ABC v St Georges Healthcare NHS Trust

Sharing genetic information in families

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World Congress on Genetic Counselling
October 2017
When should genetic information be disclosed to a patient’s unsuspecting relative?
ABC v St Georges Healthcare NHS Trust (2015) – conflict with duty to maintain confidence

Smith v University of Leicester NHS Trust (2016) – NO conflict with duty to maintain confidence
ABC v St Georges Healthcare NHS Trust
– the facts

- Man shot his wife convicted of manslaughter 2007
- Found to be suffering from Huntington's disease 2009
- Pregnant daughter not informed of diagnosis 2010
- Daughter diagnosed with Huntington's disease 2013
The claimant alleged that the failure to tell her about her father’s condition was actionable negligence.
Conflicting professional duties
No case which clarifies if and when confidence can be breached
ABC v St Georges Healthcare NHS Trust – the crux

Were the doctors negligent when they failed to inform the pregnant daughter about her father’s Huntington’s status?
ABC v St Georges Healthcare NHS Trust – the High Court

The public interest in disclosure did not outweigh the public interest in preserving confidence.
ABC v St Georges Healthcare NHS Trust – the High Court

1) Impact on the doctor–patient relationship
2) No way of knowing whether people want to be informed
3) Burdensome responsibilities on doctors

Critique – V Chico Non-disclosure of genetic risks: the case for developing legal wrongs

Medical Law International
ABC v St Georges Healthcare NHS Trust – the Court of Appeal

- Strike out application quashed
- Arguable duty of care
- Professional guidance
- Where the professional balancing exercise indicates disclosure
ABC v St Georges Healthcare NHS Trust – Court of Appeal

• Questioned incentivising obligation of confidence

• But only where professional opinion favours disclosure

• Retains professional control
ABC v St Georges Healthcare NHS Trust – Court of Appeal

- Limited to clinical genetics
- Where the relative should become a patient
Conclusion

• What next for *ABC v St Georges*?

• Whatever the outcome, achieving a clearer legal picture is likely to take some time

• Rethinking the value the law places on confidentiality in the context of clinical genetics