

Welcome to our Clinical Negligence Service

What is Clinical Negligence? This is proving that the standard of care received from a health care professional fell below that of a reasonably competent health care professional in the same area of medicine and that this caused a physical or mental injury.

Sadly many thousands of people each year suffer avoidable injuries or harm as a result of negligence whilst under the care of doctors, surgeons, nurses or other health professionals. Recently the Public Accounts Committee revealed that medical negligence affects 1 in 10 patients staying in UK hospitals. The same report estimated that nearly 1 million people have suffered unnecessarily as a result of medical blunders made by health care professionals.

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Types of claim

Clinical negligence will normally involve at least one of the following:

- Failure to diagnose
- Incorrect diagnosis
- Failure to treat
- Incorrect treatment
- Failure to advise appropriately on risks associated with treatment
- Bad administration or failure of communication between health professionals responsible for treatment

Pursuing a clinical negligence claim can be complex and is very often daunting for many people. MTA have many years expertise in this complex area of law and can offer assistance and representation.

Our teams of Clinical Negligence specialist solicitors have made successful claims for injured clients in a variety of medical disciplines including:

- accident and emergency
- anesthetic and intensive care
- birth injury including cerebral palsy and erbs palsy
- care of the elderly
- clostridium difficile (C-Diff)
- cosmetic/plastic surgery
- general practice
- general surgery
- gynecology and obstetrics
- dental care
- nursing care
- orthopaedics
- oncology
- spinal injury
- urology

Time Limits

Strict time limits apply for making claims so you should not delay in seeking professional advice.

- **Statutory limitation period of 3 years – which runs** either from the **date** of the **incident** or from the **“date of knowledge”**
- In essence date of knowledge means the date you became aware you suffered an injury and that this was possibly caused by your health care professional.
- If you are not certain of the “date of knowledge” you should assume the 3 year period runs from the date of the treatment or care you received which lead to your injury.

The limitation period may in certain cases be extended such as in cases involving children or patients suffering mental incapacity. Our team of specialist solicitors will be able to advise you as to the best course of action.

What proof is needed?

To make a **successful claim** for compensation the **law** requires you to **prove**:

- the **standard of care** you received **fell below** that of a reasonably competent health care professional in the relevant area of medicine, and
- you have **suffered a physical or mental injury** as a **direct result** of that action or inaction

Before making a claim we will talk to you about the NHS Complaints procedure (or Care Standards Act 2000 procedure for private patients) as well as referrals to the Health Service Ombudsman, as it may be beneficial for you to submit a complaint before pursuing a compensation claim. We can advise you on the procedure assist in drafting your complaint and review the outcome.

Please contact us.....

If you have suffered any injury or harm caused by your doctor or health professional you may be able to claim compensation for clinical negligence. We would be happy to discuss with you your concerns. [Click here for our no obligation enquiry form](#) or call 0208 437 0731

We will consider whether or not we think you have a reasonable case. We will discuss funding and what options there are open to you for pursuing a claim including conditional fee agreements (No win No fee) and legal expense insurance.

You can be assured we will handle your case in a sympathetic manner, listen carefully to what you want to achieve and provide the best advice to meet your needs.

Glossary of Terms

clostridium difficile: Bacteria naturally present in the large intestine that make a substance that can cause a serious infection, associated with hospital-acquired infections

gynecology and obstetrics: branch of medicine of the female reproductive system, treatment of women during pregnancy, labor, childbirth and the time after childbirth

Limitation: The time within which proceedings must be issued to claim damages for injury caused by Clinical Negligence

Musculoskeletal: Repetitive Stress Injury is a syndrome that affects bones, muscles, tendons, nerves and other anatomical features

Oncology: is a medical speciality focusing on the treatment of cancer

Ombudsman: The ombudsman is an independent complaint service.

Orthopaedics: is the branch of medicine concerned with diseases, injuries, and conditions of the musculoskeletal system

Proceedings: The beginning of a court action

Standard of Care: Degree of care an ordinary, reasonable, and prudent person would exercise in given circumstances

Urology: is a surgical specialty which deals with diseases of the male and female urinary tract and the male reproductive organs