



Resolution

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February 2024
FOI_6358

The following information was requested on 9 January 2024 and clarified on 15 January 2024:

My request relates to the use of pelvic or vaginal mesh.

I would like to know:

1. For 2020/21, 2021/22, 2022/23, the number of vaginal mesh claims received

For following questions (2 – 4) please sum the annual figures to provide a ten-year total – this should avoid any issues around low numbers.

2. In the last ten years, (2012/13 – 2022/23), what were the total:

- a. Number of vaginal mesh claims*
- b. the number of vaginal mesh claims closed or settled with no damages paid*
- c. Number of vaginal mesh claims where damages were paid*
- d. The total NHS legal costs paid*
- e. The total Claimant Legal Costs paid*
- f. The total paid*

3. In the last ten years, (2012/13 – 2022/23), where damages were paid, i.) what was the total number of claims and ii). what was the total amount paid out for the following primary injury types:

- a. Adtnl/unnecessary operation(s)*
- b. Unnecessary Pain*
- c. Incontinence*
- d. Bladder damage*
- e. Bowel damage/dysfunction*
- f. Advanced stage cancer*
- g. Infectious Diseases*
- h. Renal damage/Failure*
- i. Multiple injuries*
- j. Poor Outcome – Fractures etc*
- k. Multiple injuries*
- l. Other – please specify*

4. In the last ten years, (2012/13 – 2022/23), where damages were paid, i.) what was the total number of claims and ii). what was the total amount paid out for the following primary cause:

- a. Fail to warn-informed consent*
- b. Fail/ delay treatment*
- c. Fail to recognise complication of*
- d. Intra-op problems*
- e. Inappropriate Treatment*

- f. Operator Error*
- g. Failure to perform tests*

[We sought clarification on 11 January 2024]

Thank you for your request for information below.

Please can you clarify the following:

Does Q3 and Q4 below also relate to Vaginal Mesh claims?

[You clarified on 15 January 2024]

Thank you for checking. Yes Q3 and Q4 DO relate to Vaginal Mesh claims.

Our Response

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

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](#). *Pelvic or Vaginal mesh Implant* claims is not a standard code in our system, and we are reliant on additional data capture to capture those cases where *Pelvic or Vaginal mesh Implant* is involved. We can apply this separate coding at any time during a claim lifecycle. Therefore, we endeavour to provide the information as it is stored in our Claims Management System at the time of the request, but this may alter in subsequent requests of the same nature. With this in mind we are able to provide the requested information in respect of **Vaginal Mesh Implant** claims as we have introduced a learning code for these claims. However, please note that it may not cover all of the claims where a Pelvic Mesh Implant is involved.

Our claims database was designed primarily as a claims management tool rather than for research purposes and is a dynamic system which means reporting is not always straightforward.

To provide a definitive answer in relation to Pelvic Mesh Implant claims would likely exceed the FOI Appropriate limit. 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 have provided the information we are able to provide within the FOI limit. Please refer to the attached tables.

Please note: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

Please note claims notified and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified in any given year will often relate to incidents that have occurred many years prior. Claims closed and settled in one year will often relate to claims notified in different years. Many of the claims notified will have been repudiated and settled without damages paid.

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years '2020/21' and '2022/23' where the learning code is 'Vaginal Mesh'.

Table 2 shows: - Number of Clinical Claims and Incidents received between financial years 2012/13 and 2022/23 where the learning code is 'Vaginal Mesh'.

Table 3 shows: - Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with a damages payment, where the learning code is 'Vaginal Mesh'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Please note: that this table will not include the open claims that have received a damages payment as the data may be subject to change.

Table 3 will also not include the claims closed in the current financial year 2023/24 as we report in complete financial years and the data for the financial year 2023/24 is currently unavailable. It will be available on request from August 2024.

Table 4 shows: - Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with **NIL** damages paid where the learning code is 'Vaginal Mesh'.

Table 5 shows: - Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with a damages payment where the learning code is 'Vaginal Mesh', broken down by Primary Injury. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 6 shows: - Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with a damages payment where the learning code is 'Vaginal Mesh', where the Primary Cause is 'Fail to warn-informed consent' or 'Fail/ delay treatment' or 'Fail to recognise complication of' or 'Intra-op problems' or 'Inappropriate Treatment' or 'Operator Error' or 'Failure to perform tests'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

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)(i) of the FOI 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 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. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

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.

Table 1: Number of Clinical Claims and Incidents received between financial years '2020/21' and '2022/23' where the learning code is 'Vaginal Mesh'.

Table 2: Number of Clinical Claims and Incidents received between financial years 2012/13 and 2022/23 where the learning code is 'Vaginal Mesh'.

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Table 4: - Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with NIL damages paid where the learning code is 'Vaginal Mesh'.

Table 5: Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with a damages payment where the learning code is 'Vaginal Mesh', broken down by Primary Injury. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 6: Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with a damages payment where the learning code is 'Vaginal Mesh', where the Primary Cause is 'Fail to warn-informed consent' or 'Fail/ delay treatment' or 'Fail to recognise complication of' or 'Intra-op problems' or 'Inappropriate Treatment' or 'Operator Error' or 'Failure to perform tests'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 1: Number of Clinical Claims and Incidents received between financial years '2020/21' and '2022/23' where the learning code is 'Vaginal Mesh'.

FOI View		Notified
Year of Notification		No. of Claims
2020/21		396
2021/22		226
2022/23		166
Grand Total		788

Table 2: Number of Clinical Claims and Incidents received between financial years 2012/13 and 2022/23 where the learning code is 'Vaginal Mesh'.

FOI View	Notified
No. of Claims	
1,153	

Table 3: Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with a damages payment, where the learning code is 'Vaginal Mesh'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View Closed Settled
Claim_Outcome Successful

No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
134	6,730,651	2,178,015	8,345,276	17,253,942

Table 4: - Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with NIL damages paid where the learning code is 'Vaginal Mesh'.

FOI View Closed Settled
Claim_Outcome Unsuccessful

No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid
545	0	1,040,772	#

Table 5: Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with a damages payment where the learning code is 'Vaginal Mesh', broken down by Primary Injury. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
Claim_Outcome	Successful

Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Adtnl/unnecessary Operation(s)	34	2,370,834	744,481	2,528,989	5,644,304
Unnecessary Pain	48	1,161,732	543,063	1,976,278	3,681,072
Bladder Damage	16	1,206,584	271,997	1,175,787	2,654,369
Incontinence	18	973,044	266,760	1,138,097	2,377,902
Nerve Damage	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Multiple Injuries	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Not Specified	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
Grand Total	134	6,730,651	2,178,015	8,345,276	17,253,942

Table 6: Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with a damages payment where the learning code is 'Vaginal Mesh', where the Primary Cause is 'Fail to warn-informed consent' or 'Fail/ delay treatment' or 'Fail to recognise complication of' or 'Intra-op problems' or 'Inappropriate Treatment' or 'Operator Error' or 'Failure to perform tests'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
Claim_Outcome	Successful

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail To Warn-Informed Consent	74	3,719,018	1,153,306	4,790,842	9,663,166
Inappropriate Treatment	25	1,224,055	385,596	1,477,880	3,087,531
Fail / Delay Treatment	12	736,507	250,969	676,248	1,663,724
Intra-Op Problems	7	326,556	110,412	391,500	828,468
Fail To Recog. Complication Of	5	187,764	66,114	304,500	558,378
Failure To Perform Tests	#	#	#	#	#
Operator Error	#	#	#	#	#
Grand Total	127	6,414,408	2,042,753	7,922,651	16,379,813