

**David Brown, an Associate at HRJ Law LLP, a legal firm with offices in Hitchin and Welwyn Garden City responds to a query on clinical negligence.**

***I went in for an operation earlier this year and am extremely unhappy with the both outcome and the way that I have been treated. What can I do?***

It depends what it is you hope to achieve. Changes to the NHS complaints procedure came into force on 1 April 2009 when a more streamlined system for complaining about NHS treatment was introduced. Previously anyone who was not satisfied with the treatment they had received potentially had to follow a three stage system of first trying to resolve their complaint at a local level, by complaining to the NHS provider of the treatment. If that did not resolve the complaint satisfactorily they could then take their complaint to the Healthcare Commission and thereafter to the Ombudsman. On 31<sup>st</sup> March 2009 the Healthcare Commission ceased to exist and the resulting new, simplified procedure means that if a complaint is not resolved at a local level you can go straight to the Ombudsman.

The NHS complaints procedure can be extremely useful for helping people to understand more about what may have gone wrong with their treatment and highlighting areas/procedures that can be improved in the future. However, one thing it cannot do is award any financial compensation for clinical negligence. This is an extremely complex area of the law and it is important that you seek specialist advice if you wish to pursue a civil claim as relatively few law firms have the specialist knowledge needed to bring successful clinical negligence claims. We have a department that specialises in this area and are one of the few firms in the area that can offer public funded legal services in clinical negligence.



**Hitchin Office**, 7/8 Portmill Lane, Hitchin, Hertfordshire SG5 1AS  
Tel: 01462 628888 | Fax: 01462 631233

**Welwyn Garden City Office**, Gate House, Fretherne Road, Welwyn Garden City, Hertfordshire AL8 6RD  
Tel: 01707 887700 | Fax: 01707 887701

[www.hrjlaw.co.uk](http://www.hrjlaw.co.uk)

If you are not financially eligible for public funding (although if you are bringing a claim on behalf of someone else e.g. a child, it is their financial circumstances, not yours, which is taken into account), then there are other ways a claim can be funded.

Depending upon your personal circumstances these can include:

- A Conditional Fee (no win, no fee) Agreement;
- Legal Expenses Insurance;
- Union Funding;
- Paying for the initial investigation yourself.

HRJ Law offers initial free interviews where we can discuss the matter with you, the ways forward and advise on possible funding options.

**Please note that the answers provided are for general guidance only. If you have any legal problems you should always ensure that you obtain specific legal advice.**