

Payout for mother shocked to find her son had Down's

David Brown

A mother who said she would have aborted her son if she had known he had Down's syndrome has been awarded compensation from the NHS.

Edyta Mordel was devastated when her son, Aleksander, was born at the Royal Berkshire Hospital in 2015, the High Court was told. She said she would have terminated the pregnancy if antenatal screening had been conducted to show that the baby had the condition.

Mr Justice Jay said the sonographer had failed to obtain her informed consent to forgo the screening. He said that Ms Mordel, whose native language is Polish, failed to process the question and her reflex response was to say "no".

She had devoted herself to caring for her son but would have chosen a termination as she "would not have wanted her child to suffer the way that disabled people suffer".

Ms Mordel, 33, now living in Reading, worked as a production operator and her pregnancy was unplanned, the

court was told. Clodagh Bradley, QC, for Ms Mordel, said the mother was concerned about her baby after his birth in January 2015. When told of his diagnosis she was "very upset and angry" because she believed that he had been given the all-clear.

She sued the NHS for wrongful birth.



Edyta Mordel said she would have chosen an abortion

"I knew someone from work with Down's syndrome," she told the court. "I saw how difficult his life is. I wouldn't want to have brought my child into the world like that."

Her lawyers have estimated that she will spend an extra £200,000 bringing up a disabled child. The payout is expected to be at least six figures.

The NHS Trust said that after Ms

Mordel was booked for the test for Down's syndrome she did not want it completed. The hospital's ultrasound reports system recorded "Down's screening declined".

Mr Justice Jay ruled against the Royal Berkshire Hospital NHS Trust. He said that the sonographer's initial question to Ms Mordel had been "abrupt" and her follow-up did not go far enough. The judge said that Ms Mordel's midwife failed in her duty to explore why the screening had not taken place when she initially agreed to it.

"She did not have a principled objection to termination... Had she been informed that her baby had Down's syndrome, I am satisfied that she would have proceeded to termination."

He added: "Nothing I have said should be interpreted as suggesting that the birth of a child with Down's syndrome must be seen as unwelcome."

Other parents accept the possibility of having a baby with Down's syndrome without a shred of concern or reluctance."

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