



Resolution

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September 2024
FOI_6690

The following information was requested on 2 August 2024 and clarified on 7 August 2024:

[You requested the following on 2 August 2024]:

GYNAECOLOGY CLAIMS - Unnecessary pain; psychiatric/psychological damage; failure to obtain informed consent; outpatient hysteroscopy

Under the Freedom of Information Act (2000) please would you provide the following information:

For each of the last 10 years, the number of gynaecology (not obstetrics) claims (successful and unsuccessful) submitted to the NHSLA concerning

- 1. Unnecessary pain*
- 2. Psychiatric/psychological damage*
- 3. Failure to obtain informed consent*
- 4. Out-patient hysteroscopy (diagnostic and operative)*

[We replied on 2 August 2024 with]:

Thank you for your request.

We are able to provide all the information you require, apart from data for hysteroscopy.

Please refer to our publication: [Guidance-note-Understanding-NHS-Resolution-data-updated](#) and a set of specialty, cause and injury codes against which claims are logged: [CNST-Codes.xlsx \(live.com\)](#) (see the three tabs in the spreadsheet). We do not have a code for hysteroscopy.

Please, could you confirm if you would like the remaining data, hysteroscopy not included, or if there are any other causes / injuries that you would like us to include instead.

You may also want to have a look at our publication, Annual Report and Statistics, which contains information about Gynecological claims (please see sheets B and D): [Annual statistics \(including Factsheet 5\) - NHS Resolution](#).

We look forward to hearing from you.

[You replied on 7 August 2024 with]:

Thank you for your reply.

Yes, please would you send me all the categories except hysteroscopy.

*Please would you send me claims from all 3 categories - Unnecessary pain;
Psychiatric/psychological harm; No informed consent - where gynaecology is the specialty.
Thank you.*

Our Response

Please find attached the requested information. We have provided the information for the financial years 2014/15 – 2023/24 in relation to the specialty **Gynaecology**.

NB: 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>.

Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle and close. **They are not guaranteed to be settled and closed in the same year.** As such, there will be a time gap between incident and claim closure.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as nil damages payment), challenged, reopened and closed again at conclusion.

The data shows variation in numbers of cases received, closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. The volumes are also impacted by multiple claims arising from the same cause of action. As such, these fluctuations cannot be interpreted as trends.

Please note: a proportion of claims fall into the vaginal mesh category – as per previous request - [FOI 6358 Vaginal-Mesh-Claims.pdf \(resolution.nhs.uk\)](#). Both requests will include instances of the same claims data, although not all of the claims which feature in FOI 6358 feature in this response.

We have provided data on clinical cases only.

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years '2014/15' and '2023/24' where the Specialty is '**Gynaecology**' and Primary Injury is 'Unnecessary Pain' or 'Psychiatric/Psychological Damage'.

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. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

Table 2 shows: - Number of Clinical Claims and Incidents received between financial years '2014/15' and '2023/24' where the Specialty is '**Gynaecology**' and Primary Cause is 'Fail To Warn-Informed Consent'.

Table 3 shows: - Number and Cost of Clinical Claims Closed between financial years '2014/15' and '2023/24' with a damages payment, where the Specialty is '**Gynaecology**' and Primary Injury is 'Unnecessary Pain' or 'Psychiatric/Psychological Damage'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 4 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2014/15' and '2023/24' with a damages payment, where the Specialty is '**Gynaecology**' and Primary Cause is 'Fail To Warn-Informed Consent'. 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 and Cost of Clinical Claims Closed between financial years '2014/15' and '2023/24' with **NIL** damages paid where the Specialty is '**Gynaecology**' and Primary Injury is 'Unnecessary Pain' or 'Psychiatric/Psychological Damage'.

Table 6 shows: - Number and Cost of Clinical Claims Closed between financial years '2014/15' and '2023/24' with **NIL** damages paid where the Specialty is '**Gynaecology**' and Primary Cause is 'Fail To Warn-Informed Consent'.

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.

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.

Table 1: Number of Clinical Claims and Incidents received between financial years '2014/15' and '2023/24' where the Specialty is 'Gynaecology' and Primary Injury is 'Unnecessary Pain' or 'Psychiatric/Psychological Damage'.

Table 2: Number of Clinical Claims and Incidents received between financial years '2014/15' and '2023/24' where the Specialty is 'Gynaecology' and Primary Cause is 'Fail To Warn-Informed Consent'.

Table 3: Number and Cost of Clinical Claims Closed between financial years '2014/15' and '2023/24' with a damages payment, where the Specialty is 'Gynaecology' and Primary Injury is 'Unnecessary Pain' or 'Psychiatric/Psychological Damage'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 4: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2014/15' and '2023/24' with a damages payment, where the Specialty is 'Gynaecology' and Primary Cause is 'Fail To Warn-Informed Consent'.. 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: Number and Cost of Clinical Claims Closed between financial years '2014/15' and '2023/24' with NIL damages paid where the Specialty is 'Gynaecology' and Primary Injury is 'Unnecessary Pain' or 'Psychiatric/Psychological Damage'.

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Table 6: Number and Cost of Clinical Claims Closed between financial years '2014/15' and '2023/24' with NIL damages paid where the Specialty is 'Gynaecology' and Primary Cause is 'Fail To Warn-Informed Consent'.

Table 1: Number of Clinical Claims and Incidents received between financial years '2014/15' and '2023/24' where the Specialty is 'Gynaecology' and Primary Injury is 'Unnecessary Pain' or 'Psychiatric/Psychological Damage'.

Notified	Y
Clinical_NonClinical	Clinical
Specialty1L1ARA	Gynaecology

Year of Notification -- Primary Injury	No. of Claims
2014/15	
Psychiatric/Psychological Dmge	29
Unnecessary Pain	156
2015/16	
Psychiatric/Psychological Dmge	26
Unnecessary Pain	116
2016/17	
Psychiatric/Psychological Dmge	23
Unnecessary Pain	134
2017/18	
Psychiatric/Psychological Dmge	12
Unnecessary Pain	116
2018/19	
Psychiatric/Psychological Dmge	12
Unnecessary Pain	134
2019/20	
Psychiatric/Psychological Dmge	20
Unnecessary Pain	201
2020/21	
Psychiatric/Psychological Dmge	16
Unnecessary Pain	460
2021/22	
Psychiatric/Psychological Dmge	19
Unnecessary Pain	299
2022/23	
Psychiatric/Psychological Dmge	27
Unnecessary Pain	218
2023/24	
Psychiatric/Psychological Dmge	33
Unnecessary Pain	159
Grand Total	2,210

Table 2: Number of Clinical Claims and Incidents received between financial years '2014/15' and '2023/24' where the Specialty is 'Gynaecology' and Primary Cause is 'Fail To Warn-Informed Consent'.

Notified	Y
Clinical_NonClinical	Clinical
Specialty1L1ARA	Gynaecology
Cause1L1	Fail To Warn-Informed Consent

Year of Notification	No. of Claims
2014/15	54
2015/16	53
2016/17	89
2017/18	55
2018/19	70
2019/20	196
2020/21	434
2021/22	337
2022/23	211
2023/24	146
Grand Total	1,645

Table 3: Number and Cost of Clinical Claims Closed between financial years '2014/15' and '2023/24' with a damages payment, where the Specialty is 'Gynaecology' and Primary Injury is 'Unnecessary Pain' or 'Psychiatric/Psychological Damage'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
Claim_Outcome	Damages Paid
Specialty1L1ARA	Gynaecology

Year of Closure -- Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2014/15					
Psychiatric/Psychological Dmge	10	96,250	26,181	207,793	330,224
Unnecessary Pain	51	1,225,565	162,392	1,325,711	2,713,668
2015/16					
Psychiatric/Psychological Dmge	15	231,000	26,457	275,900	533,357
Unnecessary Pain	68	2,091,477	299,276	2,100,873	4,491,626
2016/17					
Psychiatric/Psychological Dmge	18	323,127	91,042	694,929	1,109,098
Unnecessary Pain	76	1,170,809	342,398	1,925,188	3,438,395
2017/18					
Psychiatric/Psychological Dmge	16	263,411	111,838	690,091	1,065,339
Unnecessary Pain	121	1,789,529	614,662	2,860,222	5,264,413
2018/19					
Psychiatric/Psychological Dmge	16	718,248	112,598	733,364	1,564,210
Unnecessary Pain	65	1,532,317	728,683	1,921,277	4,182,277
2019/20					
Psychiatric/Psychological Dmge	17	653,444	114,844	602,700	1,370,989
Unnecessary Pain	81	1,797,491	528,323	2,163,932	4,489,745
2020/21					
Psychiatric/Psychological Dmge	12	137,457	20,554	198,391	356,402
Unnecessary Pain	59	2,275,419	583,545	2,370,721	5,229,685
2021/22					
Psychiatric/Psychological Dmge	10	376,630	145,209	535,136	1,056,975
Unnecessary Pain	98	4,303,581	1,013,872	3,889,280	9,206,733
2022/23					
Psychiatric/Psychological Dmge	13	221,500	32,146	345,000	598,646
Unnecessary Pain	83	1,603,312	487,344	2,590,867	4,681,524
2023/24					
Psychiatric/Psychological Dmge	16	368,889	135,873	549,471	1,054,233
Unnecessary Pain	81	2,384,152	726,128	3,547,190	6,657,470
Grand Total	926	23,563,608	6,303,367	29,528,035	59,395,010

Table 4: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2014/15' and '2023/24' with a damages payment, where the Specialty is 'Gynaecology' and Primary Cause is 'Fail To Warn-Informed Consent'.. 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.

ClosedSettled	Y
Claim_Outcome	Damages Paid
Specialty1L1ARA	Gynaecology
Cause1L1	Fail To Warn-Informed Consent
Clinical_NonClinical	Clinical

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2014/15	26	782,833	84,907	643,778	1,511,518
2015/16	26	1,684,105	145,819	1,136,231	2,966,156
2016/17	32	1,811,526	309,255	2,243,335	4,364,115
2017/18	42	2,824,064	462,250	1,687,037	4,973,351
2018/19	31	1,571,821	326,392	1,330,525	3,228,739
2019/20	45	1,803,832	443,297	2,044,673	4,291,803
2020/21	38	1,333,496	314,280	1,296,765	2,944,540
2021/22	39	2,382,673	520,424	2,498,786	5,401,883
2022/23	77	4,325,524	955,930	4,107,391	9,388,845
2023/24	93	7,469,497	1,582,683	5,961,275	15,013,454
Grand Total	449	25,989,372	5,145,237	22,949,797	54,084,405

Table 5: Number and Cost of Clinical Claims Closed between financial years '2014/15' and '2023/24' with NIL damages paid where the Specialty is 'Gynaecology' and Primary Injury is 'Unnecessary Pain' or 'Psychiatric/Psychological Damage'

ClosedSettled	Y
Specialty1L1ARA	Gynaecology
Claim_Outcome	Nil Damages
Clinical_NonClinical	Clinical

Year of Closure -- Primary Injuries	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2014/15			
Psychiatric/Psychological Dmge	13	15,219	0
Unnecessary Pain	50	66,815	52,817
2015/16			
Psychiatric/Psychological Dmge	9	32,810	7,761
Unnecessary Pain	65	105,357	18,563
2016/17			
Psychiatric/Psychological Dmge	10	14,511	0
Unnecessary Pain	57	163,273	81,733
2017/18			
Psychiatric/Psychological Dmge	6	5,097	0
Unnecessary Pain	64	139,207	83,604
2018/19			
Psychiatric/Psychological Dmge	6	22,976	0
Unnecessary Pain	70	127,210	53,997
2019/20			
Psychiatric/Psychological Dmge	7	22,398	0
Unnecessary Pain	79	172,110	81,897
2020/21			
Psychiatric/Psychological Dmge	8	10,165	0
Unnecessary Pain	84	221,687	50,401
2021/22			
Psychiatric/Psychological Dmge	6	5,923	0
Unnecessary Pain	137	219,291	0
2022/23			
Psychiatric/Psychological Dmge	6	14,620	0
Unnecessary Pain	213	244,687	12,100
2023/24			
Psychiatric/Psychological Dmge	6	21,478	0
Unnecessary Pain	159	444,336	20,900
Grand Total	1,055	2,069,169	463,774

Table 6: Number and Cost of Clinical Claims Closed between financial years '2014/15' and '2023/24' with NIL damages paid where the Specialty is 'Gynaecology' and Primary Cause is 'Fail To Warn-Informed Consent'.

ClosedSettled	Y
Claim_Outcome	Nil Damages
Clinical_NonClinical	Clinical
Specialty1L1ARA	Gynaecology
Cause1L1	Fail To Warn-Informed Consent

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2014/15	19	13,115	#
2015/16	27	63,335	5,464
2016/17	18	40,050	#
2017/18	30	73,280	0
2018/19	27	56,668	#
2019/20	39	115,799	21,000
2020/21	79	300,615	23,997
2021/22	124	160,912	0
2022/23	193	273,276	10,800
2023/24	130	405,652	14,400
Grand Total	686	1,502,701	84,700