

Clinical Negligence: Claiming Compensation for Undiagnosed Fractures.

THOMPSONS FACTSHEET



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About undiagnosed fracture compensation

One of the frequent causes for complaint against an Accident and Emergency department is the failure to diagnose a fracture.

When a fracture is not diagnosed promptly, the patient can suffer from additional pain, incorrect healing and further problems which could have been avoided with correct and timely treatment.

The later that a fracture is diagnosed, the more likely there are to be problems. It may be that a bone begins to heal in the wrong position or a person begins to use the affected body part when it should be kept immobile.

Treatment following a delay in diagnosis of a fracture can result in the treatment being more complicated or extensive with a longer recovery period than it might have been had the fracture been diagnosed when the patient was initially seen by a doctor.

A fracture can be missed for many reasons. Some examples are as follows:-

- An inexperienced doctor not requesting an x-ray
- An x-ray not being offered because the description of the accident and the symptoms were not typical of a fracture
- The fracture was difficult to see on the x-ray
- The view taken on the x-ray was wrong for the type of fracture and so the fracture was not seen
- A report giving the results of the x-ray not being passed on to the doctor for further action

In order to make a compensation claim for a missed fracture, you have to prove that the doctor failed to act reasonably in assessing the injury. This failure then resulted in the true nature of the injury ie the fracture, being missed and any delay in diagnosis caused further injury.

That is to say, if the mistake is discovered before any damage is caused as a result of the delay, then it is unlikely that you would be able to claim.

An experienced solicitor will look at the circumstances of your case and advise whether a claim for compensation is possible.





Missed scaphoid fractures

The scaphoid bone is located in the wrist, near to the base of the thumb. Fractures to the scaphoid often happen as a result of a fall on to an outstretched hand, where the impact of the fall forces the hand and wrist back.

Scaphoid fractures are hard to diagnose because the bone is inside the joint. Misdiagnosis sometimes happens because of a lack of swelling and no visible injury.

However medical staff have guidelines on how x-rays should be conducted in order to avoid misdiagnosis of these fractures. The guidelines are in place because the difficulties in detecting scaphoid fractures have been widely reported.

You may be able to claim compensation if these guidelines are not followed and your fracture is missed.

A missed scaphoid fracture can lead to serious problems including reduced grip and range of motion,

non-union or delayed union, osteoarthritis and avascular necrosis which can lead to arthritis.

How to start a missed fracture claim

If you or anyone you know has suffered from any form of missed fracture or clinical negligence, telephone us now for the best possible claim advice.

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



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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

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

ICAS (Independent Complaints
Advocacy Service)
www.carersfederation.co.uk/

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