

Claims: Frequently Asked Questions

Below are our frequently asked questions surrounding hospital negligence claims.

How much will it cost me?

From April 2013 the Government have withdrawn Legal Aid from most areas of Clinical Negligence apart from in limited circumstances those involving birth injury. Legal Aid is now only available in very limited cases.

If you already have Before the Event Insurance you may be eligible to use that to pursue a claim.

We will assess claims that have no other funding for suitability for a Conditional Fee Agreement (CFA). Under the new rules the Claimant can only recover from the Defendant a limited insurance premium but we generally recommend a higher than basic level of cover to protect against adverse costs.

This will be payable by you if you are successful but not if unsuccessful.

In addition we will charge a success fee which can be up to 25% of the award.

However, there are no charges under this type of agreement if unsuccessful.

What is a CFA?

This is a written agreement between us and you that you will not be charged in the event that the claim either does not proceed or is unsuccessful but a success fee will be payable if successful.

We recommend that in addition insurance is taken out to cover adverse costs and expert reports.

What is substandard treatment?

This is assessed on a case by case basis but basically we have to show that the standard of care that you have been given falls below a reasonable standard of care. We generally need an expert to set out the normal standard of care and then we see whether care has departed from that standard.

However when care or a course of treatment given is supported by only a minority of doctors there may still be a defence to a claim.

Can I claim because I have had a complicated recovery?

Not necessarily. Sometimes this is a sign that there has been a lowering of the standard of care but this is not always the case and sometimes recovery takes a long time because of a complication that is non negligent.

Will bringing a claim affect my treatment?

Doctors have a duty to continue to treat patients as part of the ongoing care and bringing a claim should not affect this ongoing duty of care. However, it is sometimes difficult or awkward to continue to see the same doctors if a claim is being investigated.

**Call us on 0800 195 8464 or
email: medicalmistakes@simpsonmillar.co.uk**