



Resolution

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November 2019
FOI_4072

The following information was requested on 4 November 2019:

*I'm emailing today to request information into the figure of spending made by the NHS in awards ('conventional award') for claims made in situations of 'wrongful birth'.
Could you please send me an electronic copy of the annual spending of these cases since 2004.*

Our Response

Please find attached the information we are able to provide.

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-factorial 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

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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 and Cost of Claims Closed/Settled with damages paid between financial years 2003/04 and 2018/19 for ' Wrongful Birth' claims settled.](#)

Table 1: Number and Cost of Claims Closed/Settled with damages paid between financial years 2003/04 and 2018/19 for 'Wrongful Birth' claims settled.

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid
Closure_Date_or_PPO_Settlement_Date	(All)

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2003/04	6	154,500	40,132	71,650	266,282
2004/05	13	1,225,174	323,748	402,993	1,951,914
2005/06	15	3,216,173	343,159	754,490	4,313,822
2006/07	11	2,927,242	357,377	726,107	4,010,726
2007/08	9	4,437,996	328,338	1,238,206	6,004,539
2008/09	11	4,294,000	376,313	945,040	5,615,353
2009/10	13	6,241,059	250,063	1,103,463	7,594,585
2010/11	25	12,521,113	783,805	2,417,400	15,722,317
2011/12	13	14,675,004	742,937	2,272,087	17,690,027
2012/13	17	11,276,806	804,278	2,183,905	14,264,989
2013/14	11	11,418,946	489,550	1,826,512	13,735,009
2014/15	6	8,242,568	697,434	3,010,572	11,950,574
2015/16	13	17,553,456	1,029,280	3,290,267	21,873,002
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	202	141,364,845	8,068,794	26,452,004	175,885,643