



# Resolution

2<sup>nd</sup> Floor  
151 Buckingham Palace Road  
London  
SW1W 9SZ  
**Telephone:** 020 7811 2700

November 2019  
FOI\_4088

The following information was requested on 8 November 2019:

*I wish to make an FOI request for the following information going back ten years from today (8th November 2019).*

1. *The number of reproductive tort negligence cases per annum*
2. *How much money is paid out in reproductive tort negligence cases per annum*
3. *The budget set aside for reproductive tort negligence cases per annum*
4. *The number of claim attempts made per annum on the following grounds:*
  - *Wrongful Birth*
  - *Wrongful Life*
  - *Wrongful conception involving healthy children/parents*
  - *Wrongful conception involving disabled children/parents.*

*In the event that information is not available for every year from 2009 onwards, statistics for the last year alone will suffice.*

## 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

## 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 2009/10 and 2018/19 where one of the Injuries is "Wrongful Birth"](#)

[Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 where one of the Injuries is "Wrongful Birth"](#)

**Table 1: Number of Claims received between financial years 2009/10 and 2018/19 where one of the Injuries is "Wrongful Birth"**

---

Notifications	Y
Clinical_NonClinical	Clinical

Notification Year	No. of Claims
2009/10	15
2010/11	31
2011/12	17
2012/13	31
2013/14	26
2014/15	23
2015/16	19
2016/17	22
2017/18	19
2018/19	16
<b>Grand Total</b>	<b>219</b>

**Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 where one of the Injuries is "Wrongful Birth"**

Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid
2009/10	13	7,594,585
2010/11	25	15,722,317
2011/12	13	17,690,027
2012/13	17	14,264,989
2013/14	11	13,735,009
2014/15	6	11,866,358
2015/16	13	21,633,060
2016/17	13	15,164,902
2017/18	16	16,431,107
2018/19	10	19,296,495
<b>Grand Total</b>	<b>137</b>	<b>153,398,849</b>