



Resolution

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August 2021

FOI_5115

The following information was requested on 6th July 2021:

My request is regarding medical negligence claims that have been settled against the NHS in favour of ladies who have been injured by vaginal mesh implants.

*Please would you provide details of the number of settlements for the period 2014-2021?
Please could you provide a summary by year of the amount that was settled for 'general damages' and the amount that was settled for 'special damages'?*

Our Response

Thank you for your request for information. We note this request is very similar to a request you made in January 2021 (FOI_4926). We have reviewed the response to that request and can advise the information supplied contained some errors. For example the response to FOI_4926 indicated that there were fewer than 5 claims settled for the financial year 2016/17 when it fact it should have stated 5 claims were settled during that year.

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](#). *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 *Vaginal Mesh Implants* 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.

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. We apologise for this error and have taken steps to ensure the information supplied with this request is accurate.

Please find attached the requested information. Please note there were no cases settled where damages was paid in the financial years 2014/15 or 15/16. We cannot

separate general and special damages, we can only provide a value for total 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(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. 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/>

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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 claims with Injuries related to Vaginal Mesh ' Closed ' with damages paid between financial years 2014/15- 2020/21](#)

Table 1: Number of claims with Injuries related to Vaginal Mesh ' Closed ' with damages paid between financial years 2014/15- 2020/21

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2016/17	5	180,000	46,609	286,851	513,460
2017/18	#	#	#	#	#
2018/19	17	672,956	222,032	900,457	1,795,445
2019/20	13	633,229	267,006	1,025,075	1,925,310
2020/21	14	369,800	132,974	638,527	1,141,301