

# Medical Negligence Claim - Has Your Well-Being Been Affected?

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Historically, courts in England and Wales have been very reluctant to find in favour of a plaintiff in any *medical negligence claim* brought against hospitals or local authorities.

Thus, in order to determine whether or not you have a claim for medical negligence, it is essential that you seek the advice of a medical negligence solicitor as soon as you possibly can after the event that transpired that led you to believe that you were entitled to injury compensation.

## Overview – Establishing A 'Duty Of Care'

The crux to any medical negligence claim you make, whether such be against the doctor who operated on you, the hospital where you had the treatment, or the local authority under whose control the hospital comes under (or the NHS directly itself), is being able to prove that you were owed, what is known in legal jargon as, a 'duty of care'.

In this regard, clinical negligence will arise if you were owed such a duty of care and you were not treated with a reasonable degree of skill that would otherwise be expected from a skilled medical practitioner.

As such, if your doctor treated you in such a way that it could be considered careless, or lacked the training required, or if they disregarded the normal rules associated with treating your problem, then you may have grounds for a medical negligence claim.

Keep in mind, however, that previously the courts have said that even in situations where doctors have been 'on-call' for 24 and 36 hours, or more, and mistakes were made due to fatigue in service, a medical negligence claim may not get intimidated – so, it is imperative that you have a medical negligence solicitor representing you and protecting your interests from the outset if you want to stand any chance of winning your medical negligence case.

## The 'Standard Of Care'

You would have thought that being a doctor was sufficient to assume that they should know what they're doing and have reasonably foreseen if they did cock-up, as it would result in a clinical negligence claim.

It is unfortunate in the UK, in any **accident claim** that involves doctors or medical practitioners, things can get nasty. For them it's wasted years of education if they get banned.

The medical profession is a close community and in most cases they will not admit that someone within their profession was negligent unless the actions of that person could be considered grossly negligent. For this reason you'll need a good and experienced solicitor in medical negligence claims.

## Prescription Period

If you believe that you have a cause to sue for medical negligence compensation, then you are required to start your claim proceedings within three (3) years from the event that caused the accident injury.

If you are entitled to claim, one of the few exemptions to this rule is medical incapacity. Otherwise, if you do not start your injury claim process before this time, you will forfeit your right to claim for compensation. As such, if a medical negligence situation does arise, see a specialised solicitor as soon as you can.

## Cannot Afford To See A Solicitor

If you believe that you cannot afford to seek the advice of a medical negligence solicitor following what you believe is clinical negligence, don't worry – you can find solicitors these days who are willing to listen to your story and submit a claim on your behalf based on a 'no win no fee' basis.

Fortunately, in some cases no win no fee solicitors don't even take a consultation fee from you. You can make arrangements with your solicitor who will submit a claim for their fees at the conclusion of your case against the insurance company of your opponent (after you win).

So, if you believe you have a claim for medical negligence, don't be put off seeing a solicitor until tomorrow, go and see a no win no fee specialist in medical negligence today. It's easy to proceed with a **medical negligence claim** and gain maximum results without the hassle, costs and confusion. Discover the 12 revolutions of medical claims at <http://www.100Percent-Compensation.co.uk/articles/medical-negligence.html>