



# Resolution

8th Floor,  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU

Telephone: 020 7811 270

May 2021  
FOI\_5013

The following information was requested on 2 April 2021:

*My request relates to all claims against the NHS that have been received from patients who have been implanted with vaginal mesh and where:*

*1. the CAUSE is recorded as, "Fail To Warn - Consent"; AND*

*2. the INJURY includes one or more of the following:*

- a. Anal Fissure;*
  - b. Bladder Damage;*
  - c. Bowel Damage / Dysfunction;*
  - d. Chronic Fatigue Syndrome;*
  - e. Fistula;*
  - f. Incontinence;*
  - g. Loss of Sexual Function;*
  - h. Multiple Injuries;*
  - i. Nerve Damage;*
  - j. Not Specified;*
  - k. Other;*
  - l. Psychiatric / Psychological Damage;*
  - m. Unknown;*
  - n. Unnecessary Pain;*
  - o. Labial Fusion;*
- 3. AND the SPECIALTY is recorded as:*
- a. Urology; and / or*
  - b. Gynaecology.*

*Please provide the following information in relation to the above cases, for each year of settlement or conclusion:*

- Number of cases concluded;*
- Total Legal costs (claimant);*
- Total Damages paid;*
- Number of Unsuccessful claims*

## **Our Response**

Please find attached the information that we hold. This information only covers England and not the rest of the UK.

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.

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(3)(a)(i) 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 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](#), 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/>

## TABLE OF CONTENTS

**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 Vagina Mesh Claims received between 2006/7 - 2019/20](#)

[Table 2: Number of Vagina Mesh claims closed/settled with damages paid between 2006/07 - 19/20 include associated costs.](#)

[Table 3: Number of Vagina Mesh claims closed/settled between 2006/07 – 2019/20 with no damages paid.](#)

[Table 4: Breakdown by Specialty of the settled/closed between 2006/07 – 2019/20 with damages paid Vagina Mesh claims .](#)

[Table 5: Breakdown by Injury of the settled/closed between 2006/07 – 2019/20 with damages paid Vagina Mesh claims.](#)

[Table 6: Breakdown by cause of the settled/closed between 2006/07 – 2019/20 with damages paid Vagina Mesh claims.](#)

[Table 7: Number of Vagina Mesh claims currently open.](#)

**Table 1: Number of Vagina Mesh Claims received between 2006/7 - 2019/20**

---

Notifications	Y
Clinical_NonClinical	(All)

Notification Year	No. of Claims
2006/07	#
2010/11	#
2011/12	#
2013/14	#
2014/15	22
2015/16	24
2016/17	27
2017/18	61
2018/19	79
2019/20	216

**Table 2: Number of Vagina Mesh claims closed/settled with damages paid between 2006/07 - 19/20 include associated costs.**

Clinical\_NonClinical (All)  
 Claim\_Outcome\_FOI Damages Paid

Notification Year	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2013/14	#	#	#	#	#
2014/15	#	#	#	#	#
2015/16	16	732,269	248,846	991,938	1,973,053
2016/17	10	554,403	124,731	679,381	1,358,515
2017/18	#	#	#	#	#
2018/19	#	#	#	#	#
2019/20	#	#	#	#	#

**Table 3: Number of Vagina Mesh claims closed/settled between 2006/07 – 2019/20 with no damages paid.**

---

Clinical\_NonClinical (All)  
Claim\_Outcome\_FOI NIL Damages  
Notifications Y

Notification Year	No. of Claims
2006/07	#
2014/15	12
2015/16	#
2016/17	11
2017/18	26
2018/19	31
2019/20	53

**Table 4: Breakdown by Specialty of the settled/closed between 2006/07 – 2019/20 with damages paid Vagina Mesh claims .**

Clinical\_NonClinical (All)  
 Claim\_Outcome\_FOI Damages Paid

Notification Year-- Specialties	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
<b>2013/14</b>	#	#	#	#	#
Genito-Urinary Medicine	#	#	#	#	#
<b>2014/15</b>	#	#	#	#	#
Gynaecology	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
Urology	#	#	#	#	#
<b>2015/16</b>	<b>16</b>	<b>732,269</b>	<b>248,846</b>	<b>991,938</b>	<b>1,973,053</b>
Gynaecology	14	609,118	182,317	791,563	1,582,998
Obstetrics	#	#	#	#	#
Oncology	#	#	#	#	#
<b>2016/17</b>	<b>10</b>	<b>554,403</b>	<b>124,731</b>	<b>679,381</b>	<b>1,358,515</b>
Gynaecology	#	#	#	#	#
Urology	#	#	#	#	#
<b>2017/18</b>	<b>#</b>	<b>#</b>	<b>#</b>	<b>#</b>	<b>#</b>
General Surgery	#	#	#	#	#
Gynaecology	#	#	#	#	#
<b>2018/19</b>	<b>#</b>	<b>#</b>	<b>#</b>	<b>#</b>	<b>#</b>
Gynaecology	#	#	#	#	#
Urology	#	#	#	#	#
<b>2019/20</b>	<b>#</b>	<b>#</b>	<b>#</b>	<b>#</b>	<b>#</b>
Gynaecology	#	#	#	#	#



**Table 5: Breakdown by Injury of the settled/closed between 2006/07 – 2019/20 with damages paid Vagina Mesh claims.**

Clinical\_NonClinical (All)  
 Claim\_Outcome\_FOI Damages Paid

Notification Year----- Primary Injury Types	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
<b>2013/14</b>	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#
<b>2014/15</b>	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Incontinence	#	#	#	#	#
<b>2015/16</b>	<b>16</b>	<b>732,269</b>	<b>248,846</b>	<b>991,938</b>	<b>1,973,053</b>
Unnecessary Pain	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Incontinence	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
<b>2016/17</b>	<b>10</b>	<b>554,403</b>	<b>124,731</b>	<b>679,381</b>	<b>1,358,515</b>
Unnecessary Pain	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Incontinence	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
<b>2017/18</b>	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
<b>2018/19</b>	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Incontinence	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Multiple Injuries	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
<b>2019/20</b>	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Multiple Injuries	#	#	#	#	#

Table 6: Breakdown by cause of the settled/closed between 2006/07 – 2019/20 with damages paid Vagina Mesh claims.

Clinical\_NonClinical (All)  
Claim\_Outcome\_FOI Damages Paid

Notification Year----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
<b>2013/14</b>	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
<b>2014/15</b>	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
<b>2015/16</b>	<b>16</b>	<b>732,269</b>	<b>248,846</b>	<b>991,938</b>	<b>1,973,053</b>
Fail / Delay Treatment	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Operator Error	#	#	#	#	#
<b>2016/17</b>	<b>10</b>	<b>554,403</b>	<b>124,731</b>	<b>679,381</b>	<b>1,358,515</b>
Fail To Warn-Informed Consent	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Failure To Perform Tests	#	#	#	#	#
<b>2017/18</b>	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
<b>2018/19</b>	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
<b>2019/20</b>	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#

Table 7: Number of Vagina Mesh claims currently open.

---

Clinical\_NonClinical (All)  
Claim\_Outcome\_FOI Open

Notification Year	No. of Open Claims
2010/11	#
2011/12	#
2014/15	#
2015/16	#
2016/17	#
2017/18	26
2018/19	41
2019/20	160
<b>Grand Total</b>	<b>240</b>