

Your Guide to Medical Negligence

We understand that embarking on a medical negligence claim against a professional can be daunting. Read our FAQ's prepared by our specialist team answering some of the questions that you might have.



Medical Negligence

What is medical/clinical Negligence?

Medical negligence is substandard care that has been provided by a medical professional to a patient, which has directly caused injury or caused an existing condition to get worse.

What do you have to prove for medical negligence?

For a medical negligence claim to succeed, duty, breach, and causation needs to be established.

How long after medical negligence can you claim?

The time limit to make a claim is known as a limitation period and lasts three years.

Can I sue the NHS?

It is your legal right to sue the NHS for medical malpractice and negligence.

Do medical negligence claims go to court?

Most medical negligence cases are resolved without going to Court. The court strongly encourages early settlement cases and there are plenty of opportunities to negotiate settlement of your medical negligence claim.

Head and Brain injuries

How much compensation can you claim for a traumatic brain injury?

Because the range of head injuries is so extensive, the amount of compensation that is awarded can also vary extensively. While a minor head injury claim is worth between £1,000 and £10,000, in cases of traumatic brain injury, individuals can receive much more.

What qualifies as brain damage?

The brain can be damaged in many ways and levels of severity. The basic definition of brain damage is an injury to the brain caused by various conditions such as head trauma, inadequate oxygen supply, infections, or functional abnormality.

Cancer claims

Do you get compensation for cancer?

You should be entitled to claim compensation for a delayed cancer diagnosis if you can prove that the standard of care provided by your treating medical practitioners fell below an acceptable standard and that this failure caused additional harm and a worse medical outcome.

Consent

What is consent negligence?

These types of claims are known as informed consent claims and are brought in the tort of negligence. The claim is not that the medical professional was negligent in carrying out the treatment but that they were negligent in advising the patient about the risks.

What are the consequences of breaches of informed consent?

Informed consent is a legal requirement for any medical treatment and is reinforced by professional guidelines. Treating you without valid consent may be considered as an assault or battery and can give rise to criminal or civil proceedings.

Can I make a claim if I signed the consent form?

Consent is often wrongly equated with a patient's signature on a consent form. A signature on a form is evidence that the patient has given consent but is not proof of valid consent.

Delayed Diagnosis

Can I sue for a late diagnosis?

If you become aware that you have a condition that you believe could have been diagnosed at an earlier stage and as a result, you have suffered harm, you may be able to make a delayed diagnosis compensation claim.

What is classed as delayed diagnosis?

Delayed diagnosis, also known as late diagnosis, refers to when a patient's condition is initially missed by a medical professional, only diagnosing the condition or illness at a more advanced stage. This can prolong the recovery period or reduce the patient's life expectancy in more serious cases.

Cosmetic surgery claims

Can you sue someone for cosmetic surgery?

You can make a cosmetic surgery clinical negligence claim for any type of cosmetic procedure.

Can I sue a private surgeon?

You can make a claim against a private surgeon or the NHS.

Hospital infection

What is a hospital-acquired infection?

Hospital-acquired infections are acquired in healthcare settings by patients admitted for reasons unrelated to the infection, or not previously infected when admitted to the facility.

What hospital-acquired infections are the most common?

Respiratory tract infections (Pneumonia), Surgical site infections, sepsis, clostridium difficile infections and urinary tract infections are the most common hospital-acquired infections. If you have lost a loved one because of a hospital-acquired infection, you can make a medical negligence claim for wrongful death.

Is infection medical negligence?

In general, a post-operative infection is not a sign of medical negligence. However, a failure to properly dress and maintain a surgical wound or a delay in diagnosis and treating an infection is.

Are hospitals responsible for hospital acquired infections?

A hospital and hospital administrators may be held directly liable for not introducing or implementing best practice infection control measures, resulting in harm to patients. The hospital may also be held vicariously liable where patients have been harmed because hospital staff negligently or intentionally failed to comply with the infection control measures that have been implemented by the hospital, during the course and scope of their employment.

Maternity Claims

How long after birth can you claim negligence?

You generally have three years from the date of a birth injury to make a claim. However, if you are claiming for a child, you have up until their 21st birthday to make a claim.

Can I sue NHS for a traumatic birth?

If you suffered a traumatic experience during childbirth which has led to post traumatic stress disorder (PTSD), you might have a claim for compensation if it was due to medical negligence.

Fatal Accidents

What happens if someone dies due to medical negligence?

There are two main elements of a claim for death caused by medical negligence. You can claim on behalf of your loved one for any pain and suffering experienced prior to their death. This is known as a claim on behalf of the estate.

Sepsis Claims

What are the symptoms of sepsis?

Symptoms of sepsis include a higher or lower temperature than normal, may have signs and symptoms of an infection, confused, sleepy, difficult to rouse, severe pain, discomfort, and shortness of breath.

Can you claim for sepsis?

You may be able to claim for medical negligence if a diagnosis for sepsis was either missed or misdiagnosed and treatment was delayed.

Is sepsis fatal if left untreated?

Without timely treatment, sepsis can rapidly lead to tissue damage, organ failure and death.

Surgical Errors

Can I claim for an operation that went wrong?

If you have suffered an injury or illness because of a surgical error, you may be entitled to compensation.

How long after an operation can you claim negligence?

You generally have 3 years from the date of the operation to make a claim. If you are diagnosed with a condition later that you can prove was related to your surgery, then the 3 years would start from the date of knowledge of the negligence.

Necrotising Fasciitis

What are the first signs of necrotising fasciitis?

Early symptoms of necrotizing fasciitis can include a red, warm, or swollen area of skin that spreads quickly. The consequences of such infections can be very extensive and in some cases is life-threatening.

Can I sue my hospital for necrotising fasciitis?

Where necrotising fasciitis has been caused by the negligence of medical professionals, you may be entitled to claim compensation for the injury caused and the associated losses which you incur.

Never Ever Events Claims

What counts as a never event?

Never Events are defined as serious incidents that should not occur if healthcare providers have implemented existing national guidance or safety recommendations.

Can you sue for a never event?

If you have suffered an injury or illness because of a never event, you may be able to make a claim for medical negligence.

What are some examples of never events?

Some examples of never events include wrong site surgery, foreign object being left in the body post-surgery, wrong implant/prosthesis and medication being administered by the wrong route.

GP and Nurse Practitioner Negligence

Can I sue a GP for negligence?

For a claim to qualify as medical negligence, it will need to be proven that the medical practitioner was at fault, and that fault caused you harm.

Does a GP owe a duty of care?

All healthcare professionals have a duty of care to their patients.

Dental Negligence

How long does a dental negligence claim take?

On average, dental negligence claims may take as little as one year and six months. In some cases, it may take far longer than that.

What happens if a dentist makes a mistake?

If you have suffered from an injury or illness because of a mistake made by your dentist, you may be able to make a claim for dental negligence.

Serious Injury Claims

What counts as serious injuries?

Serious injuries, often referred to as catastrophic injuries are those that have a significant and long-term impact on the life of the injured person and their family. Such injuries can include brain and spinal cord injuries, as well as amputations, serious burns, and fatal accidents.

How can Wollens help?

Our specialist solicitors can discuss your medical situation with you and recommend the best next steps. Contact, Elizabeth, Catherine, Hannah or Rachel on info@wollens.co.uk



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