



Resolution

2nd Floor
151 Buckingham Palace Road
London
SW1W 9SZ
Telephone: 020 7811 2700

November 2019
FOI_4078

The following information was requested on 5 November 2019:

FOI: How many claims of damages for the additional cost of raising a disabled child, in wrongful birth claims in lieu of Parkinson v St James Hospital have been made to the NHS and of what amount of compensation has been giving out?

How many conventional awards have been awarded in cost of upbringing cases in light of Rees v Darlington?

Our Response

Please find attached the information we are able to provide. We can report on the number of claims arising from wrongful birth and the damages paid, but we cannot report on specific heads of loss.

It should be noted that we define “wrongful birth” as a clinical negligence claim brought by the parents of a child born with birth defects, alleging that negligent treatment or advice deprived them of the opportunity to avoid conception or terminate the pregnancy.

Our coding does not enable us to distinguish whether the claims related to birth of children who were healthy.

It is possible there are other cases which have been coded under less specific codes that relate to incidents under the more general umbrella of ‘parents not having been warned that the child would be born with a specific disability’ for reasons other than failed screenings. Therefore, on the issue of data quality, it should be noted that the database was designed primarily as a claims management tool rather than for research purposes, that it records only a limited amount of information, and that a claim may be multi-factoral and/or settled on a number of bases. It is our view, therefore, that the figures provided should be treated with caution and that they should not be relied on as a basis for audit or research.

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

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 Claims received between financial years 2016/17 and 2018/19 for 'Wrongful Birth' claims](#)

[Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2016/17 and 2018/19 for 'Wrongful Birth' claims](#)

Table 1: Number of Claims received between financial years 2016/17 and 2018/19 for ' Wrongful Birth' claims

Notifications	Y
Clinical_NonClinical Scheme	Clinical (All)

Notification Year	No. of Claims
2016/17	23
2017/18	19
2018/19	20
Grand Total	62

Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2016/17 and 2018/19 for ' Wrongful Birth' claims

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2016/17	13	12,520,949
2017/18	16	13,363,110
2018/19	10	17,296,750
Grand Total	39	43,180,809