

From “Shaken Baby Syndrome” to “Non-Accidental Head Injury”

An update for Family Law Week

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Barristers

David Bedingfield

David Bedingfield of 4 Paper Buildings charts the recent history of scientific research into serious non-accidental head injuries suffered by babies and the response of the family and criminal courts in England and Wales.

Non-accidental head injury remains the most common cause of fatal child maltreatment. An analysis by the NSPCC released in November, 2013, puts the number of babies under one suffering from a serious non-accidental head injury in England and Wales each year at approximately 24 per 100,000.¹ At least half of the survivors have significant neurological impairments.

Few doubt that most of these children were victims of parental abuse.

The difficulty, of course, is that no one doubts that in the very recent past physicians (and judges and jurors) wrongly found that parents or other carers had caused significant head injuries to children by shaking. Physicians believed that diagnosis of certain injuries to an infant's head almost inevitably meant that the child had been shaken by the child's last carer. Since at least the turn of this century, however, medical and bio-mechanical experts have begun to offer proof that this “certain diagnosis” was in fact all too uncertain.

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Author

David Bedingfield

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