

## **H -v- Birmingham Womens NHS Foundation Trust.**

The Claimant was admitted to Birmingham Women's Hospital for a sacrohysteropexy but a swab was retained in the Claimant's abdomen. The foreign body eroded through part of the bowel. The NHSLA following the letter of complaint admitted breach of duty in relation to the retained swab and made an offer to settle in the sum of £18,500.00. The Claimant instructed Metcalfes on her behalf. The Claimant may require re-section of the bowel and a colostomy bag. The Defendant was asked to admit that all of the Claimant's symptoms and problems were caused by the swab being retained including the erosion of the mesh into the bowel, but they declined to do so. They repeated their original Part 36 Offer of £18,500.00.

The Defendant eventually made an increased offer of £65,000.00 and the Claimant responded with her own Part 36 Offer in the sum of £95,000.00. The claim settled at £80,000.00 before it was necessary to issue Court proceedings.