

WHAT A CLAIM CAN ACHIEVE

Court proceedings are always extremely costly, stressful and time consuming and this is particularly true of clinical negligence claims. Therefore, it is important to understand what we can and cannot achieve.

We are lawyers and our function can only be to try to obtain financial compensation for the injury that has been suffered. This means that even if your claim succeeds and we obtain a payment of compensation you may still feel that on another level not enough has been achieved.

It is unlikely that we will succeed in obtaining any form of apology even if blame is admitted and the Defendants agree to pay compensation.

If you have expectations that the doctor or nurse involved may be disciplined or required to stop practising as a result of your claim then you will probably be disappointed. Civil court action will not directly affect the ability of any doctor or nurse to practise medicine.

On the other hand, often the mere fact that we have investigated a potential claim will mean that the medical and administrative staff involved begin to ask themselves why their patient has found it necessary to consult a lawyer and that can sometimes result in them making their own investigations, which can then lead to a direct improvement in the service that they then provide to other patients in the future. But it does not follow that a full enquiry will be held.

If we investigate your claim we can usually help you to understand what went wrong and why, even if we eventually have to advise you that the circumstances are such that a claim cannot be pursued.

We cannot guarantee that every aspect of your dissatisfaction about your treatment will be investigated. This is because all that we can achieve for you is financial compensation for any injury caused by negligence and consequently any complaints that did not result in an injury caused by negligence cannot form part of your claim.

The level of compensation that is awarded by the courts in this country to people who suffer personal injury is woefully inadequate and even though you may be successful in your claim you may feel that the compensation you receive does not reflect adequate compensation for the injury that you have suffered.

It will be unrealistic to expect that legal action can help to resolve all of the problems that flow from negligent medical treatment.

It is important to understand that if you pursue a clinical negligence claim, it will be stressful, time consuming and emotionally demanding. For that reason a decision to pursue a claim should not be taken lightly, especially as once you have started it will be impossible to abandon the claim without incurring financial penalties.