

Vaginal mesh

FAQs

1. What happens if my claim is not accepted?

If after investigations we conclude that the trust was not negligent, then you are entitled to start legal proceedings with a view to asking the court to determine whether or not you have a valid claim. However, litigation is a last resort and we are happy to receive representations from you and engage with you.

We strongly recommend that you seek legal advice if you are considering starting court proceedings.

2. What happens if I disagree with the amount of compensation offered to me on behalf of the hospital?

If an admission of liability is made in your case, investigations will then be carried out to assess your injuries and financial losses, following which we will make you an offer to settle your claim. However, if it is not possible to reach an agreement on the level of compensation, then you may need to start court proceedings to ask the court to determine the amount of compensation that should be paid to you. As stated above, though, litigation is a last resort and we shall be happy to enter into dialogue with you.

Again, we strongly recommended that you seek legal advice before starting court proceedings.

3. Do court proceedings need to be issued in every claim?

No. Court proceedings are a last resort if all other attempts to resolve your claim have failed.

4. Do I need to satisfy the legal tests if the case does not go to court?

Yes - you need to satisfy the legal tests - breach of duty, factual causation [Would I have done something different if there had been no negligence?] and medical causation [did the negligence cause me to suffer injury/pain which I would not otherwise have suffered?] - on the balance of probabilities (i.e. more than 50%) regardless of whether the claim goes to court or not.

5. Do I need expert evidence if court proceedings are not issued?

We do not expect you to obtain expert evidence in support of your allegations before the claim is submitted to us, although you are entitled to do so.

However, if you decide to start court proceedings, you will require expert evidence in support of your allegations of negligence (if the hospital has denied it is at fault) and also expert evidence on the nature and cause of the injuries you have suffered.