

HEALTHCARE STANDARDS GROUP

Medical Negligence Claims - A Practical Guide

This guide provides general information only. It is not legal or medical advice.

1. What is medical negligence?

Medical negligence may arise where care falls below a reasonable professional standard and that failure causes avoidable injury, deterioration or other loss.

A poor outcome does not automatically mean that treatment was negligent. Claims usually require evidence addressing both breach of duty and causation.

2. Could a claim be investigated?

Useful initial questions include:

- Was there a failure in diagnosis, treatment, monitoring, referral or follow-up?
- Did that failure cause additional harm or make the outcome materially worse?
- Are the relevant treatment and knowledge dates within the applicable limitation rules?

If you are unsure which type of claim applies, start with what happened rather than trying to identify a legal label yourself.

3. Common types of medical negligence claims

Claims can involve hospital treatment, A&E care, surgery, medication, GP treatment, dental care, delayed or missed diagnosis, cancer diagnosis, birth injury, sepsis, stroke, cauda equina syndrome, diabetes-related diagnostic delay and other specialist circumstances.

4. Evidence that may be needed

Depending on the case, an investigation may use:

- GP, hospital, dental or private treatment records
- Test results, scans, pathology or other imaging
- Referral, prescription and follow-up records
- Independent expert evidence
- Evidence of earnings, care, treatment costs and other financial losses

Medical records are important, but they are usually considered alongside the chronology and appropriate independent expert opinion.

5. What happens after an initial enquiry?

The precise process varies, but it can include initial assessment, obtaining records, expert evidence, investigating breach and causation, notifying the relevant defendant, negotiation and, where necessary, court proceedings.

6. Time limits

Medical negligence limitation is fact-specific. A three-year period is common in adult claims, but the date from which time runs can depend on when the person knew enough about the injury and its possible connection to the treatment. Different rules can apply to children and some other circumstances.

Do not rely on a website to calculate your final limitation date. If timing may be important, seek individual advice promptly.

7. Compensation

There is no reliable generic calculator for medical negligence compensation. Where liability is established, the assessment can take account of the individual injury and supported losses, which may include pain and suffering, earnings, care, rehabilitation, treatment, equipment, travel, accommodation needs and other reasonable consequences caused by the injury.

8. Funding

Different funding arrangements may be available depending on the case. Any description of No Win No Fee or another funding option should be explained alongside the terms that actually apply to the individual matter.

9. Preparing for an initial conversation

It can help to have the following information available where possible:

- Your approximate treatment dates
- The hospital, GP practice, clinic or dentist involved
- A short description of what you believe went wrong
- What happened afterwards and how you were affected
- Any later diagnosis or corrective treatment

Do not worry if you do not have records or exact dates at the first stage.

10. Important information

This guide is general information and cannot determine whether you have a valid claim. Medical negligence matters depend on the individual facts, evidence and applicable law.

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