

# Medical Negligence

## A guide to compensation

### Expert advice

When a medical diagnosis, surgical procedure or hospital treatment goes wrong, the impact can dramatically change your life and affect your family.

Slater and Gordon's medical negligence team have a vast amount of experience in dealing with medical negligence claims, with many lawyers who are classed as leaders in their field.

We understand just how much life can change at this time. It's our aim to make the claims process as easy as possible for everyone concerned and ensure the best outcome.

We'll provide the support needed every step of the way.



### What is medical negligence?

We're fortunate in the UK to have a health service that provides a high quality of care. However, there are occasions when that quality of care is not met and medical mistakes can occur.

Medical mistakes can occur when a medical practitioner delivers incorrect advice, diagnosis or treatment.

When someone has suffered an injury, illness or death as a result of poor healthcare, whether in the NHS or a private medical agency, this is known as medical or clinical negligence, and it's likely that a claim for compensation can be made.

### What services can cause injury as a result of medical negligence?

There are various services which can cause injury to occur as a result of medical negligence, such as:

- GPs
- Dentists
- Health centres
- Hospitals
- Ambulance services
- Private medical practices
- Pharmacies

If you or someone you care for has been given poor medical care resulting in injury, it may be possible to make a claim against that service provider.

### What types of injuries can result in medical negligence cases?

Types of injuries that can result in medical negligence cases include:

- Birth injuries (including cerebral palsy, Erb's palsy and hip dysplasia)
- Pregnancy, gynaecology and maternity injuries
- Brain or spinal cord injuries
- Amputation injuries
- Meningitis
- Cancer misdiagnosis
- Surgical injuries
- Cosmetic surgery
- Failure to refer
- Misdiagnosis or delays in diagnosis
- A&E errors
- Anaesthetic awareness
- Dental and eye treatment injuries
- Complimentary medicine e.g. osteopathy
- Nerve damage
- Orthopaedic injuries
- Pressure sores

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My lawyers were efficient, friendly and reliable when dealing with Lily's claim.

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# Advice on making a claim for compensation

For those who don't have experience of the legal process, contacting a lawyer and making a claim for compensation can be a daunting prospect. However, we're with our clients every step of the way, ensuring they understand the claims process, and relieving the burden of having to deal with a variety of practical issues, at what can be a difficult time.



## What should you do if you think you have a claim?

Contact us. Our team of specialists have a vast amount of experience in dealing with medical negligence claims.

Once we've taken details, we'll confirm whether or not you have a claim. If you're entitled to compensation, we can start work on your case straightaway and begin gathering evidence.

Time limits apply when making a claim for compensation, so don't delay in contacting us.

## What is the cost of making a claim?

We understand that the cost of legal advice can be a worry, but there are options available to fund medical negligence claims.

You may have legal expenses insurance under an existing insurance policy which entitles you to free representation. If legal expenses insurance is not in place, we may be able to conduct your case under a Conditional Fee Agreement, also known as a 'No Win, No Fee' Agreement. This means if the case fails, no payment is due. There are certain medical negligence cases where Legal Aid may be available.

Once we know the circumstances of your claim, we'll be able to discuss your funding options in more detail.

## What is the amount of compensation likely to be?

Compensation will be based on the severity of the injury, and also on the personal circumstances of the injured person. For example, if they are unable to work as a result of the injury, loss of earnings may be accounted for. If they were responsible for household chores or caring for a dependent and are no longer able to, the cost of assistance will be taken into account.

If rehabilitation, treatment, aids, equipment or adaptations are required, we will also seek to recover these costs.

## How long is the case likely to take?

Every case is different so it's difficult to estimate how long a case is likely to take without first reviewing the circumstances. However, the case will be dealt with by an expert in medical negligence who will deal with the case as quickly and efficiently as possible.

## Frequently asked questions

### Will I have to go to court?

It's very rare that a medical negligence case will actually go to trial. A large majority of cases settle before a trial takes place. However, if the case doesn't settle before trial, attendance at court may be necessary.

### What if the injured person died as a result of the medical negligence?

A claim can still be made by the Estate's legal representative (the person named as Executor in the Will if there is one) or otherwise by a family member.

### What if I live outside the UK?

If you live outside the UK, or if the medical negligence occurred whilst outside the UK, it may still be possible to claim for compensation.

We have a team of experts who deal with claims for injuries which occurred outside the UK. They understand the laws which apply and the complex procedure involved.

### What if I need assistance in other areas?

We have expert lawyers in many areas of law such as family, employment, welfare benefits, trusts, Court of Protection and disability rights and work closely with those departments to ensure that you get the best possible outcome.