This chapter begins by explaining the meaning of psychiatric harm. It then discusses the general exclusionary rule; the distinction between ‘primary’ and ‘secondary’ victims; and other circumstances where the law recognises victims of psychiatric harms as having a claim in negligence (rescuers, involuntary participants, communicators of shocking news, self-harm by the defendant and ‘assumption of responsibility’ cases). Though initially psychiatric harm was recoverable only if accompanied by physical injury, it is now clear that the claimant can recover for pure psychiatric harm so long as it is a recognised psychiatric illness. It is not, therefore, possible to recover in the tort of negligence for mere grief, anxiety or distress.
5. Special duty problems: psychiatric harm