

For assistance contact the experts...

Or email clinicalnegligence@leoabse.com
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**Have you suffered as a
result of medical negligence?**



**Call the experts...
Leo Abse & Cohen**

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www.leoabse.com





Provision of healthcare in the UK – the NHS

The NHS is one of the best healthcare systems in the world and undoubtedly it is an essential service for UK residents funded by the taxpayer. It is therefore a service paid for by its users and is therefore just like any other provision of goods and services.

Sometimes things do go wrong. Sometimes things can go wrong, which could have been avoided. With the current budgetary constraints and tight deadlines there is a difficult balancing act for healthcare providers to achieve between quality of care and treatment for its patients and conversely dealing with the patients as quickly and cost effectively as possible.

Inevitably, taking these factors into account and the huge pressure on the system, mistakes can happen which possibly could have been avoided had the treatment and care been given properly with the correct level of skill and attention.

It is a consumer's right to seek an investigation and redress if they are unhappy with treatment afforded to them under the NHS. This is also the same in terms of hospital, GP, dentistry and private treatment.



Questions to be answered

Very often patients we meet who have been subjected to substandard treatment are not looking for compensation as the principal outcome. Many patients are not medically minded and merely want an explanation as to what has gone wrong and if there was any fault, an apology from the healthcare provider. We can certainly assist you in this regard and advise you in terms of the NHS complaints procedure and making the initial complaint and advising upon the process. It is not unusual also for patients to come to a medical negligence specialist once the complaints process has been completed where they have either received an apology or are dissatisfied with the response.

Although some compensation payouts are substantial it is impossible to turn back the clock. A sum of compensation, in our experience, does help a patient to draw a line under what has happened to them through no fault of their own. If compensation is sought, a patient should speak to a medical negligence specialist so that questions can be answered fully.

Medical Negligence Specialists – Leo Abse & Cohen Cardiff, Swansea, Newport and beyond..

Leo Abse & Cohen is a specialist personal injury law firm with decades of experience of dealing with compensation claims. We are able to cover the whole of South Wales and further.

We also have a dedicated and specialist Medical Negligence team which operates out of each of our offices providing a leading and well recognised service to our clients. As a measure of our expertise we belong to the Law Society's Clinical Negligence Panel, the Law Society Personal Injury Panel, Action Against Medical Accidents Panel and the Association of Personal Injury Lawyers. We also have lawyers with Higher Rights of Audience expertise.

Bringing a medical negligence claim, as is the case with any other claim, is a very difficult choice to make for any patient due to obvious sensitivities. We are, however, experienced in dealing with such claims and supporting our clients through what can be a stressful and sometimes lengthy period of time.

Bringing a claim

In order to succeed in a claim we need to be able to show the undesirable outcome or damage was caused by substandard care on behalf of the healthcare provider. Compensation will be payable to compensate for any injuries or suffering which have been brought about as a result of this substandard care.



Initial interview

A specialist solicitor will be on hand to take your call in the first instance to take some initial details in relation to both yourself and the treatment that you have received. This fact-finding exercise is free of charge as is the interview which follows it. These interviews will take place either at one of our offices or in your home.

It may be that we advise you to complain and use the NHS complaints procedure, which is a simple procedure. This would involve you writing a letter of complaint to the Chief Executive of the NHS Trust responsible for the hospital attended, for example. You would need to set out the factual background and list your points of concern. We can help you with this.

During the initial interview, we will also discuss with you the possibility of bringing a claim and the process involved. We can commence our investigations upon receipt of the Trust's response to your complaint.

Investigating your claim

We will obtain a full factual account from you and your family. We will also need to obtain copies of your medical records, which should document what went on and we will discuss these records with you in order that you are aware of what happened. The next stage would be to seek independent expert medical opinion on the standard of treatment received together with what damage or suffering this has caused you. It is upon receipt of this medical evidence that we will be able to advise you fully on the next stages.



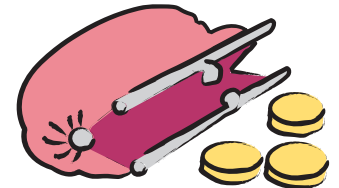
Beware of time limits

It is vital that you come to us as soon as possible as soon as you have concerns as to the standard of treatment received. This is because the claim must be formally issued within 3 years of the date of the incident; or alternatively the date that you found out that the treatment was substandard. There are exceptions to this rule in terms of children and the mentally ill.



Funding to suit your circumstances

We will discuss funding with you in the initial telephone discussion so that you are aware of this at an early stage and before you have decided whether or not to proceed with a claim. There are numerous ways in which we can cover the cost of your claim.



Legal Expenses Insurance

It is important that you check all of your insurance policies including car insurance; credit card insurance; household, buildings and contents insurance; and any other such policies you have which could contain this legal cover. If it does then this could pay the legal costs of bringing your claim and getting you the compensation. It is important that you bring such documentation to the initial interview so we can check if you are covered. It is also important that these checks are made as early as possible as some insurers will withdraw cover if they fail to be notified of the existence of a claim within 180 days.

Legal Services Commission Funding – ‘Legal Aid’

We are one of only a handful of solicitors in Wales who can apply for Legal Aid on your behalf. Legal Aid will not be available if you have not already followed the correct complaints procedure or if you have Legal Expenses Insurance (see above). We will need to ask you about your financial circumstances to ascertain if this is a suitable funding option and will complete the relevant application forms with you.



‘No win - no fee’ – Conditional fee agreement

We can consider this option if you do not qualify for legal aid and you have no insurance cover. On the basis of the information obtained from you in the initial interview, the response received following the complaints process and our vast experience in dealing with similar cases, if we consider that the prospects of success in your case are particularly good we could offer you this agreement.

Compensation

We are duty bound to ensure that you obtain a true, accurate and just amount of compensation for injuries sustained as a result of medical negligence. You will obtain 100% of this compensation and no deductions will be made in order to cover any legal costs except under exceptional circumstances. We will advise you of these circumstances at the initial interview.



If your case succeeds, not only will the healthcare provider be liable to pay your compensation but also your legal costs. We will negotiate these costs at the conclusion of your case.