



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

September 2025
FOI_7261

The following information was requested on 9 June 2025:

Please provide details on the number of claims you have received relating to Foetal Valproate Spectrum Disorder (previously Foetal Valproate Syndrome), for injuries caused to individuals whose mothers were taking sodium valproate when they were pregnant with them, or fathers were taking sodium valproate when they were conceived.

Please also provide details of any claims made by mothers or fathers of children with Foetal Valproate Spectrum Disorder.

In relation to the claims detailed above, please specify the number of cases in which payment has been made.

Please provide details for the period 1995 until now.

Our Response

Please note our claims data only covers England and not the rest of the UK. Please note we are able to report on claims notified to us between 2006/07 – 2023/24. We are therefore unable to provide the data for claims notified prior to 2006/07.

We have looked at clinical cases only. We are able to provide you with the number of claims where Sodium Valproate was one of the causes of the claim. However, we cannot guarantee that all of these cases relate:

“...to Foetal Valproate Spectrum Disorder (previously Foetal Valproate Syndrome), for injuries caused to individuals whose mothers were taking sodium valproate when they were pregnant with them, or fathers were taking sodium valproate when they were conceived.

Or relate to: *“claims made by mothers or fathers of children with Foetal Valproate Spectrum Disorder.”*

In order to provide this specific data, it would require a manual review of individual claims files to ascertain whether or not it falls within the scope of your request.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit.' Section 12(1) of the FOIA 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 approximately 20 minutes to review each claim files to locate and extract the relevant information. This exercise would likely exceed the FOI appropriate limit. We have provided the information that is readily available and within the FOI cost limit.

NB: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports and accounts may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous similar request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Claims closed in any given year will often relate to claims received/notified many years prior.

Please note there will be some cases where one claimant has been treated by multiple defendants (e.g. multiple Trusts, or a GP and a Trust) in relation to a single condition, and therefore the number of claims relates to the number of defendants and not the number of claimants.

Please find attached the following tables:

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' for claims relating to '**Sodium Valproate**'.

Table 2 shows: - Number of Clinical Claims Settled between financial years '2006/07' and '2023/24' with a damages payment, for claims relating to '**Sodium Valproate**'.

Table 3 shows: - Number of Clinical Claims Settled between financial years '2006/07' and '2023/24' with **NIL** damages paid for claims relating to '**Sodium Valproate**'.

Where a year is missing between 2006/07 – 2023/24 in the above tables this means there were no claims that met the criteria for the year not shown.

Low figures

We have not provided the information for low figures involved 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 FOI 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.

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 [Joanne Appleby](#), Deputy Data Protection Officer 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 Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' for claims relating to 'Sodium Valproate'.

Table 2: Number of Clinical Claims Settled between financial years '2006/07' and '2023/24' with a damages payment, for claims relating to 'Sodium Valproate'.

Table 3: Number of Clinical Claims Settled between financial years '2006/07' and '2023/24' with NIL damages paid for claims relating to 'Sodium Valproate'.

Table 1: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' for claims relating to 'Sodium Valproate'.

Sodium Valproate Code	Y
Notified	Y
ClinicalNonClinical	Clinical

Year of Notification	No. of Claims
2006/07	#
2007/08	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2015/16	#
2017/18	#
2018/19	#
2019/20	#
2020/21	10
2021/22	#
2022/23	8
2023/24	32
Grand Total	68

Table 2: Number of Clinical Claims Settled between financial years '2006/07' and '2023/24' with a damages payment, for claims relating to 'Sodium Valproate'.

Sodium Valproate Code	Y
Settled	Y
ClinicalNonClinical	Clinical
ClaimOutcome	Damages Paid

Year of Settlement	No. of Claims
2008/09	#
2010/11	#
2012/13	#
2017/18	#
2018/19	#
2019/20	#
2021/22	#

Table 3: Number of Clinical Claims Settled between financial years '2006/07' and '2023/24' with NIL damages paid for claims relating to 'Sodium Valproate'.

Sodium Valproate Code	Y
Settled	Y
ClinicalNonClinical	Clinical
ClaimOutcome	Nil Damages

Year of Settlement	No. of Claims
2006/07	#
2007/08	13
2009/10	#
2010/11	#
2012/13	#
2019/20	#
2021/22	6
2022/23	#
2023/24	#
Grand Total	30