

## EVIDENCE REQUIRED FOR MEDICAL NEGLIGENCE CLAIMS

- A detailed witness statement from you (and any witness) stating in your own words what happened.
- Copies of your medical records from all the relevant hospitals, clinics or NHS (as in the case of making a claim against NHS).
- A medical examination report from an independent medical expert, telling your Solicitor whether or not your medical treatment fell below the standard you are reasonably entitled.
- Any photos where appropriate to show the extent of injury and physical damage.
- Evidence of financial expenses incurred such as receipts, payslips, bank statements and invoices etc. This includes past losses as well as potential future losses.
- Any other supporting evidence specific to claims, for example, wrong medication in cases of medical misdiagnosis claim.

## STEPS IN PROCESSING A MEDICAL NEGLIGENCE CLAIM

### ◆ Get in Touch

First step is to contact our team of expert medical negligence solicitors in UK. You can call us on **0800 644 4240** or alternatively fill the free claim assessment form on our website at [www.medicalnegligencedirect.com](http://www.medicalnegligencedirect.com). You will be required to provide a brief summary of why you think you are entitled for a claim. After evaluating your claim, we will establish your eligibility and potential value of your claim. Then let you decide if you want to proceed.

### ◆ Funding

Having established that your claim is worth pursuing, we will proceed to advise on the available funding options. There are quite a number of options, but the most common option for claimants tends to be a conditional agreement - **NO WIN NO FEE**.

### ◆ Investigation

Once a funding option has been agreed upon, we will analyze and review your evidence (e.g complete set of your medical records, receipts for additional financial expenses incurred). Our clinical negligence claims solicitors will try to prove two things:

- That the treatment provided to you was substandard or lack of treatment was a “breach of duty”.
- That as a result, injury or harm has been caused - “causation”

To establish the above, we will instruct independent medical experts who will assess the victim's case, examine the victim (if need be, for example if he or she wants to comment on your current state and how you are likely or not to recover in the future).

With all evidence put together, we can start to look at the value of your claim. Firstly, we will consider your general damages, that is the physical pain and suffering you have endured as a result of the act of negligence. Then we will also look at your special damages, which includes your out-of-pocket expenses and all financial expenses incurred in relation to your personal injury and clinical negligence.

Calculations for general damages will be made in line with any relevant court guidelines and exploring compensations received in similar circumstances. On the other hand, special damages will be calculated based on any past or future losses that you have suffered, as well as any additional assistance you have required from friends or family.

### ◆ Presenting your case to a defendant

Once a strong case has been established, backed by evidence provided, our [medical negligence solicitors](#) - representing you - will be in a position to present a claim to a defendant(s). This is done through a document called "a letter of claim". The letter of claim provides the summary of all allegations and the defendant will be allowed some time - usually four months - to investigate, obtain their own reports and eventually admit or deny liability.

Once the defendant has issued a letter of response admitting liability, the next step is to negotiate settlement. Offers are usually made in or a meeting might be set up for both parties in some cases. There, an agreement will be made on the appropriate amount of compensation the claimant should receive. However, if the defendant denies liability, the report presented by them will be investigated by independent medical experts and you will be advised whether or not your claim still has the potential to succeed.

### ◆ Starting court proceedings

In the later case where a settlement cannot be reached - that is when the defendant is denying a claim or when consensus cannot be reached in terms of valuation - this may mark the beginning of court proceedings. Given that we remain confident in your evidence, we will be with you every step of the way in court.

It is worth of note that while most [medical negligence](#) cases are usually settled out of court, the ones that eventually make it to court do not necessarily go into trial. In the vast majority of cases, the court will set a timetable to help encourage resolution. Going further, if the parties still cannot reach a settlement, this might leave the case in the hands of a judge. The judge will need to determine the merits and value of a claim at a final trial.

**Let us Help You Get Started with Your Claims Today!**