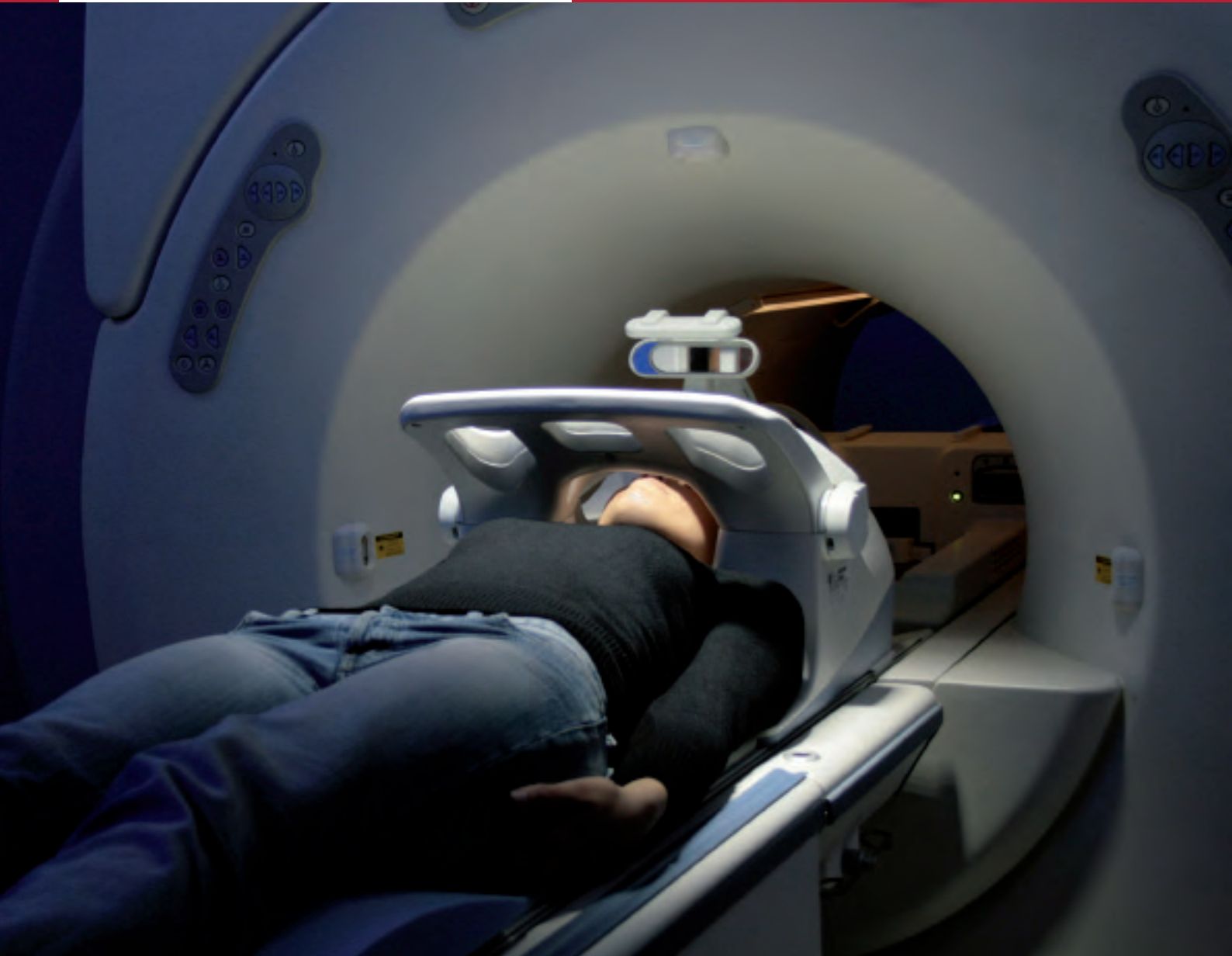


# Clinical Negligence: Claiming Compensation for Misdiagnosis of Cancer.

THOMPSONS FACTSHEET



- About the misdiagnosis of cancer
- Types of misdiagnosis cases where it may be possible to claim
- How to start a misdiagnosis claim

**T** THOMPSONS  
SOLICITORS

THE MOST EXPERIENCED  
PERSONAL INJURY FIRM IN THE UK



## About the misdiagnosis of cancer

Cancer services are vastly improved across Britain compared with 20 years ago but occasionally misdiagnosis of cancer does happen.

There are many different types of cancer. Making an accurate diagnosis depends on a medical professional correctly interpreting your symptoms and on the result of any scientific tests carried out.

Sometimes cancer is diagnosed when in fact you are not suffering from the disease at all. This can cause you highly increased anxiety and depression.

The more serious problem is where you suffer from cancer but you are given a negative result following tests, or the medical team treating you fails to make a diagnosis at all.

In this scenario, failure to diagnose can mean that the cancer is allowed to grow untreated.

The opportunity to treat the cancer can be lost completely, and we have dealt with cases where it has lead to a reduced life expectancy or death.

## How long before a misdiagnosis starts to cause adverse effects?

The minimum period of delay which can be stated to cause an adverse outcome will vary depending on

the type of cancer and how aggressive the tumour is.

However a delay of months rather than weeks from the date that a doctor should have made the diagnosis, or suspected the diagnosis, and referred you to someone more expert for an opinion, is likely to cause harm.

The test for getting compensation is what, on balance of probability, would have been done differently with an earlier diagnosis, and whether that earlier treatment would have made a difference to the outcome.

## What do you need to prove?

To be successful in a claim for compensation, it is necessary to prove that the incorrect diagnosis was the cause of an unfavourable outcome.

That is to say, an increase in the chance of an unfavourable outcome is not enough to be awarded compensation.

Whatever the cause, the failure to diagnose cancer can be devastating.

At Thompsons we have the right experience to deal with the misdiagnosis of many types of cancer.

Opposite you will find a sample of the types of cases we have dealt with.





## Breast Cancer

Breast cancer is the most common form of cancer found in women.

Most diagnoses are in women over 50. However, it can affect much younger women and sadly, this is where a number of cases involving misdiagnosis can occur.

Breast cancer can either be invasive (invasive ductal carcinoma) or non-invasive.

If the cancer is of a non-invasive type an early diagnosis can often allow an operation to remove the cancer to take place. Early diagnosis gives a much better chance of survival.

If the cancer is invasive it is known as invasive ductal carcinoma. The cancer cells are found in the ducts and the breast tissue. Sadly, it is known that these cells can spread to other parts of the body.

If you discover changes in your breast or a lump, you should be referred to a specialist unit for further tests by your GP. A biopsy will usually be necessary.

We have been successful in obtaining admissions of liability where biopsies have not been offered or where a woman has reported changes to her breasts and where bleeding has also occurred, but no further follow up treatment has been given.

Your test results have to be correctly interpreted and failure to do so can lead to an incorrect/inadequate diagnosis or inadequate treatment being given.

## Cancer of the Colon

Cancer of the colon is often treatable if you are diagnosed with the condition at an early stage.

Cancer of this type can start as a polyp, which can take many years to become cancerous.

If the polyp is removed the cancer may not be allowed to form. Doctors advise that patients should look out for symptoms such as bleeding from the rectum and a change in bowel movements.

On presentation of such symptoms your GP should refer you to hospital for screening/tests.

If there is a failure to do this, there may be a delay in diagnosis. Tests carried out to diagnose colon cancer can include a barium enema and a colonoscopy.

Where there is a misdiagnosis however, the forms of treatment available are much more unpleasant and may involve chemotherapy.

Sadly, in extreme circumstances we have known patients to die as a result of a delay in treatment.

## Skin Cancer

The initial problem usually arises when a mole changes shape and form.

You should seek medical advice whenever a mole changes in any way whatsoever.

Cancerous moles are often raised, perhaps split and can be of more than 6 millimetres in diameter. However, this is not a hard and fast rule.

Should you report a problem to your GP, the mole may be removed. The excised material should be sent for testing to see if it is cancerous.

Early diagnosis is very important. If such a diagnosis is not made, then the course of treatment can be much more serious and may lead to a risk of premature death.



## How to start a misdiagnosis claim

We deal with many types of misdiagnosis or delay in diagnosis claims, other than those shown in this factsheet.

If you or anyone you know has suffered from a misdiagnosis or suspects clinical negligence, telephone us now for accurate claim advice on your specific circumstances.

There are strict time limits in place to make any compensation claim.

Further details can be found in our booklet *Clinical Negligence: An Introduction to Claiming Compensation*.

Thompsons Solicitors are experts in all matters relating to clinical negligence and will be able to advise you as to whether or not you have a valid claim for compensation. Our specialist clinical negligence lawyers will be happy to talk you through the process of making a claim in plain English and will be happy to answer any questions or queries you may have.



**Call: 08000 224 224**



**Text: "CLAIM" and your name to 82010**  
(standard network rates apply)



**Visit: [www.thompsons.law.co.uk](http://www.thompsons.law.co.uk)**



**THOMPSONS**  
SOLICITORS

THE MOST EXPERIENCED  
PERSONAL INJURY FIRM IN THE UK

## Useful contacts

Macmillan Cancer Care  
www.macmillan.org.uk  
Freephone Support Line  
0808 808 0000

Marie Curie Cancer Care  
www.mariecurie.org.uk

Cancer Research UK  
www.cancerresearchuk.org

AvMA - Action against Medical  
Accidents  
www.avma.org.uk  
0845 123 23 52

NICE - National Institute for  
Health and Clinical Excellence  
www.nice.org.uk

Care Quality Commission  
www.cqc.org.uk  
03000 616161

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



**Call: 08000 224 224**



**Text: "CLAIM" and your name to 82010**  
(standard network rates apply)



**Visit: [www.thompsons.law.co.uk](http://www.thompsons.law.co.uk)**

Images used for illustrative purposes only,  
all pictures are posed by models.

Thompsons Solicitors is a trading name of  
Thompsons Solicitors LLP and is regulated by the  
Solicitors Regulation Authority.

May 2011



**THOMPSONS**  
S O L I C I T O R S

**THE MOST EXPERIENCED  
PERSONAL INJURY FIRM IN THE UK**