

# NHS £70m bill for disabled babies

Sunday Times 29.1.17

**Sarah-Kate Templeton**

HEALTH EDITOR

THE NHS has paid £70m to parents of disabled babies who say they would have had abortions had they known of the abnormalities earlier.

The bulk of the payouts were to parents who claimed that antenatal screening failed to warn them of the risk that their baby would be born with a disability. The parents argued that had they known their child had a high chance of being born disabled, they would have undergone a termination.

The payments for what is legally termed "wrongful birth" were made by the NHS Litigation Authority over the past five years and were revealed to The Sunday Times last week.

The claims are for babies born with a wide range of conditions, including Down's syndrome.

The compensation has provoked claims of misusing public funds and demeaning the value of a disabled person's life.

Andrea Minichiello Williams, the director of the Christian Legal

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Centre, said: "It is not wrongful that babies are born with disabilities. It is wrongful that taxpayers are funding a culture which sees disabled children as an inconvenience. To say the birth of a child is a 'harm' to an individual or family and to use taxpayers' money to compensate for the harm is unkind; it is not a mark of a civilised society. It sends out the wrong signals."

The £70m paid by the NHS in the past five years for "wrongful birth" includes £40m of damages for failed antenatal screening in 16 cases

— which equates to about £2.5m per family. There was also £2.7m for failure to interpret ultrasound scans correctly, £4.2m for failure to interpret x-rays accurately, £6.2m for failed or delayed diagnosis and £5.8m for wrong diagnosis.

The disclosure comes as a mother whose daughter was born severely disabled has won a key victory in her multimillion-pound "wrongful birth" claim against the NHS. Amanda McGuinn, 38, is devoted to her daughter, Matilda, now eight, but says she would have

opted for an abortion had she known of her disabilities earlier. She was born with microcephaly, an abnormal smallness of the head.

McGuinn and her husband Paul, from south London, are suing Lewisham and Greenwich NHS Trust for damages to cover the cost of caring for their daughter. On Thursday a High Court judge ruled that doctors at two London hospitals were negligent in failing to detect the abnormalities in prenatal scans and inform the parents.

Mr Justice Jeremy Baker said McGuinn underwent 10



Paul and Amanda McGuinn

ultrasound scans during her pregnancy. He ruled that the consultant who carried out the fifth scan, when McGuinn was 31 weeks pregnant, should have realised the risk of microcephaly. He also ruled that a foetal medicine specialist who carried out the seventh scan at 36 weeks had also been negligent.

Abortion is legal in Britain up to 24 weeks for healthy babies, but up to birth for those with a serious handicap. In 2015, the last year for which figures are available, 230 abortions were carried out in England and Wales after 24 weeks of gestation.

Sarah Campbell, of Leigh Day, who is representing Amanda McGuinn, said: "These types of claims are incredibly emotive and misunderstood; the term 'wrongful birth', which the law uses to describe them, is in itself deeply upsetting for our client, who dearly loves her daughter and would not now be without her."

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