have any record of claims received and/or reimbursed by CNORIS in which Entonox, nitrous oxide, "gas and air," or N<sub>2</sub>O is recorded or referenced as a material contributing factor to the alleged harm.

In regards to your question 4, we are able to filter cases within our case management systems to anaesthesia and obstetrics however we do not have any record of claims where Entonox/nitrous oxide is referenced in case summaries or clinical notes.

The exemption under [Section 17\(1\)\(b\) of the Freedom of Information \(Scotland\) Act 2002](#) is applicable for your questions 1,2 and 4 as this information is not held.

In regards to your question 3, we have reviewed the files and have identified <5 case summaries where Entonox/nitrous oxide is referenced in case summaries or clinical notes in relation to employee claims. The cases identified are from years 2003 to 2014 and are therefore out with the scope of your request. In any event, we advise that where the figure is less than 5, we have taken the decision to withhold the specific number of cases due to the risk of identifying data being released.

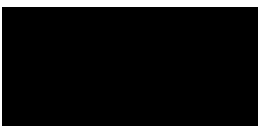
The Information Commissioners Office states that public authorities responding to requests for numbers must determine whether members of the public would be able to identify individuals from statistical figures if they are disclosed. It is our consideration that given the very specific scope of the requests, there is a more significant chance that disclosure would lead to individuals being identified. This information is therefore exempt from release under [Section 38\(1\)\(b\) of the Freedom of Information \(Scotland\) Act 2002 in respect of personal data of a third party.](#)

I trust you will find the information of assistance and if you require any further information, please do not hesitate to contact me using the email address [psd.foi@nhs.scot](mailto:psd.foi@nhs.scot).

If you are unhappy with any aspect of how we have dealt with your request, you can make representations to us asking us to review the handling of your request. Please write to the Associate Director Corporate Governance using the email address [psd.foi@nhs.scot](mailto:psd.foi@nhs.scot) within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their [online Appeal form](#).

Yours sincerely,

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Corporate Records & FOI Organisational Lead