

Case summary

Issue(s)

Where a claimant, during a serious psychotic episode, committed a criminal offence, which she would not have committed but for the defendant's negligence, can she recover damages for the consequences of having committed the offence, including her subsequent loss of liberty?

Facts

On 25 August 2010, the Appellant, who had previously been diagnosed as suffering from paranoid schizophrenia or schizoaffective disorder, stabbed her mother to death whilst expiring a serious psychotic episode. It is common ground between the parties that this would not have happened but for the Respondent's breaches of duty in failing to respond in an appropriate way to the Appellant's deteriorating mental health at the time.

The Appellant pleaded guilty to manslaughter by reason of diminished responsibility and has been subject to a hospital order under section 37 of the Mental Health Act 1983 and detention pursuant to section 41 of the same Act ever since. In the present proceedings, she claims damages caused by her killing of her mother under six heads: (i) damages for the depressive disorder and post-traumatic stress disorder; (ii) damages for loss of liberty; (iii) loss of amenity; (iv) £61,944 being the share in her mother's estate which she did not inherit due to operation of the Forfeiture Act 1982; (v) cost of psychotherapy; (vi) cost of a care manager/support worker.

Her claim was dismissed by Mr Justice Jay, and the Appellant's appeal to the Court of Appeal was dismissed. She now appeals to the Supreme Court.