



## MEDICAL ERRORS: YOUR RIGHTS IF YOU HAVE SUFFERED AN AVOIDABLE INJURY

when you've  
been  
stitched up...

### ***When can I claim compensation?***

If you have been injured physically or psychologically by a healthcare practitioner's (doctor, nurse, midwife, dentist, health visitor etc) negligence, you may be able to claim compensation. If you are not sure whether to try to claim compensation, why not seek advice from Williamsons Solicitors who offer a **free** initial interview.

talk  
to  
Williamsons  
SOLICITORS 

### ***What can I claim compensation for?***

You can claim compensation for any injuries and financial losses that you can prove were probably caused as a result of the negligent treatment.

### ***How do I find the right solicitor?***

You should use a local solicitor who specialises in the field of clinical negligence; they will understand the medical and legal issues. The Clinical Negligence Department of Williamsons Solicitors is approved by the Legal Services Commission and Action against Medical Accidents (AvMA).

### ***Are there any time limits to bring a claim?***

In general, you must bring a claim for clinical negligence within 3 years from either:

- the date of the treatment that caused your injury; **or**
- the first date you could have reasonably discovered that you had suffered an injury wrongfully ("date of knowledge").

However, there are exceptions to the 3 year time limit for children under the age 18 and those who cannot manage their own affairs because of a mental disability. In certain circumstances, a Judge may allow somebody to bring a claim after the 3 year time limit.

### ***How do I fund any claim?***

There are several different ways to cover the legal costs, including;

- Public Funding (previously known as Legal Aid);
- Legal expenses insurance;
- "No win – No fee agreements" – If the claim has a reasonable chance of success, Williamsons Solicitors often pursue cases in this way.
- Trade union help.

## How will a Solicitor assess my case?

When you first speak with a solicitor, they will make an assessment to decide whether they want to take on your case, based on how strong your case is. The Solicitor will base their decision on:

- What happened, particularly everything you can tell them;
- Your medical records, if you have them;
- Any complaints letters or other papers;
- How much your claim could be worth; and
- The medical and legal issues.

## What do I have to prove to obtain compensation?

You must prove 2 things:

1. That the care you received was below the standard that you could reasonably expect from a competent healthcare professional practising in that area of medicine (“breach of duty”); and
2. That you have probably suffered a physical or psychological injury as a result of the negligent act/omission (“causation”).

## What next?

Why not speak with Tim, Nick or Natalie on 01482 323697 (Free phone 0800 298 6013) or send us an e-mail:

Tim Slow, Partner:

Nick Gray, Solicitor:

Natalie Simkin, Trainee Solicitor:

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You can always find out more from our website at [www.williamsons-solicitors.co.uk](http://www.williamsons-solicitors.co.uk) or why not make an appointment, at one of our local offices or your home, and come and visit us for a friendly chat and see if we can help?



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