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Your guide to Medical Negligence Claims



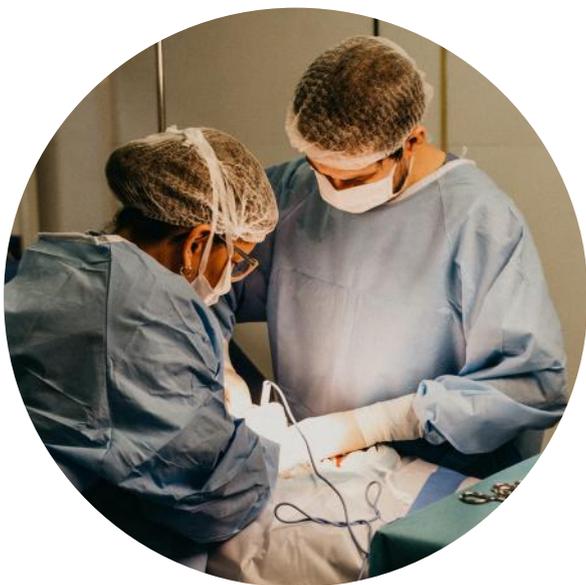
Introduction

What is a medical negligence claim?

Healthcare professionals and organisations have a legal duty of care towards their patients. Clinical negligence covers failures from all medical professionals, including GPs/doctors, nurses, surgeons, opticians and midwives. The consequences of such failures can be life-altering and, in some cases, even fatal.

If your, or a loved one's, health has been harmed after receiving a substandard level of medical care, you may find that you have to deal with financial and medical setbacks as you come to terms with what has happened and attempt to re-adjust your life accordingly. Clinical negligence compensation claims can help to support you through this.

We understand this can be a very difficult time. This short guide will give you a better idea on what to expect if you're considering pursuing a clinical negligence claim.



Your local medical negligence solicitor

Verisona Law has been supporting individuals to make Clinical Negligence claims for over 10 years.

Our clinical negligence lawyers have many years of experience and are experts at getting to the truth - so that you can understand what happened, and gain the compensation or support you need. We deal with cases in many fields, including medical negligence, birth injuries (such as cerebral palsy) and cancer misdiagnosis. Our goal is to help you move on, long-term and as fully as possible.

“ Their attention to detail was excellent and whenever I telephoned the offices everybody was always so friendly and helpful. I was very impressed with the excellent service that you have provided.”

P Smith - NARPO Member

Your story

A solicitor will first of all want to know your story, starting from the act of medical negligence and finishing with the impact that said negligence has had on your health and wellbeing.

We would recommend that you try and write everything down – including names, times and dates – prior to speaking to a solicitor to make sure that you tell them every single detail of the ordeal.

We understand that this can be difficult, and your solicitor will be able to outline any missing information you will need.

A legal team will then look over your medical records and your story to determine whether pursuing a claim would be in your best interests. Your solicitor will be able to gain access to your medical files on your behalf, as it is imperative that they review your illness, injury or condition and its documented cause in order to decide if bringing a claim would be entirely suitable.



Building your claim

Your solicitor will be responsible for constructing the clinical negligence claim on your behalf.

During this time, they will enlist a medical expert specialising in your illness, injury or condition to carry out the following:

- Review your case, including your treatment and any subsequent damage to your health
- Judge whether medical negligence had occurred and directly caused your physical or psychological damage
- Determine your recovery time
- Figure out what medical treatment and support could be needed in the future.

The legal team will gather witness statements. This will include family members involved in the process, allowing your solicitors to build a good picture and gather strong evidence to prove negligence took place.

Negotiating your settlement

Your solicitor will also be responsible for sending a Letter of Claim to the person that you're claiming against, managing the entire process so that you can focus on recovering from the ordeal.

This document will typically include:

- Details of the allegations being made
- Some details as to the value of the claim.

The defendant will then have four months to respond to the letter, in which they could state that they would like to settle and/or negotiate with your legal team to bring the matter to a satisfactory conclusion.

While this is a possible outcome of a Letter of Claim, there is the chance that the defendant will not accept the claim, which can lead to the claim going to court. It may be settled thereafter or it may have to proceed to a trial.

“ Thank you for all your assistance for helping Christopher complete a successful claim with the third party. Your experience was fantastic and forever kept us at ease showing that you are an expert in your field of work.”

Going to court

If a defendant denies the claims that are being made against them or is unwilling to negotiate a settlement, the claim for compensation may need to go to court.

The solicitor handling your claim will be able to provide you with legal guidance during the entire process and represent you in court.

At Linder Myers, we understand that this can be a daunting and worrying step for any person dealing with the after effects of medical negligence. Our legal team will therefore work hard to fully explain the process to you and provide a high level of support throughout, keeping the procedure simple, straightforward and most importantly stress-free.

Your compensation

If your claim is successful or the defendant agrees to make a settlement out of court, the medical negligence compensation you receive will be based on your injury, illness or condition that has been caused by poor medical care and the subsequent impact it has had on your health and wellbeing.

You can expect to be recompensed for the following:

- Pain and suffering
- Loss of amenity (the way your life has changed)
- Past and future financial losses
- Loss of earnings, treatment costs, aids and equipment, transport, family or professional care.

Your settlement will take all present and future setbacks into consideration, so that you can deal with any current issues and have the finances to cope with anything that happens in the future.



Time limits and exceptions

You will typically have a three year time limit in which to make a claim for compensation.

This time period will start from the moment you know or think that your illness has been caused or worsened by medical negligence. This will usually occur on the date of the accident or the date of knowledge, which is when you recognise the following:

- That you are injured or suffering from a condition
- That you think medical negligence has caused the injury
- The identity of the party responsible.

The date of knowledge can happen much later than the date of the accident. For instance, someone who has been misdiagnosed or been the victim of a prescription error is much more likely to recognise that medical negligence has occurred once time has passed.

Special rules and exceptions

The three year time limit doesn't apply in the following circumstances:

- The claimant was under the age of 18 at the time of the incident
- The claimant had a mental disability at the time of the incident.

For children, the three year time limit starts from the moment they turn 18. People with a permanent mental disability have no time limit, while the three year time limit does apply from the moment a person recovers from a mental illness. Family members of a deceased relative also have three years from the date of death in which to put forward a claim in certain circumstances.

“ I felt very reassured that our cases were being handled efficiently and with empathy. In the early stages, when I had a mass of information, this helped immensely.”

Anon - Medical Negligence Client



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