



Mental Health Law Briefing 155

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Duty to Prevent Suicide Part II

We previously reported on the House of Lords decision in [Savage](#)^[1]. The House of Lords held that Article 2 of the European Convention on Human Rights imposes a duty on health authorities and their staff to adopt a framework to protect detained patients from the risk of suicide. Further details of the House of Lords' decision are set out in our previous briefing.

Given the decision on the question of law by the House of Lords, the case was referred back to the lower court to decide the question of compensation and this process has now been completed.

On 28th April Mr Justice Mackay awarded Mrs Savage's daughter £10,000 damages. The hospital had argued for £7,500 - £17,500 range, and the Claimant had "suggested that £30,000 would be appropriate". The Judge felt that £10,000 was just satisfaction.

Mrs Savage had walked out of Runwell Hospital in Essex and threw herself in front of a train. Her daughter alleged that the Trust should have known that her mother was a danger to herself and should have done more to protect her. The House of Lords had held that a legal cause of action arose in such circumstances and the compensation awarded now reflects that.

The level of compensation is perhaps unsurprising. It mirrors the bereavement award for compensation under the Fatal Accidents Act (payment of which is restricted under that Act to spouses, parents, unmarried children under 18 and registered civil partners).

The original House of Lords decision opened the door to compensation claims from families in wider circumstances than had otherwise been the case and the latest decision demonstrates the level of compensation that is likely to be payable.

Andrew Parsons

andrew.parsons@rlblaw.com

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Footnote: [1] *Savage v South East Essex NHS Foundation Trust* [2008] UKHL74 – See RadcliffesLeBrasseur Mental Health Law Briefing No. 138.

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