

## **Medical and Clinical Negligence**

Everyone will abide by the fact that personal injury can be stressful, but issues with medical treatment can prove to be life changing to the victim as well as their family. Medical professionals are liable for offering good care and protecting the patient from harm, also known as “duty of care” and if they fail to do so, then it is considered as breach of their duties.

If your doctors and other healthcare professionals are not able to meet expected reasonable standards that you are entitled for, then they are at fault. We can guide you and provide expert advice in medical and clinical negligence claims.

### **What is the limitation period for making a medical claim?**

Generally, a maximum period of three years is allowed in most of the cases to make a claim settle the compensation, starting from the date of treatment associated with the medical negligence claim. In case, you are not able to bring your claim during this period, your legal action will be statute barred and you will not be compensated for the injury.

The rules differs for children under 18 and patients who are not capable of making a claim for themselves like those who have mental incapacity. Minor claimant’s three-year period begins only after their eighteenth birthday, while claimant with mental incapacity can make claims throughout their life.

Otherwise, in certain conditions, the period starts from the date on which the patient became aware of or became suspicious that an injury has occurred due from the treatment.

### **How important is it to make a claim?**

Generally, the claimant receives certain compensation for injury, which is done for putting back the claimant in the same position as he/she was before the accident. Even though, it is practically near to impossible to do that, but your lawyer will do the best to ensure that you are suitably compensated for your trouble. The amount of compensation can range from a few thousand pounds to millions, depending on various aspects like the nature of injury, age of injured person, employment and others.

### **Against which medical professionals can I make negligence claim?**

Unlike what most people think or might tell you, it is not just the Doctor who can be held responsible while making your medical negligence claim. In fact, you can make negligent claims for any type of treatment against dentists, opticians, cosmetic surgeons, nursing homes, physiotherapists, beauty therapists, pharmacists and hospitals.

### **Is it mandatory to lodge a complaint before beginning with legal proceedings?**

You can complain NHS, if you are not satisfied with the kind of treatment you received from an NHS hospital or GP. You will even get a reply from their end. According to the legal guidelines, you need to lodge a complaint within six months of the treatment.

However, if a private practitioner treated you, then you need to enquire about their complaints procedures from them only. You can contact us the moment you suspect that something is not right about the treatment and we will be more than willing to provide you initial advice about the procedures to be followed by you.

### **What about getting Legal Aid for medical negligence cases?**

Legal Aid might be available under certain circumstances and depending on the patients' resources.

There are certain solicitors, who provides a "no win, no fee" service to the clients, which means that you will have to pay the fee only when you win the case. Moreover, many lawyers will give advice on bringing a claim through some household or car insurance policies.