



Resolution

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February 2021
FOI_4924

The following information was requested on 12 January 2021:

This is a freedom of information request regarding swabs (surgical gauze swabs) that are used in obstetrics (birth packs, suture kits etc.) and open surgeries such as laparotomies and incidents where swabs have been accidentally left within a patient.

1. Within the last 3 years, have there been any incidents recorded where a gauze swab was retained in the body cavity of a patient?

2a. If yes, was compensation paid to the patient(s)?

2b. What was the total value of compensation paid to the patient(s)?

3. With regards to purchasing, how many procedure packs and swabs packs were purchased in the last complete financial year? Specifically, I would like to know how many of each of the following products were purchased:*

- Birth packs (standard delivery packs containing gauze swabs and other supplies)*
- Suture packs (e.g. used to repair vaginal tears containing gauze swabs and other supplies)*
- Laparotomy packs*
- Swab packs (packs of 5 swabs used in surgery to pack open wounds, absorb blood etc.).*

** Please indicate if the data supplied relates to individual packs or carton quantities.*

Our Response

For details of the claims data that we publish please see the following links:

Annual report statistics: - <https://resolution.nhs.uk/resources/annual-report-statistics/>

Factsheet 5: - [Factsheet 5 - trust and authority claims data 2019/20 - NHS Resolution](#)

<https://resolution.nhs.uk/resources/this-factsheet-provides-information-about-trust-and-health-authority-claims-handled-by-nhs-resolution-in-2018-19/>

Although NHS Resolution may hold some information relating to claims such as these, due to the way claims are recorded on our claims database, we will not be able to 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 *surgical gauze swabs* or *birth packs, suture kits* is not one of these. Therefore, while there may be information

held in our records, we are not readily able to identify the relevant files by searching the database. To do so would involve a review of all cases to identify which ones relate to claims involving *surgical gauze swabs* or *birth packs, suture kits*. NHS Resolution receives thousands of claims each year.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the Freedom of Information Act 2000 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 estimate that it would take on average 10 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 108 files within 18 hours.

In addition, given the complexity of clinical negligence claims and their litigation, it is possible for a single electronic or paper-based file to contain hundreds of documents in a variety of formats.

Please also note even if we were able to carry out a review of 108 random files we may not be able to provide you with the level of detail you require owing to Data Protection grounds. We would need to suppress low numbers or any information that could possibly lead to the identification of claimants, patients or individuals where disclosure would breach the General Data Protection Regulation.

We do have the following cause code: Foreign Body Left In Situ (but this will not be specific for gauze swabs)

We could provide you with high level data relating to the above cause and it could cover number of claims received in the relevant financial years; a breakdown by specialty; a breakdown by primary injury; numbers settled; numbers with no damages paid and numbers currently open. Please let us know if you would be interested in this data.

Please note we would not hold the information requested at Q3 of your request. This would be held by individual Trusts.

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](#), Head of Corporate and Information

Governance 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/>