

Supporting You Through Medical Negligence



If you or a loved one has suffered an injury or illness because of medical treatment, the emotional and physical impact can be life-changing.

We'll investigate your case to see if anyone was at fault for the negligent treatment you received and if this was the cause of a serious injury or illness. We'll also assess the impact of this by requesting medical reports and expert opinions, to understand the support you'll need now and in the future.

Our focus is on your rehabilitation. We have close relationships with organisations and charities that can provide support. We'll help you to understand what's happened and help you to rebuild your life.

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We needed someone to fight our corner and would've never been able to find out the truth or find some kind of closure without the help of Irwin Mitchell.

Lee
5* Trustpilot review



This information relates to the law and procedures in England and Wales. Please contact us if you need advice about the law and procedure in other legal jurisdictions.

0800 023 2233

What is Medical Negligence?

Medical negligence occurs when doctors or other health professionals cause an illness or injury by failing to provide an adequate level of care.

There may have been a breach in medical standards or a violation of human rights, including:

- Incorrect diagnosis
- Incorrect treatment
- Important symptoms ignored
- A delay in diagnosis or treatment
- Failure of a medical product or device.

Duty of care

Medical professionals owe their patients a duty of care. You're entitled to reasonable standards – if these aren't met, you may be able to claim compensation if it can be proved that your doctor or other health professionals have committed a breach of their duty of care and this has resulted in you suffering an injury.

Faulty kit

Not all medical accidents happen because a professional has done something wrong. Sometimes a medical product, such as a drug or device like heart valves or pacemakers, can be faulty or fail.

We have a wide range of experience in product liability claims, in areas including:

- Blood products
- Breast implants
- Cataract lens implants
- Drugs
- Heart valves
- Human growth hormone
- Replacement hips.

Human rights

Everybody has human rights. In cases where an injury has occurred as a result of medical negligence, these rights have often been compromised.

The Human Rights Act states:

Article 2 protects the right to life and can be cited when patients have received below-standard care, have been refused expensive drugs or are not being properly fed. Article 2 also demands that any untoward or unexpected deaths must be fully investigated, usually through an inquest.

Article 3 forbids inhuman or degrading treatment. This may be relevant if you didn't give proper consent for treatment. It can also support cases where vulnerable people, such as the elderly or mental health patients, didn't receive adequate treatment.

Article 8 states that there must be respect for private and family life and can be quoted in cases where confidential medical information has been disclosed.

Article 14 bans discrimination of any kind and can be important in cases where age-based rationing of healthcare has taken place or patients have been discriminated against in any way.

Your Team of Experts

By building a relationship based on openness, trust and honesty, we're best placed to provide the expert advice you need.

Our reputation for helping clients who've suffered injury or illness through medical negligence is second to none. Every year, we help many people who've been

injured in this way get access to the best rehabilitation, medical care and support.

Our service

Our highly-specialist team will put you at the focus of everything we do, and approach your case with care and consideration to ensure the best possible outcome for you.

Our promises to you:

Access to our Court of Protection team if you or a loved one needs assistance with managing finances or property and affairs

Access to rehabilitation and therapy services

An early investigation of who may be accountable

Early compensation payments where possible to pay for the best medical care, rehabilitation and to ensure you're financially secure

Expert advice on state benefits, your employment rights and other financial issues

Help from our solicitors in other areas of law, such as financial planning, Personal Injury Trusts, Wills advice, Power of Attorney, education and social care needs advice.

Campaign for improvements

We have a long history of campaigning for improvements to medical care. Our aim is to help develop medical procedures, improve quality of life and levels of

compensation for those who've suffered. We're also sponsors and fundraisers for several leading charities and support groups.





No one should let their condition stop them from doing what they want to do or put plans on hold – I certainly don't let my cerebral palsy stop me from getting on with what I'm doing.

Matthew Garner
Our client

Matthew's Story

Matthew was born by emergency C-section. Delays in his delivery caused him to develop quadriplegic cerebral palsy, hearing loss and learning difficulties.

As a result of his injuries and their life-changing impact, Matthew's family instructed our expert medical negligence solicitors to represent them in a case against the hospital trust responsible.

Our team have helped Matthew secure an interim payment to purchase a property suitable for his needs, and arranged a full package of care to aid his independence. The focus is now on securing long-term funding to support Matthew for the rest of his life.

Due to the severity of his condition, Matthew was assessed as lacking the capacity to manage his property and affairs. Our Court of Protection team were appointed to support him and manage his finances.

A future to smile about

Despite the challenges Matthew faces, he's known for his infectious smile, especially when he's taking part in his two passions: music and sport.

Matthew absolutely loves music, and has done so for as long as he can remember. He recently joined Rhythm Train, a Stockton-based community drumming group, who perform samba beats at events across the North East. Matthew listens to his favourite artists every single day, and even has a slot on a hospital radio station so he can play songs to a wider audience.

Sport is his other love and he's a regular at his local wheelchair football club. He enjoys meeting new team mates and the thrill that comes from playing inclusive sport. Matthew loves being able to get involved and his positive attitude means that he's looking forward to a fun and happy future.



Matthew is a true inspiration, with his drive and determination, the sky really is his limit.

Angela Kirtley
Medical negligence expert

When Can I Make a Claim?

Normally adults must make a claim within three years of the date they first knew, or suspected, that they were injured as a result of medical negligence.

That limit can vary, and may be shorter or longer depending on the circumstances of your case. The rules relating to children are different - the three year period applies but doesn't commence until the child's 18th birthday. If you or your loved one is found to lack capacity then there may be no time limit in terms of bringing a claim, but it's always best to seek legal advice as quickly as possible. You should also be aware that any claims brought under the Human Rights Act must be started within one year of the incident taking place.

Do I have a case?

All cases are unique, and we'll not know your chances of securing compensation until we look into the circumstances that caused your injury or illness. We'll assess your case free of charge, tell you what we think, and then leave you to decide if you want to go ahead.

Can you take over from my current solicitor?

We have helped many people who've been dissatisfied with the advice or service they have received from their current solicitors. Our specialists have gone on to achieve a successful outcome for them, including gaining access to the best medical care, rehabilitation and compensation. If you decide to move your case to us, the process is very simple. We'll speak to your current solicitor on your behalf.

What are my chances of winning?

Many people come to us who originally didn't think they had a claim. We've gone on to secure rehabilitation and financial security for their future.

We're realistic in our assessments, so when you contact us, we'll give you honest, straightforward advice on your chances of winning, based on the information you have provided. It's not possible to give a definitive answer on any case, and the more information we have, the more accurate an assessment we can make.

What if a Loved One has Passed Away?

If someone you love has passed away whilst receiving medical treatment, it's likely that their death will be investigated at an inquest.

Inquests can prove vital in helping to highlight problems within the system and make sure that improvements are made to avoid other families having to suffer in the way that you have. They also play an important role in investigating the deaths of hospital in patients or patients in secure units under the Mental Health Act.

It's crucial to seek legal advice before an inquest takes place. This gives your solicitor the chance to get medical records and other documents from the coroner before the court hearing. Your solicitor will also be able to ask witnesses questions during the hearing. Because inquests are open to the public, and often attract press and media attention, they'll ensure your interests are properly protected.

Depending on what evidence comes to light during the inquest, you may be able to pursue a subsequent claim for bereavement and economic dependency. We'll thoroughly explain all your options with you after the inquest.



Rather than think about what I have lost, I like to consider the opportunities that I have been given.

Andrea Moran
Our client

Andrea's Story

When Andrea was admitted to hospital with flu-like symptoms, she had no idea that her life was to change forever.

Andrea was diagnosed with sepsis. Treatment was delayed, and she experienced problems with the blood supply to her legs, requiring her to have two below-knee amputations.

Andrea instructed our specialist medical negligence solicitors to investigate concerns with her treatment and the aftercare she received once discharged from the hospital. While this process is ongoing, our focus has been on providing Andrea with the best support and care to aid her recovery.

Incredible determination

The sudden, unexpected reality of her situation took a while to sink in, and had a huge impact on Andrea both physically and psychologically. But she was determined to be positive, and focus on being able to play an active role in her granddaughter's life.

After leaving hospital, Andrea began her rehabilitation programme and was fitted with prosthetics to help her regain some independence.

In the months that have passed since, Andrea has remained upbeat, spending quality time with her friends and family, as well as joining an art class.

Incredibly, Andrea has already set up a support group for other amputees alongside the charity Finding Your Feet.

Andrea's biggest achievement is already reaching her goal of being able to walk again, which she's done not only for herself but for her family. It's made her more determined and confident to enjoy every minute of family life and watch her granddaughter grow up.



Andrea has endured an incredibly difficult few years, but her attitude in the face of everything has been truly remarkable.

Rebecca Pearey
Medical negligence expert

How Much Will It Cost?

Contacting us for initial advice on your claim costs you nothing. If you go on to pursue a claim with us, we'll review all the options for funding it.

These may include:

Conditional fee agreement – commonly known as a 'No Win No Fee' agreement

Public funding – for children who have a severe disability as a result of neurological injury caused by medical negligence during pregnancy, birth or the postnatal period up to eight weeks old

Legal expenses insurance – you may have legal expenses cover to help with any legal costs as part of your household or car insurance

Trade union – if you're a member of a trade union, they may provide assistance for some legal issues.

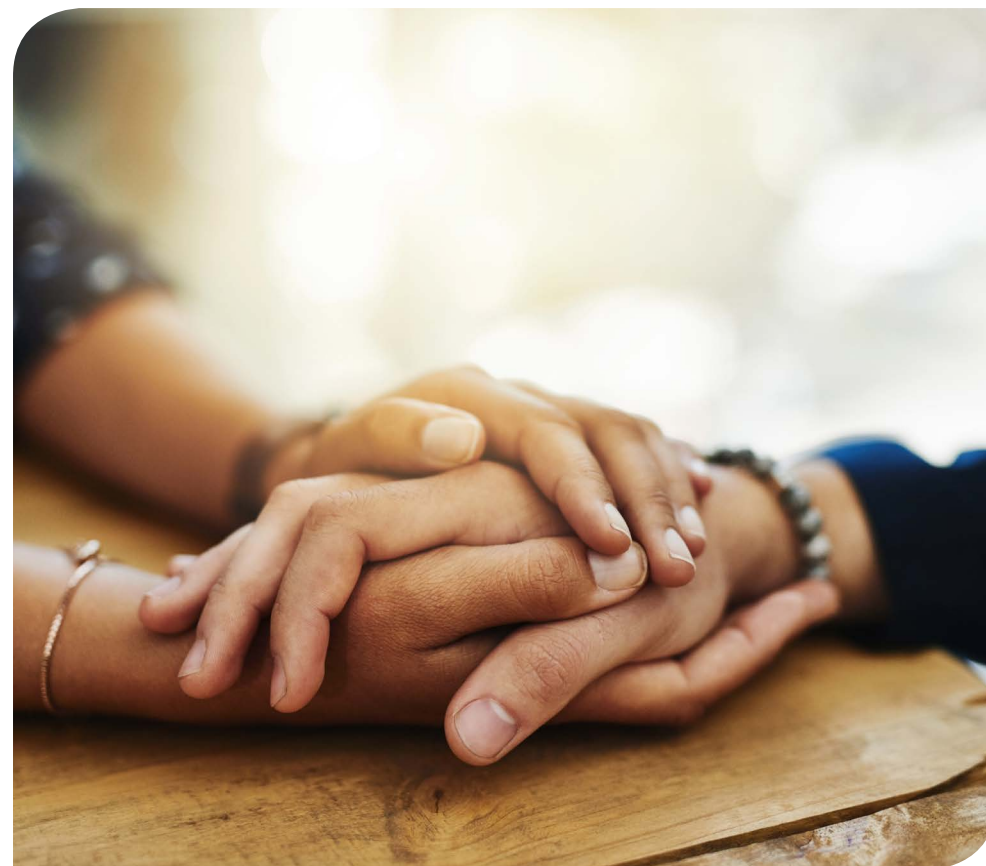
Even if you have access to legal expenses insurance, public funding or trade union assistance, your best option may still be a 'No Win No Fee' agreement*.

* Subject to entering into a 'No Win No Fee' agreement in conjunction with our Allianz Litigate insurance policy and complying with your responsibilities under its terms.

Legislation

The government introduced some changes to how legal costs and funding for personal injury claims will work from April 2013.

These changes mean you can no longer recover all of your legal costs from your opponent. It's likely that you'll still recover your basic legal costs.



'No Win No Fee' Agreements

If we recommend that a 'No Win No Fee' agreement* is your best option, you can be assured that there is no financial risk to you if you're unsuccessful.

If you win:

Your opponent will pay the majority of our basic legal costs and disbursements (e.g. court fees, medical reports)

Any costs not payable by your opponent will include:

- The premium for your insurance policy to protect you fully against any risk of legal costs
- Some of your basic legal costs which cannot be recovered from your opponent
- A 'success fee' which compensates us for the risk that we wouldn't recover any legal fees at all if it was unsuccessful

You won't have to pay a penny out of your own pocket until your claim has successfully come to an end and then any of the costs not paid by your opponent will be deducted from any compensation awarded to you

If any disbursements can't be recovered from your opponent these will be covered by your insurance policy

To help you with your legal costs, the government has provided a 10% increase in the amount awarded to you for your pain, suffering and loss of amenity.

If you lose:

We can promise you, there's no financial risk to you if your claim is unsuccessful*

There will be no charge to you

You'll be fully covered by your insurance policy for any disbursements

You'll be fully protected by your insurance policy from any of your opponent's legal costs.

We'll do everything we can to protect and support you to proceed with your claim and we'll keep you updated at all times. Remember, there's absolutely no financial risk to you or your family if you're unsuccessful.

* Subject to entering into a 'No Win No Fee' agreement in conjunction with our Allianz Litigate insurance policy and complying with your responsibilities under its terms.



How Much Compensation Will I Get?

The amount of compensation you receive will depend on how seriously you've been injured, how that injury has affected your life, how much money you have lost or will lose as a consequence, and whether you'll need extra support in the future.

Individually assessed

We'll advise you at the outset on how courts approach the assessment of compensation and how that will apply to your case. It's important to bear in mind that everyone is different, and the consequences of the same injury will vary from person to person.

Keeping you informed

As we learn more about you and your circumstances, we'll be able to provide a more accurate idea of the financial value of your claim. You can be assured that we'll do everything we can to recover the maximum amount of compensation available to you and organise payment terms to suit your immediate and ongoing needs.

As well as securing financial compensation, we'll help you and your family with the practical issues and day-to-day impact of your injury, and help you get the best medical care and rehabilitation.



What Happens When I Claim?

We'll investigate your case thoroughly by gathering witness statements and other relevant details about your injury or illness and ongoing requirements.

Review

Once your witness statement, medical records and hospital background documents have been collated, they'll be reviewed by a number of medical experts. They'll give their opinion on the standard of care that you received.

It's likely that your solicitor will then arrange a meeting with the medical experts to discuss all of the information and establish if you have grounds to pursue a claim. This will be a joint decision and based on a number of factors.

You'll have the opportunity to question the experts about any aspect of your treatment. If there's not enough information for the experts to give their opinion, or if they think you weren't treated negligently, you'll be given the opportunity to talk through your treatment. This gives them a better understanding of the medical care you received.

If they're confident that you have a case, your solicitor will start a claim against your opponent.

Court settlements

The vast majority of cases are settled before they go to court. If your case is one of the few that is to be decided by a judge, it's perfectly normal and we'll be there to help you every step of the way.

What Else Can We Help You With?

Whether it's business or personal we understand that everyone's situation is different.

If you need legal advice or support with financial planning, we're here to offer *an expert hand with a human touch*, so you're able to focus on what really matters.

We're here to help you with:

- Buying or selling a house
- Court of Protection
- Divorce, children and family matters
- Planning disputes
- Financial planning and wealth management*
- Support with your business and employment issues
- Social, education and healthcare provisions
- Tax and trusts
- Welfare and healthcare matters
- Wills

* Financial planning and wealth management services are provided by IM Asset Management Limited which is authorised and regulated by the Financial Conduct Authority. Its Financial Services Register Firm Reference Number is 402770.



Contact us:

☎ 0800 023 2233

💻 irwinmitchell.com

Useful Contacts

We have close relationships with organisations and charities that can provide extra support when you need it most.

Association of Personal Injury Lawyers (APIL)

A non-for-profit organisation fighting for the rights of injured people for over 25 years.

3 Alder Court
Rennie Hogg Road
Nottingham
NG2 1RX

☎ 0115 9435 400
✉ mail@apil.org.uk
🌐 apil.org.uk

Action against Medical Accidents (AvMA)

The UK charity for patient safety and justice.

Freedman House
Christopher Wren Yard
117 High Street
Croydon
CR0 1QG

☎ 0845 1232 352
🌐 avma.org.uk

Caudwell Children

A charity that aims to transform the lives of disabled children across the UK. They act as a safety net for families who are unable to gain the help they need.

Caudwell International Children's Centre
Innovation Way
Keele Science & Innovation Park
Newcastle-under-Lyme
ST5 5NT

☎ 0345 300 1348
✉ charity@caudwellchildren.com
🌐 caudwellchildren.com

Cauda Equina Syndrome Association (CESA)

A patient led, non-profit organisation, striving to raise awareness of Cauda Equina Syndrome and support people living with the condition. Based in the UK they have members from all around the world.

The Wheelhouse
Water Mill Business Park
Broughton Hall
Skipton
BD23 3AG

☎ 03335 777 113
✉ info@ihavecaudaequina.com
🌐 ihavecaudaequina.com

Different Strokes

Different Strokes is run by younger stroke survivors for younger stroke survivors.

9 Canon Harnett Court
Wolverton Mill
Milton Keynes
MK12 5NF

☎ 0345 1307 172
✉ info@differentstrokes.co.uk
🌐 differentstrokes.co.uk

Headway

They work to improve life after brain injury by providing support, services and information to brain injury survivors, their families and carers.

Bradbury House
190 Bagnall Road
Old Basford
Nottingham
NG6 8SF

☎ 0808 8002 244
✉ enquiries@headway.org.uk
🌐 headway.org.uk

Meningitis Now

Dedicated to fighting meningitis in the UK by investing in early stage research and providing support to those affected.

Head Office
Fern House
Bath Road
Stroud GL5 3TJ

☎ 0808 8010 388
✉ helpline@meningitisnow.org
🌐 meningitisnow.org

Shine

Providing specialist advice and support for those affected by spina bifida and hydrocephalus.

42 Park Road
Peterborough
PE1 2UQ

☎ 0173 3555 988
✉ info@shinecharity.org.uk
🌐 shinecharity.org.uk

Stroke Association

Stroke Association deliver stroke services across the UK, campaign for better stroke care, and investigate the causes.

Stroke Association House
240 City Road
London
EC1V 2PR

☎ 0303 3033 100

🌐 stroke.org.uk

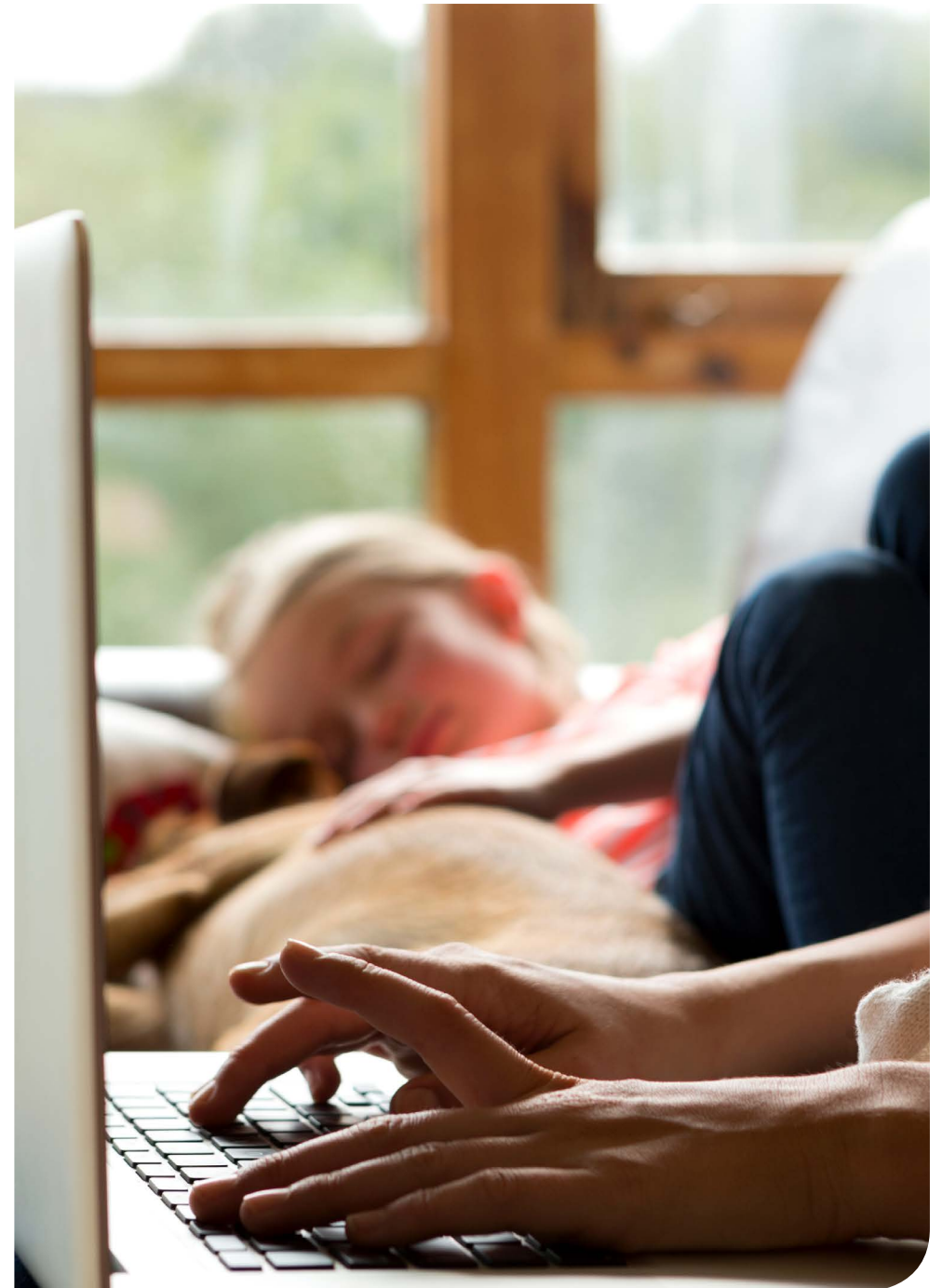
The UK Sepsis Trust

The UK Sepsis Trust exists to fight the life-threatening condition, stop preventable deaths, and support those affected by sepsis.

2nd Floor
36 Bennetts Hill
Birmingham
B2 5SN

☎ 0800 3896 255

🌐 sepsistrust.org



Expert Hand. **Human Touch.**

P-MN-1001-B

 0800 023 2233

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