



Resolution

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October 2019
FOI_3917

The following information was requested on 23 July 2019:

Attached to this e-mail is a response that was provided to me in May 2017 where you provided me with data on claims relating to wrongful birth and unwanted pregnancy for the 2015/16 financial year.

Could you please provide me with similar data, on the same basis, but for claims that were paid in (i) 2013/14, (ii) 2014/15, (iii) 2016/17, (iv) 2017/18 and if it is available now (v) the 2018/19 financial year.

Our Response

Please find attached our response to your request. We have included figures for 2015/16 as well as this data has changed since May 2017.

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.

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

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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.

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[Table 2: Number and Cost of Claims Closed/Settled with damages paid related to Wrongful Birth](#)

Table 1: Number and Cost of Claims Closed/Settled with damages paid related to Unwanted Pregnancy

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Concatenated InjuryL1	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2013/14	30	654,503	82,389	595,892	1,332,784
2014/15	23	410,893	62,014	485,282	958,190
2015/16	12	4,469,327	219,737	1,152,336	5,841,400
2016/17	15	326,414	62,427	344,591	733,432
2017/18	13	1,367,445	205,939	760,372	2,333,755
2018/19	14	288,274	52,084	382,826	723,184
Grand Total	107	7,516,856	684,590	3,721,300	11,922,746

Table 2: Number and Cost of Claims Closed/Settled with damages paid related to Wrongful Birth

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Concatenated InjuryL1	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2013/14	11	11,418,946	489,550	1,826,512	13,735,009
2014/15	6	8,158,352	697,434	3,010,572	11,866,358
2015/16	13	17,313,513	1,029,280	3,290,267	21,633,060
2016/17	13	12,520,949	526,102	2,117,851	15,164,902
2017/18	16	13,363,110	660,150	2,407,847	16,431,107
2018/19	10	17,296,750	316,130	1,683,615	19,296,495
Grand Total	69	80,071,620	3,718,646	14,336,665	98,126,931