



Resolution

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April 2020
FOI_[4470]

The following information was requested on 31 March 2020:

I am writing to request information under The Freedom of Information (FOI) Act 2000. It is requested that you provide information on:

- *The total amount of Wrongful Conception claims brought against the National Health Service from the years 2000 to 2019.*

AND

- *What percentage of those claims each year were successful.*

AND

- *The total cost of the successful claims for the respective years.*

In these cases, the parents of the child bring a claim against the NHS for the additional costs of raising a child whom, but for the doctor negligently performing a failed sterilisation procedure, would not have been conceived.

Our Response

Thank you for your request. We have provided below the information you requested based on the data we record within our case management system.

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.

In respect of the final point around additional costs of raising a child, unfortunately we do not hold this type of information as we do not code our damages payments in such granular detail.

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/>

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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 Claims received under Obstetrics speciality between financial years 2000/01 - 2018/19 where the Primary Injury is " Failed Sterilisation".](#)

[Table 2: Number of Claims Closed/Settled with damages paid under Obstetrics speciality between financial years 2000/01 - 2018/19 where the Primary Injury is " Failed Sterilisation".](#)

Table 1: Number of Claims received under Obstetrics speciality between financial years 2000/01 - 2018/19 where the Primary Injury is " Failed Sterilisation".

Notifications	Y
Clinical_NonClinical	(All)
Scheme	(All)

Notification Year	No. of Claims
2000/01	#
2001/02	#
2002/03	#
2003/04	5
2004/05	5
2005/06	6
2006/07	#
2007/08	#
2008/09	#
2009/10	7
2010/11	8
2011/12	7
2012/13	12
2013/14	6
2014/15	5
2015/16	#
2016/17	#
2018/19	#
Grand Total	86

Table 2: Number of Claims Closed/Settled with damages paid under Obstetrics speciality between financial years 2000/01 - 2018/19 where the Primary Injury is " Failed Sterilisation".

Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid
2003/04	#	#
2004/05	#	#
2005/06	6	145,078
2006/07	#	#
2007/08	#	#
2008/09	#	#
2009/10	5	257,082
2010/11	6	194,484
2011/12	7	223,393
2012/13	5	247,673
2013/14	#	#
2014/15	6	368,666
2015/16	#	#
2016/17	#	#
2017/18	#	#
2018/19	#	#
Grand Total	63	2,502,431