



Resolution

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November 2023
FOI_6265

The following information was requested on 3 November 2023:

Follow up to FOI_6234 – [FOI 6234 Hysteroscopy.pdf \(resolution.nhs.uk\)](#)

Many thanks for the reply.

As per the letter, I would be grateful if you could supply me with high level data relating to the specialties noted (Gynaecology, and Bowel damage/dysfunction; Perforation) inc. number of claims received in the relevant financial years; a breakdown by primary cause; numbers closed with a damages payment; and the numbers with no damages paid.

If you are able to, data for the financial years 2013-2022 would be the most helpful. However, if you are only able to do single years, then, 2022 please.

Our Response

Please find attached the requested information. This information only covers England and not the rest of the UK. We are able to provide information in financial years.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Claims closed in any given year will often relate to claims received/notified many years prior.

Table 1 shows: - Number of Clinical Claims and/or Incidents received between financial years 2013/14 and 2022/23 where the Specialty is '**Gynaecology**'.

Table 2 shows: - Number of Clinical Claims and/or Incidents received between financial years 2013/14 and 2022/23 where the Primary Injury is '**Bowel Damage/Dysfunction**' or '**Perforation**'.

Table 3 shows: - Analysis of Primary Causes for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 where the Specialty is '**Gynaecology**' with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 4 shows: - Analysis of Primary Causes for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 where the Primary Injury is '**Bowel Damage/ Dysfunction**' or '**Perforation**' with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 5 shows: - Number of Clinical Claims Closed between financial years 2013/14 and 2022/23 with **NIL** damages paid where the Specialty is '**Gynaecology**'.

Table 6 shows: - Number of Clinical Claims Closed between financial years 2013/14 and 2022/23 with **NIL** damages paid where the Primary Injury is '**Bowel Damage/ Dysfunction**' or '**Perforation**'.

Table 7 shows: - Analysis of Primary **Injuries** for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 where the Specialty is '**Gynaecology**' with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

PPOs

The information disclosed includes damages and costs paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years. The information disclosed includes lump sum damages, costs and any PPO damages paid up to the end of the year of settlement. It does not include PPO damages, which have been committed to but due to be paid after the settlement year.

Low Numbers

We have suppressed low figures as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A)(a) of the Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful

(given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

In some instances, the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved.

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 [Tinku Mitra](#), Deputy Director of Corporate and Information Governance, 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/>

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NB: Number of claims fewer than 5 (and any associated values, within the same row) are masked with a "#" (in accordance with Data Protection guidelines). Accordingly, some total values may also be approximated to prevent masked values to be deduced through reverse calculation.

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[Table 2: Number of Clinical Claims and/or Incidents received between financial years 2013/14 and 2022/23 where the Primary Injury is 'Bowel Damage/ Dysfunction' or 'Perforation'.](#)

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Table 1: Number of Clinical Claims and/or Incidents received between financial years 2013/14 and 2022/23 where the Specialty is 'Gynaecology'.

FOI View	Notified
Clinical	Clinical
Speciality1L1ARA	Gynaecology

Year of Notification	No. of Claims
2013/14	684
2014/15	671
2015/16	615
2016/17	582
2017/18	554
2018/19	569
2019/20	761
2020/21	981
2021/22	751
2022/23	623
Grand Total	6,791

Table 2: Number of Clinical Claims and/or Incidents received between financial years 2013/14 and 2022/23 where the Primary Injury is 'Bowel Damage/ Dysfunction' or 'Perforation'.

FOI View	Notified
Clinical	Clinical
Injury1L1	(Multiple Items)

Year of Notification	No. of Claims
2013/14	336
2014/15	345
2015/16	310
2016/17	309
2017/18	325
2018/19	355
2019/20	338
2020/21	296
2021/22	346
2022/23	319
Grand Total	3,279

Table 3 – Analysis of Primary Causes for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 where the Specialty is 'Gynaecology' with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Claim_Outcome	Successful
Speciality1L1ARA	Gynaecology

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fewer than 5 Claims (25 Causes)	48	12,235,761	762,888	3,538,331	16,536,980
Fail / Delay Treatment	624	36,785,878	6,077,285	28,204,208	71,067,371
Intra-Op Problems	561	43,322,275	6,904,206	30,715,439	80,941,920
Failure/Delay Diagnosis	473	39,482,801	5,256,631	24,497,634	69,237,065
Inappropriate Treatment	390	26,760,946	3,979,144	17,788,579	48,528,669
Fail To Warn-Informed Consent	376	19,275,994	3,695,809	17,828,277	40,800,081
Operator Error	202	9,967,222	1,739,489	8,748,467	20,455,178
Wrong Diagnosis	177	8,728,289	843,143	3,271,586	12,843,018
Fail To Recog. Complication Of	160	16,034,787	2,513,606	10,645,872	29,194,264
Foreign Body Left In Situ	110	1,126,046	240,802	1,737,650	3,104,498
Failed Sterilisation	104	3,792,879	611,102	2,874,772	7,278,752
Perform. Of Op. Not Indicated	63	3,244,753	719,897	3,027,558	6,992,208
Failure To Perform Tests	59	7,398,020	509,042	2,225,033	10,132,095
Failure To Perform Operation	56	1,110,529	311,350	1,533,647	2,955,525
Diathermy Burns/react. To Prep	54	2,000,994	238,226	1,537,662	3,776,882
Delay In Performing Operation	51	1,179,425	304,784	1,614,340	3,098,549
Fail To Act On Abnorm Test Res	39	5,053,462	561,615	2,531,870	8,146,947
Fail To Follow-Up Arrangements	34	1,203,038	142,854	926,952	2,272,844
Inadequate Nursing Care	30	750,000	136,103	712,783	1,598,886
Inappropriate Discharge	26	1,410,234	182,914	1,008,407	2,601,555
Fail To Carry Out PO Obsrvs.	24	1,196,947	384,743	1,407,442	2,989,132
Inadequate Monitoring Intra-Op	23	2,279,062	389,152	1,591,385	4,259,598
Fail To Infrm Test Rslts	21	905,350	139,616	680,890	1,725,856
Medication Errors	21	1,329,815	166,887	853,250	2,349,952
Lack Of Pre-Op Evaluation	21	1,242,619	130,052	1,042,911	2,415,582
Wrong Site Surgery	20	1,017,469	97,699	424,650	1,539,818
Other	19	478,825	103,378	740,760	1,322,963
Lack Of Assistance/Care	19	313,990	90,099	803,182	1,207,272
Fail To Interpret USS	18	372,940	116,526	491,438	980,904
Err With Agnt/Dose/Route/Selec	17	1,474,405	122,047	572,741	2,169,193
Equipment Malfunction	17	147,055	31,083	232,298	410,436
Retained Instrument Post-Operation	16	314,405	34,566	288,200	637,171
Bacterial Infection	14	532,225	104,758	520,201	1,157,184
Fail Antenatal Screening	11	2,548,234	243,854	1,351,476	4,143,564
Inapprop. Case Selection	10	450,737	202,058	640,903	1,293,698
Failure To Interpret X-Ray	9	240,900	66,668	162,000	469,568
Fail To Supervise	9	119,050	44,728	235,124	398,902
Application Of Excess Force	7	208,500	80,242	347,900	636,642
Failure To X-Ray	5	114,000	12,558	123,000	249,558
Perineal Tear-1st,2nd,3rd Deg	5	441,638	49,098	248,000	738,736
Fail/Delay Referring To Hosp.	5	1,001,911	87,381	810,191	1,899,484
Grand Total	3,948	257,593,410	38,428,083	178,537,006	474,558,498

Table 4 – Analysis of Primary Causes for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 where the Primary Injury is 'Bowel Damage/ Dysfunction' or 'Perforation' with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Claim_Outcome	Successful
Injury1L1	(Multiple Items)

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fewer than 5 claims (28 Causes)	52	4,955,326	797,245	3,800,759	9,553,330
Intra-Op Problems	432	56,558,157	7,774,654	33,303,579	97,636,390
Failure/Delay Diagnosis	369	63,684,913	8,067,255	34,092,826	105,844,994
Fail / Delay Treatment	304	43,415,611	6,093,107	25,272,631	74,781,349
Operator Error	160	17,115,679	2,083,831	9,766,859	28,966,368
Inappropriate Treatment	138	21,662,024	3,028,881	10,513,299	35,204,203
Fail To Recog. Complication Of	136	14,471,391	2,250,254	9,951,061	26,672,705
Fail To Warn-Informed Consent	135	21,063,819	2,891,562	11,767,954	35,723,335
Delay In Performing Operation	59	12,714,400	1,350,953	6,410,827	20,476,180
Perineal Tear-1st,2nd,3rd Deg	43	11,251,192	1,188,411	5,499,452	17,939,056
Failure To Perform Tests	34	4,392,421	638,084	2,385,012	7,415,518
Perform. Of Op. Not Indicated	30	6,292,798	685,915	2,872,605	9,851,318
Failure To Perform Operation	17	2,510,639	209,935	966,529	3,687,103
Failure To Interpret X-Ray	15	6,806,535	210,007	711,857	7,728,398
Diathermy Burns/react. To Prep	14	2,254,260	352,386	1,467,817	4,074,463
Wrong Diagnosis	12	717,103	77,266	650,545	1,444,914
Fail/Delay Referring To Hosp.	12	3,408,945	292,095	1,005,344	4,706,385
Inadequate Nursing Care	11	652,011	291,737	616,660	1,560,408
Fail To Act On Abnorm Test Res	11	939,820	107,321	599,680	1,646,821
Err With Agnt/Dose/Route/Selec	10	2,232,530	191,773	823,245	3,247,548
Inadequate Monitoring Intra-Op	9	1,190,365	243,693	853,750	2,287,808
Forceps Delivery	8	1,595,474	218,904	1,082,569	2,896,947
Fail To Follow-Up Arrangements	8	526,935	59,594	304,178	890,706
Medication Errors	8	289,750	51,596	237,687	579,032
Lack Of Pre-Op Evaluation	8	1,076,553	183,377	697,011	1,956,940
Lack Of Assistance/Care	8	323,000	39,522	395,925	758,447
Inapp Use Of Forceps/Ventouse	7	1,573,890	218,570	778,030	2,570,490
Application Of Excess Force	7	765,032	250,304	675,313	1,690,649
Failure To X-Ray	6	120,753	18,635	175,836	315,225
Other	6	122,000	35,429	244,500	401,929
Foreign Body Left In Situ	6	222,000	31,763	138,750	392,513
Fail To Carry Out PO Observs.	6	2,644,322	205,733	974,372	3,824,427
Intubation Problems	5	254,267	31,063	152,625	437,956
Fail/Delay Admitting To Hosp.	5	714,083	106,056	491,600	1,311,739
Grand Total	2,091	308,517,996	40,276,910	169,680,688	518,475,594

Table 5: Number of Clinical Claims Closed between financial years 2013/14 and 2022/23 with NIL damages paid where the Specialty is 'Gynaecology'.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Unsuccessful
Speciality1L1ARA	Gynaecology

Year of Closure	No. of Claims
2013/14	206
2014/15	258
2015/16	265
2016/17	260
2017/18	252
2018/19	239
2019/20	248
2020/21	259
2021/22	304
2022/23	372
Grand Total	2,663

Table 6: Number of Clinical Claims Closed between financial years 2013/14 and 2022/23 with NIL damages paid where the Primary Injury is 'Bowel Damage/ Dysfunction' or 'Perforation'.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Unsuccessful
Injury1L1	(Multiple Items)

Year of Closure	No. of Claims
2013/14	120
2014/15	133
2015/16	119
2016/17	126
2017/18	137
2018/19	130
2019/20	128
2020/21	120
2021/22	141
2022/23	152
Grand Total	1,306

Table 7: Analysis of Primary Injuries for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 where the Specialty is 'Gynaecology' with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Claim_Outcome	Successful
Speciality1L1ARA	Gynaecology

Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fewer than 5 claims (27 Injuries)	47	17,405,838	1,027,150	3,776,939	22,209,926
Unnecessary Pain	744	18,940,353	4,927,424	22,056,698	45,924,475
Adtnl/unnecessary Operation(s)	727	34,133,992	6,193,026	30,108,371	70,435,389
Bladder Damage	483	30,770,029	4,467,753	20,132,941	55,370,723
Bowel Damage/ Dysfunction	265	30,959,607	4,822,117	21,521,363	57,303,088
Cancer	148	20,794,494	2,256,580	10,279,210	33,330,284
Psychiatric/Psychological Dmge	142	3,322,463	726,068	4,738,545	8,787,076
Perforation	112	11,407,248	1,541,857	7,513,046	20,462,151
Unwanted Pregnancy	110	3,224,488	604,985	3,089,874	6,919,347
Infertility	101	8,859,329	1,134,294	5,406,544	15,400,166
Removal Of Fallopian Tube	99	1,723,381	391,277	2,262,990	4,377,648
Incontinence	88	8,686,303	1,103,623	4,425,289	14,215,215
Burn(s)	82	1,234,667	232,351	1,699,430	3,166,448
Advanced Stage Cancer	74	9,275,807	1,015,675	4,825,868	15,117,350
Fatality	66	8,273,840	1,039,412	4,154,756	13,468,008
Fistula	60	5,723,302	773,197	3,919,340	10,415,838
Scarring	56	1,410,667	334,567	1,825,658	3,570,892
Other Infection	48	1,008,750	264,749	1,419,072	2,692,572
Nerve Damage	41	4,245,043	861,587	3,160,728	8,267,358
Other	38	1,018,239	270,644	1,280,033	2,568,916
Failed Sterilization	33	533,640	145,807	626,856	1,306,303
Loss Of Baby	33	669,142	108,555	750,851	1,528,548
Renal Damage/ Failure	29	3,290,795	337,406	1,954,638	5,582,838
Loss Of Kidney	25	1,859,890	300,016	1,380,805	3,540,711
Thrombosis/Embolism	24	698,085	129,546	700,950	1,528,581
Rupture	23	551,213	111,881	738,662	1,401,756
Multiple Injuries	19	3,723,420	422,270	2,263,337	6,409,027
Wrongful Birth	17	4,499,142	406,506	1,760,852	6,666,500
Tissue Damage	17	855,394	132,337	833,383	1,821,114
Stillborn	16	506,132	115,847	785,346	1,407,324
Peritonitis	16	802,543	119,369	674,003	1,595,915
Cystic Growth	15	552,004	83,429	465,122	1,100,555
Loss Of Sexual Function	15	937,240	154,624	764,736	1,856,600
Bruising/ Extravasation	13	161,445	64,324	504,450	730,219
Hernia	11	1,142,207	135,821	507,905	1,785,933
Arterial Damage	11	489,385	87,431	638,500	1,215,316
Cosmetic Disfigurement	10	325,000	80,930	476,714	882,643
Premature Onset Of Menopause	9	172,701	62,871	296,410	531,982
Poor Outcome - Fractures Etc.	9	1,357,564	142,512	594,475	2,094,550
Fracture	8	142,988	32,904	129,793	305,685
Pressure Sores	8	92,000	20,581	173,963	286,544
Cardiac Arrest	8	4,262,485	194,193	833,806	5,290,484
Not Specified	8	124,665	67,632	283,000	475,297
Malignant Tumour	8	1,130,000	121,482	613,896	1,865,379
Brain Damage	6	5,072,688	634,379	1,111,583	6,818,650
Reduced Life Expectancy	6	152,000	47,399	276,475	475,874
Infection (bacterial)	5	30,000	9,247	66,450	105,697
Hospital Acquired Infection	5	690,353	89,025	285,500	1,064,878
Anaphylact Shock/Allergic Shock/allergy	5	23,450	5,759	41,350	70,559
Removal Of Cervix	5	328,000	75,666	406,500	810,166
Grand Total	3,948	257,593,410	38,428,083	178,537,006	474,558,498