

DEBRIEF: A Kings Chambers Podcast Factsheet

EPISODE 8 – WRONGFUL BIRTH

In this podcast, Nigel Poole QC and Helen Mulholland consider wrongful birth claims, with an analysis of the case law. Wrongful birth claims vary in value enormously, from comparatively low value claims where a healthy child is born and the ‘conventional award’ made to claims into millions where the child is born with a serious disability.

Last year, the Court of Appeal had cause to return to the appropriate quantification of a wrongful birth claim when it considered the case of [Khan v MNX \[2018\] EWCA Civ 2609](#). In arriving at its conclusions, the Court examined the scope of the general practitioner’s duty to the Claimant.

Nigel and Helen examine the impact of scope of duty on the wrongful birth claim of [Khan v MNX](#) and discuss the wider implications of arguments on the scope of duty on such claims.

Cases referenced in the Podcast

- [Khan v MNX \[20108\] EWCA Civ 2609](#)
- [Macfarlane v Tayside Health Board \[2000\] AC 59](#)
- [Parkinson v St James & Seacroft University Hospitals NHS Trust \[2001\] EWCA Civ 530](#)
- [Rees v Darlington Memorial Hospital Trust \[2002\] EWCA Civ 88](#)
- [AD v East Kent Community NHS Trust \[2002\] EWCA Civ 1872](#)
- [South Australia Asset Management Corporation \(‘SAAMCO’\) v York Montague Limited \[1997\] AC 191](#)
- [Nunnerley & Another v Warrington Health Authority \[2000\] PIQR Q69](#) (*not available on Bailii*)
- [Kennedy v Frankel \[2019\] EWHC 106 \(QB\)](#)
- [Pomphrey v Secretary of State for Health \(1\) North Bristol NHS Trust \(2\) \[2019\] WLUK 483](#) (*not currently available on Bailii*)

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- [ARB v IVF Hammersmith \[2018\] EWCA Civ 2803](#)
- [XX v Whittington Hospital NHS Trust \[2018\] EWCA Civ 2832*](#)

**XX v Whittington Hospital NHS Trust has been given permission to appeal to the Supreme Court.*

Speaker Profiles



Nigel Poole QC

Nigel is ranked as a leading QC by Chambers UK and the Legal 500. He is Head of Kings Chambers and sits as a Deputy High Court Judge and a chair of the Bar Tribunal and Adjudication Service. He has appeared in the Supreme Court and Court of Appeal. He has given many lectures and seminars around the country on subjects including human rights, loss of earning capacity and proving reduction in life expectancy.



Helen Mulholland

Helen is an accomplished and highly regarded practitioner, who undertakes complex and high value work. Helen practises predominantly in clinical negligence, with a particular interest in issues of mental capacity and mental health. She prosecutes and defends clinical negligence claims and represents interested parties at the coroner's court. Helen is particularly interested in the interface between issues of mental health and mental capacity, and clinical negligence together with cases involving treatment decisions.

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