

Understanding Medical Negligence

When we become unwell, we place our trust in healthcare professionals to return us to good health. There can be, however, regrettable instances where a healthcare professional makes mistakes or substandard care is provided that results in a patient being negatively impacted. We refer to this as 'medical negligence'.

What Counts as Medical Negligence?

Determining whether a situation constitutes as medical negligence is done on a case by case basis, but in general, medical negligence can be attributed to cases where:

- The patient has received an injury through negligent treatment, or
- The patient's condition has worsened as a result of negligent treatment

Negligent treatment can come in many forms, including a misdiagnosis, an incorrect prescription of treatment, or a mistake during surgery.

How Much Will I be Able to Claim from Medical Negligence?

If you have been a victim of medical negligence, the amount you will be able to claim will depend on several factors, including:

- The severity of your condition, injury, or illness
- The expenses you have incurred as a result of the negligence, such as transport or legal costs. This may also include a lack of income due to being unable to work
- The impact of the negligence on your life, both physically and emotionally
- The future projections of your condition, such as recovery time, ongoing care, or prognosis

Do I Have a Time Limit to Make A Claim?

In general, any case of suspected negligence should be put forward within three years of when you realised or suspected yourself to be a victim of negligence. It may not be possible to bring a claim after this time with some exceptions (e.g. where the injured party is a child or an adult without mental capacity).

Can I Make A Claim For Somebody Else?

Yes – you can claim medical negligence for somebody other than yourself as long as they fall into the following criteria:

- They are a child, for whom which you are a parent or guardian
- They are deceased, and you are the personal representative or dependent, or
- They do not have the capacity to make a claim for themselves

Other conditions may also be accepted on a case by case basis.

Can I Claim Medical Negligence Against the NHS?

Yes – you may make a claim against the NHS if you have been a victim of negligence while in their care. Although the NHS is a welfare service, you still have a right to compensation if negligence occurs, the same way you would with any healthcare provider.

Some people may have ethical or moral concerns about making a claim against the NHS. Whilst understandable, the result of the negligent treatment may create significant hardship (both physically and financially) for the person involved, through no fault of their own.

I Want To Claim Medical Negligence – What is the Process?

As with all legal matters, the process of claiming medical negligence will differ on a case by case basis. That being said, you can expect the following steps to be taken during your claim:

1. You will have an initial meeting with your solicitor so they can take details as to the nature of the claim and the impact of the negligent treatment on your life. They will also answer any questions you may have.

2. To prepare the case, your solicitor will need to gather information to support your claim. This will include but is not limited to any medical records, statements, evidence of expenses related to your claim, as well as expert medical advice.
3. When the evidence has been collated, you and your solicitor will be able to put forward a claim. The vast majority of medical negligence cases settle out of court.

Butcher & Barlow LLP are here to support you through this process.

We fully understand the disastrous impact that medical negligence can have on the life of you and your family. Butcher & Barlow LLP has a team of expert Medical Negligence Lawyers who will support you throughout the entire process, promising sensitivity, compassion, and transparency. If you would like to find out more about our Medical Negligence Team, please head over to our [designated page](#).

While legal proceedings might sound stressful – especially when you are suffering with ill health – it is vital that you act immediately and seek legal advice due to the time sensitive nature of these cases. If you wish to begin a claim, or you would simply like more information, please give one of our team a call on 0161 764 4062 and we will be more than happy to help you.

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