



Science

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Ministers lose fight to stop payouts over swine flu jab narcolepsy cases

Dozens of children who developed sleep disorder after getting vaccine could get compensation after high court ruling

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Dozens of British children who developed narcolepsy as a result of a swine flu vaccine could be compensated after the high court rejected a [government appeal](#) to withhold payments.

Six million people in Britain, and more across Europe, were given the Pandemrix vaccine made by GlaxoSmithKline during the 2009-10 swine flu pandemic, but the jab was withdrawn after doctors noticed a [sharp rise in narcolepsy](#) among those who received it.

The sleep disorder is permanent and can cause people to [fall asleep dozens of times a day](#). Some narcoleptics have night terrors and a muscular condition called cataplexy that can lead them to collapse on the spot.

In 2015, a 12-year-old boy, known as John for the proceedings, [was awarded £120,000](#) by a court that ruled he had been left severely disabled by narcolepsy caused by the vaccine. He was seven when he had the jab and developed symptoms within months.

Because of his tiredness, John became disruptive at school and found it almost impossible to make friends. He takes several naps a day, cannot shower or take a bus on his own, and may never be allowed to drive a car.

Despite paying out, the Department for Work and Pensions argued John's disability was not serious enough to warrant compensation and said the court was wrong to take into account how the illness would affect him in the future. But the high court on Thursday rejected the government's appeal that only the boy's disability at the time should have been considered.

The ruling paves the way for more than 60 other people to claim compensation.

"This important decision brings clarity to anyone who brings claims under the Vaccine Damage Payment Act in future," said Peter Todd, the family's solicitor at Hodge Jones & Allen. "It will in particular bring welcome relief to those who developed narcolepsy as a result of taking the swine flu vaccination and who have been awaiting payment from the DWP scheme but also has implications for anyone affected by other vaccines covered by the scheme."

The judgment means the DWP has to take into account the impact disability has on a person's entire life, and not just the impact it has on the individual at the time their claim is made.

“Sadly, those who developed narcolepsy as a result of the swine flu vaccination have had their lives changed forever. The condition will affect many aspects of their lives including working, driving, personal and family relationships - the very things most of us take for granted,” Todd said.

In 2014, a **23-year-old nursery assistant** who developed narcolepsy after receiving the swine flu vaccine took her own life, telling her family that living with the sleep disorder had become unbearable. In a note written on the day she died, Katie Clack, urged her family to pursue her legal case, saying she had been left with **“no quality of life”**. Her sister, Emma Sutton, told the Guardian at the time: “We feel she was let down by the defective vaccine, which caused her narcolepsy, and by the insufficient intervention and support, which ultimately led to this tragedy.”

The Pandemrix compensation case was the first that the court of appeal considered under the UK statutory compensation scheme, which was set up in 1979 for rare occasions when vaccines cause severe damage. The decision to consider the impact of the disability over the person’s entire life is now binding on all future cases brought under the act.

Todd said there are about 100 people in the UK with narcolepsy caused by Pandemrix. A further 100 applications a year are made for compensation under the scheme due to harm caused by other vaccines. “Today’s judgment brings a welcome relief to the many people affected by the DWP’s continued refusal of applications for compensation,” Todd said. He is acting for 88 claimants, mostly children, who developed narcolepsy as a result of the swine flu vaccine, and in a civil case against GSK, which manufactured the vaccine.

A DWP spokesperson said: “We are aware of the judgment of the court and are carefully studying the court’s reasons.”

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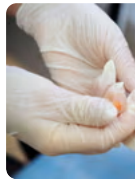
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