



# Resolution

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**Telephone:** 020 7811 2700

April 2020  
FOI\_4410

The following information was requested on 27 February 2020:

*“My request concerns the claim for wrongful conception of healthy children. Please can you inform me of the number of these claims that are paid out per year?”*

## Our Response

Thank you for your request. You requested information for *claims for wrongful conception of healthy children*. I should explain that our claims are recorded against pre-defined cause and injury codes and **wrongful conception is** not one of these criteria. Therefore, we searched the claims database where the Primary Injury is “**Wrongful Birth**” and the outcome of the search undertaken using that term is attached in the report.

We have suppressed low figures as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3)(a)(i) of the 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. Where we are in the territory of such small numbers in the attached, we have used a ‘#’ symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

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

<https://ico.org.uk/>

**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 and Cost of Claims Closed/Settled with damages paid under Obstetrics speciality between financial years 2013/14 - 2018/19 where the Primary Injury is "Wrongful Birth".](#)

**Table 1: Number and Cost of Claims Closed/Settled with damages paid under Obstetrics speciality between financial years 2013/14 - 2018/19 where the Primary Injury is "Wrongful Birth".**

Closed_Settled Clinical_NonClinical Claim_Outcome_FOI	Y (All) Damages Paid
Year of Closure (Settlement Year for PPOs)	No. of Claims
2015/16	#
2016/17	#
2017/18	#
2018/19	#
<b>Grand Total</b>	<b>10</b>