

Medical Negligence Review

2020 Caring for our clients | Commitment to our cases | Cutting edge expertise

In this issue: £30m for brain injury following delayed delivery
page 5

Botched shunt surgery leaves boy brain damaged
page 12

£4m settlement after physio causes paralysis
page 13

Toxic packing materials left in patient's skull
page 16



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0800 358 3848

Contents

- 3 Introduction
- 4 Wrongful birth case against City Hospitals Sunderland NHS Trust involving a child born with Down syndrome
- 5 £30m for brain injured boy misdiagnosed for years as 'naughty'
- 6 Delayed delivery at Countess of Chester Hospital causes catastrophic neurological injury
- 7 Baby girl suffers catastrophic brain damage after midwives mismanage home birth
- 8 £25m for life-long care of girl brain-damaged at Conquest Hospital
- 9 £20.7m for child injured at birth at Royal Berkshire Hospital
- 10 Consultant at Darent Valley Hospital severely injures baby during assisted delivery
- 11 Father dies from cardiac arrest after London Ambulance crew fail to take him to hospital
- 11 Baby suffers catastrophic brain injury after Royal Derby Hospital staff misread fetal monitor
- 12 Botched shunt surgery by Royal London neurosurgeons leaves boy brain-damaged
- 13 £4m settlement for US serviceman left paralysed by physio
- 14 £1.7m for man brain-injured after UCLH cardiologist missed infection
- 15 City banker dies following critical mistakes by nurses at London Bridge Hospital
- 16 Surgeons at Spire Manchester leave toxic packing material in patient's skull
- 17 Six-figure settlement for delayed cervical cancer diagnosis at Gloucestershire Royal Hospital
- 18 Brain injury claim against Oxford University Hospitals involving blocked feeding tube
- 19 Woman faces reduced life expectancy following breast cancer failings at Queen Alexandra Hospital
- 20 Meet the team

Useful organisations

AvMA

www.avma.org.uk
0845 123 2352

Steps

www.stepsworldwide.org
01925 750271

Limbless Association

www.limbless-association.org
0800 644 0185

Meningitis Now

www.meningitisnow.org
0808 80 10 388

Fieldfisher

www.fieldfisher.com
0800 358 3848



“the team at Fieldfisher boasts an extensive track-record acting for those injured through medical negligence in multi-million pound claims”

Introduction

Paul McNeil

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The past year has been incredibly challenging for everyone and particularly for our clients living with the aftermath of medical negligence. The long-term impact of COVID-19 is not yet fully understood, but delays in treatment for those injured and disabled by previous negligence has undeniably taken its toll.

I am very proud of how Fieldfisher's Medical Negligence team has continued to serve clients so well during the pandemic, adapting to new ways of working to ensure cases progress and vital support and care continues, albeit remotely.

Our experience in understanding our clients' situation, their needs and their likely prognosis has enabled us to continue to access interim funds from defendants during lockdown and to negotiate high-value final settlement to help people recover.

We have also continued to prepare bereaved families for inquest, most of which have been heard online.

Our Court of Protection team is responsible for managing interim and final awards for our clients, many of whom are vulnerable. This vital work continued during lockdown, ensuring clients received uninterrupted support and advice.

You can read about some of our cases in the following pages and how settlement has helped people to move forward.

As we prepare to return to our offices in London and Manchester, we can reflect with pride on what we have achieved for our clients under such difficult circumstances and look to the future with confidence.

If you would like to discuss a medical negligence claim, or simply want more information about the process, please call me on 020 7861 4019 or email paul.mcneil@fieldfisher.com.



"Top-notch clinical negligence team with a wealth of experience in complex, high-profile cases."

Wrongful birth case against City Hospitals Sunderland NHS Trust involving a child born with Down syndrome



Jenny Urwin successfully concluded a wrongful birth case on behalf of the parents of a girl born with Down syndrome in Sunderland Royal Hospital in 2011, now part of the South Tyneside and Sunderland NHS Foundation Trust.

The child suffers significant learning difficulties and behavioural problems, delayed speech and language and needs constant supervision. She will be dependent on her parents for life, financially and for other needs.

At age 27, the mother was under the care of midwives at the hospital who breached their duty of care in properly discussing facts around screening for Down syndrome.

At nine weeks pregnant at a routine appointment, she was not given the leaflet that explicitly explains such screening, nor was it discussed with her then or at a subsequent appointment, as per the hospital's guidelines.

The mother was left with the impression that because of her age, she was low risk of fetal abnormalities. At around 21 weeks

pregnant, two anomalies were identified but the parents were told there was nothing to be concerned about, that an amniocentesis test was not necessary, no follow up screening was needed and that the worst case scenario was that the baby would need antibiotics at birth.

When their daughter was born, it was recorded in medical notes that they were both 'visibly very shocked'.

The defendant disputed the facts around what advice was given to the mother and also that termination would have followed had the correct assessment been given. The parents gave evidence that had they known about the diagnosis prenatally, they would have requested a termination.

At a joint settlement meeting, the parties agreed 87.5% of quantum, amounting to

£10.3m lump sum. The settlement will fund 2:1 care needed to keep the child safe outside the home plus other care and support.

Jenny said:

Wrongful birth cases are always extremely difficult and distressing for everyone involved. But guidelines around prenatal screening are there for a purpose and must be followed to give parents the fundamental right whether to terminate a pregnancy under section 1 of the Abortion Act 1967.

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£30m for brain injured boy misdiagnosed for years as 'naughty'



Jane Weakley

Jane Weakley won settlement for a 7-year-old who suffered brain injury following negligent delay in delivering him at University College Hospital.

The boy was born in a very poor condition by emergency caesarean after hospital staff noticed that the CTG monitor showed he was in distress. He suffered a Moderate Neonatal Encephalopathy, signs of respiratory distress, neo-natal hypoglycaemia, sepsis, seizures and persistent pulmonary hypertension. He required resuscitation with inflation breaths and intubation and was cooled for 72 hours. When his mother saw his condition, she suffered severe distress and shock.

Jane was instructed to investigate the delivery and put together a case that resulted in the hospital trust admitting liability for its part in his birth injury.

Following the birth was five years of misdiagnosis by social services and health professionals of bad parenting and disruptive behaviour with the boy consistently being described as naughty. Medical evidence has since shown his behaviour is in considerable part a result of his birth injury.

Jane instructed a paediatric neuropsychiatrist and a diagnosis of autistic spectrum disorder was made, which he wouldn't have had but for the brain injury, plus ADHD which he probably would have had anyway but which the brain injury made more severe.

Jane argued it is impossible to divide up his injury and to attribute certain behaviours to the injury and others to factors such as his environment.

The boy needs two support workers with him at all times to handle his volatile outbursts.

The award will be managed by the Court of Protection to ensure it is used for the boy's reasonable needs and in his best interests for the rest of his life.

His mother said:

It has been an incredibly stressful time and we are pleased we have a letter of apology from the Chief Executive of the Trust who says that mistakes were made. We have some peace of mind knowing that our son will be supported for the rest of his life.

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Delayed delivery at Countess of Chester Hospital causes catastrophic neurological injury

Claire Horton took over a case of delayed delivery at the Countess of Chester Hospital for a child who suffered brain injury and hearing loss.

This was the mother's first pregnancy and it progressed uneventfully. At 40 weeks+3 days, she attended hospital because of reduced fetal movement. Despite several warning signs that the baby was struggling, the Mother was discharged home. With competent care, the baby should have been delivered by caesarean section a week earlier than occurred.

Claire was asked to take over the case because the previous solicitors had instructed very few experts and were pushing to settle the case on quantum quickly. This would have resulted in considerably less funds being available to meet the full needs of the child for life. Before Claire took over the case, the Trust had admitted liability for the child's injuries.

Claire arranged for additional experts to help evaluate the case. The new team proved that our client needed educational help and would always require paid care support for life. Claire ensured that the full extent of the brain damage was then properly considered in the valuation of the claim, including lifelong psychological support, therapies and hearing loss equipment, plus a claim for adapted accommodation .

Following full quantum investigation, Claire obtained a lump sum of damages of more than £4million, plus annual payments for life of £79,500 for care and the provision of a case manager to help manage this.



Claire Horton

Because the claimant is vulnerable and has cognitive difficulties, damages will be retained in the Court of Protection and managed by Fieldfisher's Court of Protection team.

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Baby girl suffers catastrophic brain damage after midwives mismanage home birth



Caron Heyes

Caron Heyes represents a child whose mother chose a home birth under the care of York Teaching Hospital NHS Foundation Trust.

The home birth was badly mismanaged by the two attending midwives, leading to the girl sustaining an acute hypoxic ischaemic insult during the last 12-14 minutes of labour, and a further seven minutes of hypoxia after birth due to substandard resuscitation techniques.

She has catastrophic brain injuries that mean she will need 24-hour waking care for life. Her injuries have forced housing and work choices upon her family, who have managed all her care and social needs since her birth.

The mother had chosen a home birth, having correctly been advised it was a suitable option. However, during labour, there were indications that the fetal heart beat was dropping off (late decelerations). These were not recognised as significant by the two attending midwives, who also misinterpreted a pathological foetal heartbeat (under 100 bpm for a sustained period of time) at 01:00 am and again at 01:08 am.

The midwives should have called an ambulance to transfer the mother to hospital for delivery. Had they done so, the baby would have been born in good condition.

The midwives also mismanaged the initial resuscitation causing further injury.

Up until exchange of expert evidence, the defendant had denied that transfer would have taken place in time to avoid injury. Assisted by our paramedic expert, we located crucial ambulance records which, along with lay witness evidence, contributed to the defendant admitting liability.

Within three months of admission, we obtained £1million in interim compensation, appointed a case manager and are working with the family to adapt the current home pending a move to long-term specialised accommodation.

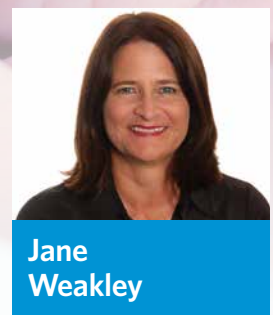
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Following admission, the family told Caron: "You have been absolutely outstanding... your expertise, strategy and hard work got our daughter the liability [admission]... the support and advice you provided on the EHCP and social care, among other things, was a lifeline. The relief in knowing our daughter is safe and protected for the rest of her life is overwhelming."

£25m for life-long care of girl brain-damaged at Conquest Hospital



Jane secured a settlement capitalised at £25m for the life-long care of a six-year-old girl left brain damaged following failings during her birth at the Conquest Hospital near Hastings.

The girl, whose identify is anonymised, was born in 2013. A catalogue of delays during her mother's labour meant the baby was deprived of oxygen at and just before her birth, resulting in quadriplegic cerebral palsy affecting her cognitive development.

The hospital admitted negligence in waiting more than three-and-a-half hours to perform a caesarean section, despite the mother's blood pressure being dangerously high and the baby's heart rate persistently being recorded as abnormal. There were also delays in reviewing the mother by an obstetrician.

The baby was not breathing when she was born and had inhaled meconium. She was rushed to the Special Care Baby Unit where she was resuscitated and intubated but

suffered seizures. She was later transferred to the Royal Sussex County Hospital for cooling. An MIR scan a few days later confirmed brain damage consistent with oxygen deprivation. She will likely have to spend most of her life in a wheelchair, and struggles to communicate.

An internal report by the hospital acknowledged delays in delivery the baby but the trust argued some of the injuries suffered by the baby occurred before the mother arrived at the hospital.

Jane successfully argued against the trust's attempt to divide the settlement on this basis and the defendant conceded and eventually agreed to a 100 per cent settlement.

Jane arranged for a professional deputy to ensure the girl receives the 24-hour support she needs, plus specialist therapies and equipment to help her live to her best abilities.

Following settlement, the family said:


"I would highly recommend Jane Weakley and Fieldfisher... They were professional, kind and understanding during an extremely difficult time in our and our daughter's lives. They gave us all the facts, allowing us to make all the right decisions and have just been so supportive throughout. It felt like they absolutely had our backs 100% and really cared about what was best for our daughter.

"The outcome has allowed us to make sure our daughter has the right therapy and equipment to enable us to help her reach her full potential and have opportunities she wouldn't otherwise have had. It was the best decision we've ever made instructing them to act on our behalf."

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£20.7m for child injured at birth at Royal Berkshire Hospital

Arti Shah acted on behalf of a child who suffered brain injury resulting in quadriplegic cerebral palsy after the hospital missed clear signs of distress.

Arti was instructed to investigate this case in 2014. After lengthy delays, the hospital trust admitted negligence in 2017 for failing to correctly interpret and respond to the baby's heart rate and recognise that she was in distress for more than six hours, despite CTG monitoring clearly being pathological and meconium also being clearly present.

An obstetrician was not informed of the abnormal CTG trace and staff failed to perform a Caesarean section quickly enough, resulting in the baby being deprived of oxygen causing irreversible brain damage.

Both parties obtained independent medical reports from various experts to assess the case, which finally settled in 2019 just prior to a trial.

The girl, who is anonymised by the courts, is intellectually able but severely physically disabled and needs 24-hour care with activities of daily living. She will likely never be able to walk unaided outside and needs help communicating, eating and washing and dressing. Despite medication, her epilepsy remain problematic.

The settlement will pay for the family to adapt their accommodation and fund daily carers for life.



**Arti
Shah**

At a court hearing to approve settlement, the QC representing the Royal Berkshire Hospital said that the trust profoundly regretted the substandard care provided to the child's mother and apologised unreservedly. He also paid tribute to the parents for the care they have provided until now.

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Consultant at Darent Valley Hospital severely injures baby during assisted delivery



Mark
Bowman

Mark Bowman successfully negotiated a hard-fought settlement for a young girl with severe disabilities suffered during birth.

'Ruby', whose identity is anonymous, was born at the Darent Valley Hospital in Kent. Her mother had planned for a vaginal delivery but there were complications during the labour. Before deciding to eventually deliver Ruby by caesarean section, the consultant in charge of the delivery made several failed attempts to assist the vaginal delivery by manually rotating Ruby by her head, which had become deeply impacted.

Two hours after her delivery, Ruby collapsed and her care was transferred to the Special Care Baby Unit where she became stiff, unresponsive and required ventilation support. Radiological investigation showed multiple skull fractures and a large subdural haemorrhage to be the cause of her deterioration. Ruby was transferred to the specialist centre at King's College Hospital for emergency neurosurgery. Post-surgical imaging of her brain demonstrated that, despite the urgent surgery, she had suffered severe hypoxic ischaemic injury.

Mark issued proceedings against the hospital trust, alleging that the defendant doctors were negligent in their use of excessive force which had caused the damage to Ruby's skull. Though the Trust accepted that the injury to Ruby's skull had been caused during her delivery, they did not accept that the use of force was negligent nor excessive.

Mark successfully argued that there were no other conditions which could have contributed to Ruby's injuries. The defendant offered to settle the case on the basis of paying 75 per cent of the damages.

As a result of her injuries, Ruby requires a wheelchair and has no independent walking ability. She is delayed in all areas of her development, has limited communication skills and attends a specialist school to assist with her needs. While the full level of damages are assessed, a substantial up-front payment was agreed which will fund Ruby's immediate care and therapy needs.

Ruby's mother said:

"Mark has always been extremely professional, yet friendly and approachable. He has always explained the process and outcomes to us clearly. We never felt like we were bothering him if we asked for anything to be explained again... I wouldn't hesitate to recommend him, for medico legal work."

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Father dies from cardiac arrest after London Ambulance crew fail to take him to hospital

Iona Meeres-Young won a six-figure settlement for Peter's family after his aorta ruptured and he died at home.

Peter's* two adult children brought a claim against the London Ambulance Service NHS Trust, principally to ensure that their father's four additional children (ranging in age from unborn to 11 years-old at the time of his death) were adequately provided for.

In the early morning of 10 March 2014, LAS staff attended Peter's home following a 999 call made by his partner. Peter was diagnosed with musculoskeletal chest pain and given Ibuprofen. The paramedics left around 6.30 am.

Peter was not taken to hospital and his condition deteriorated during the morning. Another ambulance was called at 10.16 am and Peter was found to be in cardiac arrest and, despite attempts to resuscitate him, he died at 11 am. The post mortem confirmed the diagnosis of ruptured aortic dissection.

Liability was hotly disputed. The defendant insisted they encouraged him to go to hospital, but that he declined. Evidentially, the family was at a disadvantage since clearly Peter was unable to give evidence as to exactly what he was told, or how he felt at the time.

Quantum was also challenging because of Peter's circumstances at the time of his death and the complicated family arrangements.

However, Iona successfully navigated the challenges and secured a six-figure settlement to secure the future of Peter's children.

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**Iona
Meeres-Young**



**Emma
Kendall**

Baby suffers catastrophic brain injury after Royal Derby Hospital staff misread fetal monitor

Julia is currently investigating quantum in a case against University Hospitals of Derby and Burton NHS Foundation Trust involving a child with cerebral palsy.

Stephen* is his mother's second child. The pregnancy was complicated by abnormalities of the umbilical cord and Stephen's mother was being closely monitored. Around 36 weeks, she attended hospital concerned about reduced fetal movement, but problems highlighted in the CTG trace were not picked up. Had these abnormalities been identified, Stephen would have been delivered several hours earlier and would have avoided a period of acute profound hypoxia which resulted in extensive brain damage. Liability was hotly contested but settlement was then

agreed prior to quantum investigations. Meanwhile, we have obtained a substantial interim payment and secured alternative, appropriate ground floor accommodation for Stephen and his family and have employed a support worker to assist them with his care. He is also now receiving private physiotherapy, speech and language therapy, occupational therapy and psychological support all managed by his case manager.

The payments and eventual settlement are managed by Fieldfisher's Court of Protection team.

The family said: "Julia has supported us as a family throughout our son's case, we feel totally supported and any question we have will always be answered. The compassion that has been shown to our son has been wonderful and we couldn't have asked for more. Our son has been treated with dignity and total respect the whole time we have had the pleasure of working with Julia. We feel very blessed and fortunate to have Julia looking after our son's case. Thank you."

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**Julia
Hamilton**

Botched shunt surgery by Royal London neurosurgeons leaves boy brain-damaged



Samantha
Critchley

With the help of expert evidence, Samantha Critchley proved that the hospital's paediatric surgeon operated on the wrong side of the child's brain.

At around six-months old in 1991, the boy developed a build-up of fluid on his brain (hydrocephalus) and had a successful shunt inserted to relieve the pressure. As he grew, the shunt system came under increasing tension, necessitating further surgery. Using evidence from an expert neurosurgeon, Sam proved that the paediatric surgeon operated on the wrong side of the boy's brain where the ventricles were too small, damaging the left side of his brain, affecting the thalamus.

The surgery left the boy with right-sided weakness affecting his arm and leg and with problems controlling his emotions and temper. The neurocognitive and neuropsychiatric difficulties he experienced were so severe that at times he required detention in hospital.

The Defendant admitted that the surgery was negligent and that it caused the right-sided weakness but they did not accept it resulted in behavioural problems. The main thrust of the Defendant's case was that the childhood hydrocephalus itself that caused the damage and that the claimant had a psychiatric illness rather than brain damage.

Our position was that the boy had been born in good condition prior to the hydrocephalus that developed in 1991. At the time of the negligence in 1999, there were no significant concerns about his development. We argued that his difficulties are consistent with damage to the thalamus and that the negligence made a material contribution.

We secured sufficient interim funds to get the claimant, now in his 20s, into emergency accommodation until we could move him somewhere long-term. While the case was ongoing, we appointed a case manager, private neuropsychiatrist and neuropsychologist. Statutory services would not provide what he needed.

The Defendant initially made a low offer of £150,000, which we rejected. The case was listed for trial on liability and quantum. Five months before trial, mediation took place. The Defendant made a substantial seven-figure settlement offer, which we advised the Official Solicitor to accept on the man's behalf. This was approved by the court.

Of utmost importance to our client was having a place of his own to live and the support to enable him to live independently in the community, all of which we were able to achieve for him.

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£4m settlement for US serviceman left paralysed by physio

Mark acted for Jason, stationed in the UK, who hurt his back at work. His GP advised him to see a physiotherapist.

Jason went to see physiotherapist Will Cooper in December 2016. During the treatment, Jason reported suffering from pain and a tingling sensation down his legs which was ignored by Mr Cooper and treatment continued.

At the end of his session, Jason was asked to stand up but he immediately fell back onto the bed. He again tried to stand up but his legs started to spasm before he noticed a loss of sensation rising up both legs. He requested that an ambulance be called and he was transferred to John Radcliffe Hospital where an MRI scan revealed acute compression of the spinal cord.

Jason has been left doubly incontinent, unable to walk, reliant on a wheelchair for life and paralysed from the waist down. He will never be able to work full time and will require significant care and medical support for life.

After initial treatment in the UK he returned to the US where he continues to live and rehabilitate.

In spite of the Health & Care Professions Tribunal identifying a number of failings in Mr Cooper's care, liability for Jason's injuries were never admitted.

An initial offer on behalf of Mr Cooper's insurers was rejected at an early settlement meeting.



**Mark
Bowman**

Prior to being required to serve their expert evidence and valuation of the claim, and following further negotiations, the Defendants increased their offer to £4m which was accepted by Jason.

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£1.7m for man brain-injured after UCLH cardiologist missed infection



Jonathan Zimmern

Luke suffered permanent brain damage aged 36 after doctors failed to diagnose an infection in his heart. His family instructed Jonathan to claim on Luke's behalf against University College London Hospitals NHS Foundation Trust.

As a young child, Luke was diagnosed with a congenital heart condition known as bicuspid aortic valve (BAV). He was fitted with a mechanical aortic valve as a result. This put him at a significantly increased risk of developing a heart infection (endocarditis).

Luke was under the care of the cardiothoracic clinic at University College Hospital (UCLH). At an appointment in 2013, he reported experiencing temperatures, night sweats, and shortness of breath - some of the classic symptoms of endocarditis. The consultant noted that further investigations were indicated in light of his mechanical valve, but these were not carried out.

Two weeks later, Luke's condition had deteriorated so badly that he was admitted to A&E. He was disorientated and struggling to find words. He had been experiencing cramps, shivering, and hot and cold sweats for five weeks, and had woken that day with severe pain in the back of his head.

Luke had suffered a stroke. This was caused by infected heart tissue travelling up the bloodstream to his brain. Despite specialist neurosurgical intervention, he suffered a significant brain injury, resulting in permanent cognitive and motor impairment.

The infection would have been detected weeks earlier had the proper tests been performed following his clinic appointment. After a seven-month hospital stay, Luke was discharged with life-changing disabilities. He is still unable to speak and requires significant assistance with everyday tasks.

The Trust admitted that negligent failures had been made in relation to Luke's clinic appointment, but argued that earlier treatment would not have prevented his brain injury. It maintained that, even with prompt antibiotic treatment, the tragic outcome could not have been avoided.

Due to limited medical research, this claim was difficult to disprove. Despite this, Jonathan Zimmern succeeded in obtaining a significant settlement for Luke of £1.7m. The funds will allow him to pay for the support he requires to live as independently as possible.

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City banker dies following critical mistakes by nurses at London Bridge Hospital



Paul McNeil secured £2.1million for the family of Robert Entenman whose humidifier was switched off post-surgery.



Paul
McNeil

Robert, aged 57, a husband and father of two children aged 7 and 8, was admitted to London Bridge Hospital in May 2015 for a minimally invasive elective heart surgery. During the surgery, there were complications and the procedure was converted to open heart surgery.

The operation was successful and Mr Entenman was transferred to the Intensive Care Unit for follow-up care.

On 22 May a critical care nurse switched off the humidifier, a vital piece of equipment, which controlled the oxygen delivered to Mr Entenman.

Other nurses inexplicably did not recognise that the humidifier had been turned off for 19 hours. As a consequence Mr Entenman's breathing tube became blocked with mucus and he suffered a cardiac arrest and later died.

The Defendant initially denied liability and an inquest was held into the death of Mr Entenman. The Coroner at Southwark Coroner's Court was critical of the care provided and gave a rare verdict of neglect for the failure to provide him with the treatment of the humidifier.

Shortly after the outcome of the inquest, Paul issued Court Proceedings against London Bridge Hospital, which admitted liability in November 2018.

Valuing the dependency claim was complicated because Mr Entenman was a high-earner. We obtained reports from a Forensic Accountant and City Employment Remuneration Expert along with witness statements from various colleagues of Mr Entenman to ascertain his potential career options and the potential remuneration.

The claim settled at a Round Table Meeting in September 2019 for £2.1million plus legal costs including costs of the inquest.

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A photograph of surgeons in an operating room, wearing blue scrubs and masks, focused on a patient. The scene is dimly lit with bright surgical lights overhead.

Surgeons at Spire Manchester leave toxic packing material in patient's skull

Lindsay Holt won admission of liability from Spire Manchester in a brain-injury case after toxic packing material post-surgery was pushed into the claimant's brain.

John*, a protected party, had a history of recurrent glue ear and grommets in childhood. As an adult, he was referred to the Spire Manchester for mastoid surgery to investigate his recurrent ear discharge and was advised that the operation would likely resolve his long-standing problems. Treatment was provided under the NHS waiting list initiative by Mr El-Kholy at Spire Manchester Hospital.

Following the operation, John suffered pain, nausea and vomiting, but these symptoms were not acted upon or investigated.

Eventually, following a scan and referral to a specialist brain injury unit, it was discovered that toxic packing material from the mastoid surgery had been pushed through the skull base floor/tegmen and into John's temporal lobe.

The packing material had caused extensive inflammation and irritation of the temporal lobe which resulted in a cerebral brain abscess with serious complications.

John now suffers from epilepsy and total bilateral conductive hearing loss. His neuropsychological presentation is complex and since the event he has suffered chronic pain and has extensively self-harmed.

He is currently in residential rehabilitation, funded by the defendant, and will attempt to transition into a community setting over the next two years.



Lindsay Holt

Since he has always been a voluntary patient, managing acute deterioration continues to be a challenge. The case is unusual because of John's presentation and the effect of his brain injury on his capacity. Anna Bond of Fieldfisher's Court of Protection team has been appointed as Deputy.

The defendant admitted liability after proceedings were issued and their lawyers have worked with us to support John's ongoing rehabilitation.

**Name has been changed*

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Six-figure settlement for delayed cervical cancer diagnosis at Gloucestershire Royal Hospital

Christina Gardiner and Iona Meeres-Young represented Pauline* in a negligence claim against Gloucestershire Hospitals NHS Foundation Trust.



Iona Meeres-Young



Christina Gardiner

The case concerned a delay in diagnosing cervical cancer. During the course of the claim, the Trust admitted it had misreported a colposcopy performed in 2013 that should have been recorded as inadequate rather than normal. It admitted that this would have led to a discussion at a multidisciplinary team meeting, consideration of a repeat colposcopy and test of cure.

This error meant there was a delay in diagnosing Pauline's cervical cancer. When she was eventually diagnosed, she was required to undergo radical hysterectomy with bilateral salpingo-oophorectomy and pelvic node dissection. She was also required to undergo chemo-radiotherapy and suffered significant debilitating side effects as a result.

Had a prompt diagnosis been made in 2016, Pauline would have avoided such radical surgery and chemo-radiotherapy. What is worse, Pauline diligently attended regular smear testing.

The case settled for a six figure sum shortly before trial. Christina and Iona have a special interest in cervical cancer claims, recognising the vital importance of accuracy in cervical cancer screening.

**Name has been changed*

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Pauline thanked the team at Fieldfisher:

"...for all the hard work and dedication which you have put into my case... you have made the past three years as easy as is realistically possible, and not once did I doubt that you would do the best for me... you have acted professionally and very sensitively throughout"



Brain injury claim against Oxford University Hospitals involving blocked feeding tube

Will Jones successfully concluded a negligence case for a 57-year-old woman left severely brain injured after medical staff failed to notice her post-operative NJ/NG tube was not aspirating properly.

Belinda* was found unconscious in her hospital room shortly after surgery to remove a pancreatic tumour in June 2017. She had suffered a hypoxic brain injury.

She was left in a private room in the Churchill Hospital after surgery where nurses failed to notice that the tube was not working properly, despite repeated vomiting and continual complaints of feeling nauseous. She eventually fell unconscious and suffered hypoxic brain injury. She remained in a locked-in state in intensive care for more than two weeks.

Belinda then spent more than four months at the Oxford Centre for Enablement (OCE) undergoing intense neuro-rehabilitation.

She was eventually released home but, despite some progress, has been left with significant neurological deficit meaning her husband had to give up his job to care for her full-time.

Before her injuries, Belinda worked full-time as a hairdresser and counsellor. She is no longer able to work and requires constant support in order to mobilise. She can no longer walk her dog or tend to her allotment and cannot go out into the garden due to the risk of falling.

With the family losing two incomes as a result of the negligence, Will secured significant interim payment in May 2018 to allow Belinda to remain in the family home and pay for much-needed rehabilitation.



Will Jones

The case settled in November 2019 for £2.4m.

Belinda does physiotherapy every day and has recently started hydrotherapy. The hope is that ongoing rehabilitation will help her to regain some independence and more of her previous quality of life.

**Name has been changed*

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Woman faces reduced life expectancy following breast cancer failings at Queen Alexandra Hospital



Helen Thompson

Helen Thompson settled a claim on behalf of Mrs H in relation to care she received at Queen Alexandra Hospital, Portsmouth for breast cancer.

In March 2014 Mrs H was diagnosed with triple negative breast cancer. She underwent a course of chemotherapy to which the tumour did not respond adequately. This meant that Mrs H was at increased risk of the breast cancer returning but this was not explained to her. Mrs H was also not advised that her risk of cancer recurrence would be reduced if she had radiotherapy following breast surgery.

In October 2014 Mrs H underwent a mastectomy and reconstruction with an implant. Radiotherapy was not discussed with her. Instead of advising Mrs H that she was at increased risk of cancer recurrence, her surgeon led her to believe that the cancer could not return in the reconstructed breast.

In late 2015 Mrs H noticed a lump in her reconstructed breast. She raised concerns about this with her surgeon in December

2015 and February 2016. On both occasions the surgeon reassured Mrs H that the lump was nothing to worry about, she said the lump was scar tissue, that it would go down in time and the surgeon took no steps to investigate the lump.

At her next follow up appointment in February 2017 Mrs H again raised concerns about the persistent lump. On this occasion she was seen by a different surgeon who immediately performed an ultrasound scan and biopsy of the lump. These investigations confirmed that the lump was cancer and further scans confirmed metastatic tumours in the lungs which were incurable.

Mrs H underwent palliative chemotherapy and in December 2018 she started an Immune Therapy clinical trial which has resulted in the lung tumours remaining stable. With these therapies Mrs H has

remained well with few symptoms, however her life expectancy has been significantly reduced by around 20 years.

The Trust previously carried out a Serious Untoward Incident investigation with regards to the failure to investigate the breast lump in 2015/2016 which was highly critical. However, during the litigation the Trust rescinded on the findings of the investigation and defended Mrs H's claim in full.

Eventually, and only once the claim reached less than three weeks before Trial, a settlement of £235,000 was negotiated at a settlement meeting.

Upon conclusion of the claim Mrs H commented to Helen Thompson "I was keen to record my sincere thanks to you for all the work you have undertaken on my behalf and seen through to final phase. You have been professional and shown empathy throughout process and explained all stages to me. You are a star."

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Meet the team

Paul McNeil

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Paul heads the personal injury and medical negligence department. He is described in Chambers and Partners 2018 as “absolutely fantastic” and is a leading light in the field of clinical negligence.

Memberships: AvMA, APIL, Law Society

Samantha Critchley

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Samantha has nearly 20 years of experience acting for Claimants. She has particular expertise in acquired brain injury cases involving adults and children. Legal 500 describes her as a “‘a first-rate’ specialist in paediatrics, neonatology and neurology”.

Memberships: AvMA, APIL

Mark Bowman

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Mark pursues cases on behalf of victims of medical negligence. Chambers and Partners describes him as “excellent” and Legal 500 as “outstanding”.

Memberships: AvMA, APIL

Jane Weakley

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Jane has over 20 years’ experience in medical law. She specialises in the interests and rights of birth injured children. Jane is described in Chambers and Partners as “a delight to work with”.

Memberships: AvMA, APIL, Law Society

Jonathan Zimmern

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A barrister, Jonathan acts for those injured through negligence or accidents. Jonathan is a member of the Association of Personal Injury Lawyers (APIL). He is described in Chambers and Partners as “absolutely ace – super-bright and really switched-on about his cases.”

Memberships: APIL

Iona Meeres-Young

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Iona is a partner in the medical negligence team at Fieldfisher. The Legal 500 directory describes Iona as “extremely capable”.

Memberships: AvMA, Law Society

Jenny Urwin

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Jenny specialises in all aspects of clinical negligence, but particularly cases of maximum severity. She is described in Chambers and Partners as “vastly experienced” and “wouldn’t be daunted by anything.”

Memberships: AvMA, APIL, Law Society

Lindsay Holt

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Lindsay specialises in clinical negligence, with over 20 years’ experience of acting for injured claimants and their families. She has expertise in birth trauma and cerebral palsy, as well as spinal and brain injury. Chambers and Partners 2017 describes Lindsay as an “excellent, very empathetic but tough negotiator”.

Memberships: APIL, Law Society, RSM

Claire Horton

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Claire joined Fieldfisher as a partner in 2019. She has over 29 years’ experience of bringing the cases of her clients, who are often catastrophically injured, to a highly successful conclusion. Claire has achieved substantial levels of compensation in a wide variety of complex cases, including in particular many relating to birth injury.

Memberships: AvMA, APIL, Law Society

Julia Hamilton

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Julia joined Fieldfisher’s medical negligence team in 2019. She has over 15 years’ experience in dealing with a wide variety of clinical negligence cases. Julia has particular expertise in handling claims involving injuries of the utmost severity including brain injuries in both adults and children.

Memberships: APIL, Law Society

Anna Bond

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Anna Bond leads the firm’s dedicated Court of Protection team. She has specialised exclusively in Court of Protection work for over ten years and has considerable experience of managing complex deputyships, and supporting colleagues who are instructed to take over difficult cases on behalf of the Official Solicitor.

Caron Heyes

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Caron pursues claims on behalf of patients across a broad spectrum of claim types, including obstetrics, neonatology, oncology and fatal claims. Caron is described in Chambers and Partners 2018 as “absolutely excellent ... you know she’s really fighting for you.”

Memberships: AvMA, APIL

Meet the team

Helen Thompson

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Helen is a Senior Associate in the Clinical Negligence team. Helen has experience of dealing with a wide range of complex and maximum severity medical negligence claims.

Memberships: APIL

Arti Shah

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Arti holds a first-class degree in law and is a senior associate in the Clinical Negligence team. She conducts a wide range of complex cases including cerebral palsy, catastrophic brain injury and failings in surgery.

Memberships: APIL

Deborah Nadel

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Deborah has worked in this sector for over 20 years. She has a wide range of experience in bringing claims for children and adults who have been left catastrophically injured as a result of medical negligence. Deborah also acts for families at inquests and in claims arising out of the loss of their loved ones.

Christina Gardiner

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Christina graduated with a First Class law degree before qualifying as a Solicitor specialising in medical negligence claims. She has represented Claimants regarding an extensive range of medical negligence claims including birth injury claims, claims relating to delay in diagnosis of cancer and orthopaedic claims amongst others.

Will Jones

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Will joined the Clinical Negligence team in 2017. He has acted and successfully recovered on a wide range of cases, including maximum severity spinal injuries and fetal and birth injury claims. He works with the charity Steps acting for children who suffered due to a delayed diagnosis of developmental dysplasia of the hip (DDH).

Emma Kendall

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Emma joined Fieldfisher in 2018. She has solely practiced medical negligence work since qualifying in 2014. Emma assists the partners with complex, high value matters as well as running her own varied caseload.

Nilam Patel

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Nilam qualified as a Solicitor in 2017. She assists Paul McNeil on a range of complex and high value birth injury, spinal injury and surgical error claims as well as running her own cases.

Memberships: APIL

Rebecca Drew

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Rebecca began her career at Fieldfisher in the Personal Injury and Medical Negligence Department in 2014. She qualified as a solicitor in 2017. Rebecca assists Mark Bowman on a range of complex and high value birth injury, surgical and orthopaedic injury claims. Rebecca is developing her own case load.

Mark Chiverton

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Mark is a specialist medical negligence lawyer who joined Fieldfisher in 2019. He works on a wide range of medical negligence cases, including complex and high value birth injury cases, assisting leading partner Samantha Critchley. Mark is developing his own case load and acts exclusively for Claimants.

Jamie Green

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Jamie qualified as a Chartered Legal Executive in 2019. He assists Partner Jonathan Zimmern on a range of medical negligence claims including birth injury, surgery negligence and brain injury. Jamie also assists Jonathan with acting on behalf of the Trustees of the vCJD compensation scheme, which manages £67.5m for victims of variant Cruetzfeldt Jakob Disease and their families.

Gabriella Gooday

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Gabriella qualified as a Chartered Legal Executive in 2019. She assists Jane Weakley and Helen Thompson on high value, complex cases usually involving children.

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