



THOMPSONS
SOLICITORS

STANDING UP FOR YOU

An introduction to
claiming compensation:

Medical negligence

Chris,
Thompsons' client

Our pledge to you

Thompsons Solicitors has been standing up for the injured and mistreated since Harry Thompson founded the firm in 1921. We have fought for millions of people, won countless landmark cases and secured key legal reforms.

We have more experience of winning personal injury and employment claims than any other firm – and we use that experience solely for the injured and mistreated.

Thompsons will stand up for you by:

Staying true to our principles – regardless of how difficult our job is made by government, employers or the insurance industry

Remaining committed to the trade union movement, working closely with them and with professional associations for the benefit of working people everywhere

Thompsons pledge that we will:

Work solely for the injured or mistreated

Refuse to represent insurance companies and employers

Invest our specialist expertise in each and every case

Fight for the maximum compensation in the shortest possible time

Be open and transparent about fees and costs

standing up for you

Contents

Introduction	5
Why Thompsons?	6
Danielle's story	6
Thompson's network of offices	8
Making a medical negligence compensation claim	9
Getting the best evidence possible	9
Timing can be vital	10
How much compensation might be awarded?	10
What about state benefits?	10
Stephen's story	12
Clare's story	13
Next steps	14
Useful contacts	15



“

From the start of my case through to settlement my solicitor kept me up-to-date with every detail, which I thought was excellent. I was always impressed with Thompsons.”

Carol Casey
Medical negligence client

Introduction

Most medical and nursing treatment in the UK is of a high standard, and most health service staff are dedicated professionals delivering excellent care. Nevertheless, not everything always goes to plan and, when deadlines and budgets are tight, mistakes can happen.

If you have been injured following medical treatment, you may have a right to compensation. However, medical negligence cases are always fiercely defended so, without specialist support, your chance of success will be limited. The medical negligence team at Thompsons deals exclusively in these cases and has a wealth of experience in this specialist area of law.

There are many types of medical negligence, and injuries can be the result of problems during labour, misdiagnosis, surgical errors or human error. Whatever your situation, our team of specialists will support you through every step of your claim.

Why Thompsons?

Our dedicated team includes medical negligence solicitors who are members of the Law Society's Clinical Negligence Accreditation Scheme and of the Action Against Medical Accidents (AvMA) referral panel.

We also work closely with specialist support groups such as Headway, the brain injury association, the Association of Personal Injury Lawyers (APIL), The Spinal Injuries Association and the Limbless Association.

At Thompsons, we only work for the victims of accidents and injuries. As a matter of principle, we never represent insurance companies or employers. Our team works hard to ensure that our clients get the right amount of compensation in every claim, and we have seen some record settlements over the years.

Danielle's story

Twenty-four-year-old Danielle died in December 2014 after her renal condition was left untreated.

Danielle first developed health problems in 2008; she felt weak and lethargic but her symptoms were attributed to an eating disorder. In 2009, Danielle suffered a miscarriage which led to the discovery that she in fact had acute kidney failure. Despite this, due to errors at the hospital she was discharged without further investigation.

After an emergency kidney transplant in October 2010, Danielle's mother, Ruth, contacted Thompsons Solicitors. Danielle was awarded compensation because her condition should have been treated in 2009. Tragically, Danielle passed away on Boxing Day 2014, just months after the case was settled.

Ruth said: "After Thompsons secured compensation for my beautiful daughter, she was able to look to the future after what had been an extremely traumatic and unstable time.

But at Christmastime she began feeling sick again, so on Christmas Day we took her home and said we'd see her again on Boxing Day hoping she'd be feeling better. The events that followed were unthinkable - the next day she wasn't answering her phone so we went to the flat and found she had passed away."



“

After Thompsons secured compensation for my beautiful daughter, she was able to look to the future after what had been an extremely traumatic and unstable time.

”

Ruth Braddock
Medical negligence client

Thompsons' network of offices

Thompsons has a dedicated team of experienced medical negligence solicitors that will support you through every step of your legal claim.

With a network of offices that covers all corners of the country, you can be assured that we are near you when you need us most. Our team can visit you at home, in hospital or wherever is convenient to you.



Making a medical negligence compensation claim

Make a complaint

The first step is to make a complaint to the hospital or the healthcare provider involved. If you have not already done this, we can advise you on how to do so.

The NHS and most private care providers have set procedures for investigating complaints. They respond to letters of complaint after investigating your grievance and discussing it with the staff involved.

Having some explanation for what occurred is usually the first step in building your medical negligence claim.

Getting the best evidence possible

To make a successful claim for compensation, we need to prove that others were to blame for your injury.

The stronger the evidence, the stronger your claim.

We will investigate the circumstances surrounding what happened to you and may need reports from independent medical experts.

Medical staff work in teams and they are very hesitant to openly blame colleagues, even if they believe them to be at fault.

However; independent expert witnesses can identify poor practice and work that falls short of professional standards.

We will also, where relevant, get help from experts on rehabilitation, care needs, adaptations that need to be made to your home, occupational therapy, assistive technology and special transport needs.

Timing can be vital

In the UK, there is a standard time limit of three years from the date of your injury, or the date you could first have reasonably established that your symptoms were caused by medical negligence, in which a claim for compensation can be made. It is always best to seek legal advice as soon as possible so that a solicitor can thoroughly prepare your claim and, where appropriate, apply for interim payments (money upfront) to help ease the financial strain during your treatment if you are unable to work.

Some exceptions to the time limit do exist, and special rules apply for children or adults who lack legal capacity, but it is always best to take legal advice as soon as possible.

How much compensation might be awarded?

Our team will help individuals and their families make a claim to cover medical treatment, rehabilitation, changes in lifestyle and the financial impact of the injury. We will also obtain expert medical reports on your injuries to support a claim for pain and suffering.

You may be entitled to claim for loss of earnings to cover time off work, to support you if you are unable to return to work or if you have to take a drop in wages to carry out a less-physical role. We can also help you claim all travelling expenses incurred because of an injury, including those of close relatives visiting you in hospital. Keeping receipts always helps support your claim.

Adapting your surroundings to allow you to function as normally as possible can be expensive, but your claim for compensation can cover the costs of rehabilitation aids/equipment you may need, as well as an adapted car or home to meet your needs.

What about state benefits?

You may be entitled to state benefits. While these claims are made separately to your claim for compensation, Thompsons can provide advice, or you can contact your local Department for Work and Pensions (DWP) office.



“

*The claim with
Thompsons is helping
because I want some
form of justice*”

Gail Boichat
Medical negligence client

Stephen's story

Stephen was diagnosed with cerebral palsy after he was severely brain damaged during birth. Medical staff failed to recognise that Stephen's mother, Pauline, would need to be kept in hospital at 38 weeks due to her uterine fibroids. During the birth, Stephen's exit was blocked by the fibroids and he was deprived of oxygen for more than 45 minutes.



Stephen spent five weeks in a Special Care Baby Unit, yet his parents were given little information on Stephen's prognosis. When Stephen was eventually discharged from hospital, the family found it incredibly difficult living without the facilities needed to care for Stephen properly at home.

After being contacted by Stephen's father, Mark, Thompsons put together a case, which led to a settlement that allowed the family to move into a specially adapted home.

Mark said:

“

Thompsons prepared our case - they were absolutely fantastic. Thanks to the settlement achieved we're a family again! Stephen's progress has been brilliant and the improvement in our home life has been humongous.

We've been able to buy and adapt a bungalow with enough space for all of us and proper facilities for Stephen. Care for Stephen is, of course, now all on one level and he comes into the garden with us, eats with us and moves around with us in a wheelchair.

All told, everything is a million light years ahead of how it was before the settlement.”

Clare's story

Clare was misdiagnosed three times, which resulted in her suffering brain damage that will affect her for the rest of her life.

She needed major brain surgery which is likely to have saved her life.

Following surgery, Clare had to learn how to walk and speak again. Her short term memory is permanently damaged, and she suffers from disorientation.

The life changing effects of her brain injury have also meant that she was forced to give up her job as 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. Thompsons were magnificent. They were very thorough at going into all our costs arising from what happened to me. 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 has a really good network of useful contacts too – medical experts from various specialised fields and all sorts of other specialists including experts on what home modifications I need.

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.”

Next steps

We hope this booklet has provided you with the information and guidance you need.

If you would like to talk to us to discuss your situation in more detail, you can contact us, without obligation, for free advice.

Phone us: **0800 0 224 224**

Visit us: **www.thompsons.law**

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)

0845 123 23 52

www.avma.org.uk

Care Quality Commission

03000 616161

www.cqc.org.uk

NHS Direct

0845 4647

www.nhsdirect.nhs.uk

Headway, the brain injury association

Freephone 0808 800 2244

www.headway.org.uk

ICAS

(Independent Complaints Advocacy Service)

www.carersfederation.co.uk/icas

Limbless Association

Helpline: 0800 644 0185

www.limbless-association.org

Cerebral Palsy Plus

www.cerebralpalsyplus.org.uk

Child Brain Injury Trust

0303 303 2248

www.childbraininjurytrust.org.uk

Cerebra

0800 328 1159

www.cerebra.org.uk

Scope

0808 800 3333

www.scope.org.uk

Heel & Toe Children's Charity

0844 335 0512

www.heelandtoe.org.uk

0800 0 224 224

For more information visit:

www.thompsons.law



@thompsonsinyury

The information contained in this booklet is not a substitute for legal advice. You should talk to a lawyer or adviser before making a decision about what to do. Thompsons Solicitors is a trading name of Thompsons Solicitors LLP and is regulated by the Solicitors Regulation Authority.

Published April 2017

TH16-040

Standing up for you