

Clinical Negligence: An introduction to claiming compensation



**“The final settlement was
a great relief.”**

Rebecca's mum

T THOMPSONS
SOLICITORS

THE MOST EXPERIENCED
PERSONAL INJURY FIRM IN THE UK



Medical knowledge and expertise has evolved over thousands of years. But it is still evolving and even today its implementation can be imperfect.

What price good health?

The UK has a reputation for providing a high standard of medical and nursing treatment.

Nevertheless negligence does happen.

And when it does the consequences can be extensive, lifelong and accompanied by very real and understandable anger.

At the same time, there may also be the urgent need to organise support, including modifications to the home – and to find the money to pay for all the very considerable and ongoing costs.

Small wonder many victims and their families scarcely know which way to turn when faced with such daunting prospects.

Thompsons Solicitors, the most experienced injury claim firm in Britain, fully understand and sympathise with this.

Their Clinical Negligence Team is a specialised group of professionals who work to maximise the compensation that can ease the suffering of victims and their families.

What follows on these pages is a brief guide to how Thompsons Clinical Negligence team can help you to pursue such a claim.

Experience counts! Why you should use the most experienced injury law firm in Britain.

Thompsons have been established over 85 years and use that experience to work to maximise every claim.

Which has resulted in several record settlements over the years.

What's more, our clients keep the full 100% of any settlement – our fees are paid by the other side.

It follows that it also costs absolutely nothing to talk to us about your own case and without any obligation.

Simply phone the number on the back cover.

“Thompsons were magnificent... I was extremely pleased with the settlement.”

Mrs Patchett

“I was misdiagnosed 3 times and because of that have brain damage that will affect the rest of my life.

I had major brain surgery, which I later learned probably saved my life.

I had to learn to walk and speak again and did so.

But I have damage to my short term memory, and have difficulties with disorientated thinking.

I had to give up my work, too – I was a psychiatric nurse. It was a job I loved and I still miss it very much and I miss the friends I used to work with.

I became extremely angry about what had happened to me.

Thompsons ...were magnificent.

I was nearing the end of the legal time limit in which you can make a claim like mine.

So Thompsons moved quickly but always explaining each step on the way.

And while doing so they were also very supportive and understanding.

They were very thorough at going into all our costs arising from what happened to me - right down to train fares and all sorts of out of pocket expenses.

And, of course, they had the same thoroughness at projecting my future needs and those costs.

As my case was being prepared it became obvious that Thompsons have a really good network of useful contacts, too – medical experts... and all sorts of other



specialists including experts on what home modifications I need.

For example, for my children’s safety and my own I need halogen warning lights to prevent me leaving the gas on, or in case I leave the bath running.

I was extremely pleased with the settlement and I try to be optimistic that I can make some more progress.

My goal is to become more independent. And I hope to become a mature student.”

Mrs Patchett

Five important points for you to consider

1. The first step - make a complaint

If you contact us to discuss your case we will usually advise you to make a complaint to the hospital or the healthcare provider involved if you have not done so already.

If you wish, we will advise you on how to do this.

The NHS and most private care providers have set procedures for investigating complaints.

In order to respond to your letter they will have to investigate your complaint and discuss it with the staff involved.

So by complaining you know that you will at least have your case investigated and receive some explanation for what occurred.

That will not put the clock back for you.

But is usually the first step in building your claim.

2. Getting the best evidence possible

To make a successful claim for you we need to prove that others were to blame for what has happened to you.

And the stronger the evidence, the stronger your claim.

In all but the simplest cases, we will investigate the circumstances surrounding what happened to you.

We may obtain the opinions of independent medical experts.

Medical staff are trained to work in teams and that often prevents them from openly blaming colleagues, even when they privately know them to be at fault.

But independent expert witnesses will not hesitate to point out poor practice and work that falls short of professional standards.

We will also collect information from a wide variety of other experts - where relevant on rehabilitation, care needs, on adapting homes, on occupational therapists and on special transport needs.

“...the settlement has improved Rebecca’s quality of life and brought peace of mind about her future.”

Rebecca’s mum

“Our daughter, Rebecca, was born with a small dimple in her back.

In effect there was a very small hole, called a sinus, in her skin just above the nappy line.

My husband Nigel and I were told there was skin growing underneath and that it would close the hole.

But it didn’t.

Instead, the hole became the point of entry for viral meningitis which stayed in Rebecca’s body and attacked her with devastating effect three times – all in the first 13 months of her life.

The first attack left her partly paralysed down her left side.

The second and third attacks were on her bowel and bladder.

We became very angry at what had happened.

We saw as it as having been preventable and, because it wasn’t, now all our lives were affected.

Rebecca’s conditions are for life and I became her carer... it wasn’t realistic for me to work any more and the loss of my income placed an additional strain on us.

We decided to see if we could claim compensation to help improve Rebecca’s living conditions and to help her make the best of her now considerably impaired life.

I found Thompsons Solicitors through their ad in Yellow Pages and phoned their helpline.

We had a meeting in which Thompsons

explained all the procedures and likely outcomes to us and we decided to go ahead.

Throughout what followed Thompsons were very good at explaining to us what was happening and keeping in touch.

Eventually, Thompsons got us an interim payment and we were able to move to a bungalow which made a big difference to our lives.

That gave Rebecca a bedroom on the ground floor and her own toilet and washing facilities.

The final settlement was a great relief – the meeting took 6 hours and Thompsons, with our agreement, rejected 3 offers on our behalf before we accepted one.

When we did finally accept, I said to myself that money’s Rebecca’s life.

We never got any apology from any of those concerned – although I saw one surgeon had put in a letter ‘...I can see now what I should have done in the first place.’

I still feel bitter about what has happened but the settlement has improved Rebecca’s quality of life and brought peace of mind about her future.

Nigel and I are both 100% happy with the service and support we got from Thompsons - and we got 100% of the settlement. They’ve charged us no fees at all, nothing whatsoever.

Today, Rebecca has learned to drive and passed her test and intends to work in childcare.”

Rebecca’s mum



**“Eventually we got an offer we accepted.
To be honest, it was more than we expected and
we’re over the moon!”** Mr Duncan

“I went into my local hospital in March 2004 for what should have been a routine operation to remove my gall bladder.

When we got home I couldn’t walk. My wife virtually pushed me up the stairs.

The following day I was feeling rotten.

I was taken back to the hospital by ambulance.

I was in a bad way, I had multiple organ failure and septicaemia... I was nine weeks in Intensive Care in Bristol, where I had eight further operations.

Prior to all this I had worked in a paper mill, along with my brother-in-law.

But ... there was no possibility of my returning to my old job which included risk assessments of heavy lifting and climbing ladders attached to big machines – I can’t lift or climb anymore.

When the 12 months insurance covering my mortgage payments had expired we were in financial difficulties, too.

So I accepted a redundancy package.

My brother-in-law had heard of Thompsons so we made contact and a Thompsons Medical Negligence lawyer came to see me at home.

She made an instant assessment of what had happened to me and it was spot on.

She made sure we were kept in the picture throughout.

Her secretary would even phone before sending a letter to us to explain what it was about and see if there was anything we might not understand.

The hospital trust started making offers for a settlement.



But Thompsons kept turning them down. Eventually we got an offer we accepted.

To be honest, it was more than we expected and we’re over the moon!”

Mr Duncan

3. How much compensation might be awarded?

Compensation is awarded for the harm done by things going wrong.

For example, for avoidable pain and suffering and their effects on your way of life – including loss of earnings, additional expenses, paying for care for you (or your child) special equipment, household modifications and so on.

As already mentioned we will obtain expert evidence and claim compensation on your behalf for all past and estimated future losses.

Put simply, our aim is to maximise your compensation.

4. Timing can be vital

You should seek legal advice promptly.

Court proceedings need to be started within three years of the date the harm was done, or the date you could first reasonably have found out that things had gone wrong.

In special cases, the court sometimes has discretion to allow cases to proceed beyond this time limit.

For injury to children, proceedings have to be started before the 21st birthday.

Time does not run while a person is mentally incapable.

5. What about State Benefit claims?

You may be entitled to disability benefit and/or other State Benefits.

Thompsons can advise you on this as, of course, can your local Department for Work and Pensions (DWP) office.

Any such claims are made separately to your claim for compensation.

The phone number for the DWP benefit enquiry service is opposite, along with other helpful numbers.

Get our experience working for you!

This booklet has shown you just three of Thompsons' satisfied clients.

We have, literally, thousands more who are delighted with the service and settlements they received.

And the vast majority of clinical negligence claims we handle are settled without ever going to court.

A further benefit of a good settlement is that it can often help our clients come to terms with what has happened and move on.

As well as being the most experienced injury claim firm in Britain, Thompsons are leading experts in the field.

Our Solicitors belong to the Law Society's Clinical Negligence Accreditation Scheme, and are members of the Spinal Injuries Association and the Association of Personal Injury Lawyers.

Why settle for less.

Specially when our services are completely free to you as one of our clients.

Useful contacts

Department for Work and Pensions
benefit enquiry line:

Freephone **0800 88 22 00**

Textphone **0800 24 33 55**

NICE (National Institute for Health
and Clinical Excellence)

www.nice.org.uk

SIA (Spinal Injuries Association)

Freephone Enquiry Line

0800 980 0501

www.spinal.co.uk

AvMA (Action against Medical
Accidents)

www.avma.org.uk

0845 123 23 52

Care Quality Commission

www.cqc.org.uk

03000 616161

NHS Direct

www.nhsdirect.nhs.uk/

0845 4647

Headway

www.headway.org.uk

Freephone **0808 800 2244**

ICAS (Independent Complaints
Advocacy Service)

www.carersfederation.co.uk/

what-we-do/icas

Thompsons Solicitors Offices

North East

Newcastle-upon-Tyne 0191 269 0400

Middlesbrough 01642 554 162

South Shields 0191 4974 440

Yorkshire

Leeds 0113 205 6300

Sheffield 0114 270 3300

Midlands

Birmingham 0121 262 1200

Nottingham 0115 989 7200

Stoke-on-Trent 01782 406 200

Derby 01332 224680

Wolverhampton 01902 771551

North West

Liverpool 0151 224 1600

Manchester 0161 819 3500

Wales & South West

Cardiff 029 2044 5300

Bristol 0117 304 2400

Plymouth 01752 675 810

Swansea 01792 484 920

South East

London 020 7290 0000

Southampton 02380 212 040

Chelmsford 01245 228800

Dagenham 020 8596 7700

Wimbledon 020 8947 4163

Oxford 01865 332 150

Further Information

Call us, without obligation, for free compensation claim advice on 08000 224 224.

Or if you are in a union, ask your representative for advice.

You can also find out more information on our website at

www.thompsons.law.co.uk

or email our Clinical Negligence team:

thompsonsclinicalnegligence@thompsons.law.co.uk



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