Suffering from medical negligence can be a painful and distressing experience for anyone.

This short guide offers some advice to help people thinking about pursuing a compensation claim after receiving substandard medical care.
Suffering from an act of medical negligence can be a severely traumatic ordeal for a person, and can have a serious impact on their health and wellbeing well into the future.

A person whose health has been harmed after receiving a substandard level of medical care may find that they have to deal with financial and medical setbacks as they come to terms with what has happened and attempt to re-adjust their life accordingly.

It is important for people to remember that there is compensation available for victims of medical negligence, which can help them to live both independently and comfortably throughout their life.

This short guide has been created to help sufferers of medical negligence understand how they can pursue their claim for compensation, and gain access to the financial and medical support they thoroughly deserve.

It will also help to show how simple and straightforward the claims process can be for those who are currently suffering from an injury or condition, or attempting to recover following the ordeal.
Definition

Medical negligence is defined as "any act or omission which falls short of a standard to be expected of the reasonable doctor in that field of medicine."

A claim for compensation can be brought against the responsible medical professional or institution if:

1. A medical professional or healthcare provider had a duty and was responsible for your care
2. The medical professional did not conform to standards and violated their obligation
3. An injury, illness or condition was caused or worsened by the breach
4. Physical or psychological damage has been caused by the injury or illness

Whether a person has suffered from a delayed referral, medication error or careless procedure, if their health has suffered as a result of being subjected to an unacceptable level of medical care, a medical negligence claim can be pursued by a solicitor on their behalf.

Common duty breaches which cause harm to patients include:

- Delayed diagnosis or misdiagnosis
- Carelessness in procedures or operations
- Failure to warn of risks in treatment
- Medication and prescription errors
- Delayed or lack of referral
- Failure to obtain proper consent
Pursuing a claim – finding the right solicitor

When looking to pursue a medical negligence claim, it is imperative that you get legal support from an entirely suitable firm. These cases are well known for being complex and complicated, as solicitors have to provide clear evidence of substandard medical care, so it is wise to select a team with the right legal knowledge and experience in handling medical negligence claims.

About Linder Myers

If you know or suspect that your health has been damaged by substandard medical care, we would highly recommend that you get in contact with our specialist medical negligence department.

Linder Myers has one of the largest dedicated medical negligence departments in the UK, so can be trusted to competently handle claims and provide the correct advice, guidance and support required. With former nurses, dedicated new claims enquirers and fee-earners employed in the team, our claimants get to benefit from the rich knowledge and expertise held by our staff members.

By choosing a solicitor who specialises in medical negligence, you can rest safe in the knowledge that your claim is being handled properly, allowing you to focus solely on your health and wellbeing.
Talking about the medical negligence

A solicitor will first of all want to know about your story, starting from the act of medical negligence and finishing with the impact that your subsequent illness, injury or condition 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 solicitor to make sure that you tell them every single detail of the ordeal.

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 should 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 for compensation

Your solicitor will be responsible for constructing the medical 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 be gathering 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 medical 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.
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.
Further assistance and charitable support

There is plenty of guidance and support for people dealing with the impact of medical negligence.

Government funding, such as disability benefit and/or other state benefits are available, while specialist charities can provide information on support groups and offer free, independent advice.

While managing your claim for compensation, your medical negligence solicitor will also be able to advise you on any further help you need.

At Linder Myers, our aim is to help claimants live both independently and comfortably after suffering from medical negligence, so we will always make sure that you are surrounded by all the support you need at this difficult time.
About Linder Myers

Linder Myers is a legal firm with specialist departments in many different areas, including medical negligence, occupational disease and personal injury.

Providing expert legal advice and support at affordable prices, including no win no fee case handling, our solicitors are truly dedicated to providing a high quality and efficient legal service to claimants.

Our medical negligence department

The Linder Myers medical negligence team is one of the largest departments in the UK, and contains a number of fully qualified former nurses, dedicated screeners and fee-earners. From researching precedents to gathering evidence, you can guarantee that the dedicated team of specialists will work together to ensure that you achieve the very best outcome from your compensation claim.

Contact us

If you or a family member has been a victim of medical negligence, get in contact with Linder Myers on 0844 984 6444. Our team will be able to provide you with impartial and honest legal advice, making sure that you take a direction that is in your best interests.
About Linder Myers

Linder Myers is a firm of solicitors with specialist departments in nearly all areas of law. We pride ourselves on our commitment to clients in delivering efficient, high quality legal services.

Linder Myers specialises in the following areas of law:

- Corporate & Commercial
- Commercial Litigation
- Commercial Property
- Corporate Recovery
- Costs Management
- Court of Protection
- Disputed Wills and Probate
- Employment
- Family
- Medical Negligence
- Occupational Disease
- Personal Injury
- Regulatory and Compliance
- Residential Conveyancing
- Trusts and Estates

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