

LEIGH DAY



Women's health matters

Legal support and your rights

LAWYERS AGAINST INJUSTICE

"My partner suffered a medical negligence injury which resulted in Leigh Day working on this case on our behalf. The staff were extremely experienced and, despite this taking around four years, Leigh Day lawyers were able to successfully settle the case for us."

Partner of Leigh Day client

About Leigh Day

Leigh Day is a firm established to combat injustice. Our medical negligence team have spent decades helping women and their families get the answers and compensation they deserve after suffering the consequences of negligent care.

Leigh Day has been helping clients who have suffered catastrophic injuries for over 30 years. The specialist medical negligence team has extensive experience in women's health issues: from birth or gynaecological injuries to delays in diagnosis or negligent treatment.

Our lawyers are renowned for both their legal excellence and their compassion in dealing with complex injuries – ranked tier 1 in the two leading legal directories. The team includes three midwives, who are the first point of contact for clients getting in touch. Their sensitivity when understanding client experiences, combined with unique clinical understanding, are a lifeline for those in need of support.

Women's health matters

We know from sad experience that there are many inequalities within the UK healthcare system. It's widely acknowledged that women often feel ignored or patronised, and that their pain is routinely underestimated or dismissed¹. And shockingly, women's health was not a mandatory part of doctors' training until 2022². We have seen the results of these disparities first hand through hundreds of clients. Our clients share stories of failures or delays in making appropriate diagnoses and providing treatment. We strive to hold those providing negligent care accountable and advocate strongly for patient safety.

"I cannot thank you and the rest of your team enough for the amazing, smooth work you did for us. And I hope that should any parent have to go through the same ordeal as us, that they come to you for assistance as you were so helpful, pleasant to deal with, especially under the circumstances."

Leigh Day client

How do I know if I have a medical negligence claim?

Many clients don't know if they have a claim, they may have already been through a review by the hospital where their injury happened. It can be confusing and stressful to navigate the legal process at an already difficult time, but our team of skilled experts are here to help.

If you or a family member have suffered avoidable harm because of care you received (either from the NHS or privately) you may have a claim. Women's health claims cover a broad spectrum of care:

- Delay in diagnosing cancers, such as cervical or breast cancer
- Surgical claims – for example mistakes made during surgery or if appropriate consent was not obtained beforehand
- Psychiatric injuries
- Gynaecological conditions such as endometriosis or adenomyosis
- Maternal care and injuries sustained in childbirth – such as third or fourth degree perineal tears or injuries following caesarean sections (see page 5 for more information about maternal injuries).

Leigh Day lawyers have specialist expertise across all these areas and understand the severity of the impact on people's (or women's) lives. In some harrowing cases where a death has occurred, they are praised for their empathy and sensitivity when supporting bereaved families.

¹ Analysis: Women's pain is routinely underestimated, and gender stereotypes are to blame | UCL News - UCL – University College London

² All new doctors to face mandatory women's health training from 2024 - Pulse Today

Marie's story: misdiagnosis of breast cancer

Our client, Marie*, suffered a catalogue of errors. These included multiple misdiagnoses of breast cancer and further pathology and surgical errors.

Marie's story began when she was referred to the breast clinic at Homerton Hospital with a painful lump in her right breast. Ultrasound scanning was performed and a fine needle aspiration was planned but never followed through. As a result, Marie was wrongly reassured on imaging alone that the lump was benign, when in fact she had cancer.

One year later, the lump was large and visible and Marie was reviewed again at Homerton Hospital. This time, it was correctly diagnosed as cancer and chemotherapy was scheduled. This was to be followed by surgery, which took place at the Royal Marsden Hospital the following year.

However, in surgery there was a failure to remove all the cancerous cells. As errors were not recognised at the time, both the healthcare professionals and Marie believed that all the cancer had been removed.

Six years after the failed surgery, Marie noticed another small lump in her right breast and returned to the Royal Marsden. Yet again, biopsies were not taken and again she was wrongly reassured that the lump was benign. Marie's lump did not go away, and she went back to the hospital three more times over the next two years. On each occasion, she was reassured that there were no signs of recurrent disease.

Finally, an incredible two years after she initially went back to the Royal Marsden, biopsies of the lump were taken. These revealed that Marie in fact had two grade 1 invasive ductal carcinomas. She

underwent surgery straight away but again, the cancer was not fully removed. She also suffered from a severe wound infection.

Another two years on, it was discovered that Marie had nodules on the front of her chest wall and biopsies revealed the recurrence of cancer. She had further surgery at this stage, at which point the disease was finally removed. Fortunately, she did not have any more recurrences but the twelve-year ordeal led her to instruct Leigh Day lawyer Anna Brothers to investigate her case.

Anna, an experienced partner in the medical negligence department, instructed various experts in breast surgery, oncology, radiology and pathology to review Marie's medical history and care. Their findings validated what Marie had suspected – there had been numerous failings in her care and treatment.

Anna's negotiations meant that she was able to secure a five-figure settlement for Marie. While the sum could never erase the trauma of what happened to her, compensation can help bring closure and provide vital help to move on with her life.



Issues with maternity care

Maternity healthcare services in the UK are in crisis. All over the country, we are seeing women and babies suffer the effects of poor care and believe those affected deserve answers. Injuries sustained during pregnancy and childbirth can be lifechanging for women and their families – both physically and psychologically. Whether mother or baby is affected, our team has decades of experience in supporting families through the litigation process.

Injuries to mothers

All too often, perineal tears are either missed, misdiagnosed, or mistreated. Problems from these types of injuries can be long lasting and debilitating. Examples of poor care can include:

- Not considering risk factors and failing to advise you properly before giving birth
- Failing to take steps before or during birth to minimise the risk of tearing

- Failing to properly diagnose and repair a tear immediately after the delivery
- Delay in diagnosing a tear
- Failing to act on signs of infection or unusual symptoms

If you have experienced any of these factors, then you could have a claim for medical negligence and be entitled to compensation.

Injuries to babies

In tragic cases when care fails to meet accepted standards, babies can be injured in a range of different ways. The impact on families can be huge and compensation is often required to deal with the consequences. These types of claims can include:

- Cerebral palsy caused by mismanagement of labour

- Catastrophic brain injury
 - Erb's palsy
 - Shoulder dystocia
 - Hypoxic ischaemic encephalopathy
 - Encephalitis
-

Wrongful birth

Wrongful birth cases are fortunately very rare. They can arise when a baby is born because of negligent treatment to one or both parents. The main types of wrongful birth cases are:

- Failed vasectomy or sterilisation
 - Failure to warn parents of a child's disability or genetic disease
-

Jane's story: birth injury

Jane* was left with a fourth degree perineal tear following childbirth. With Leigh Day's help she settled her medical negligence case for more than £600,000.

On her due date, Jane was admitted to hospital for an induction of labour. Like many other mums who go through this process, she was given Syntocinon and placed on a CTG to monitor the baby. But hours later, things started to go wrong. It was decided that a ventouse cup should be used to deliver the baby, but that didn't work and forceps were used. The baby was delivered without an episiotomy, and what was considered a second degree tear was repaired in the delivery room.

A few days after being discharged, Jane started to experience leakage of faeces through her perineum. She returned to the hospital in great distress, but was reassured that there was nothing to worry about. Her wound was re-stitched and she was sent home.

However, the leakage persisted. Jane went back to the hospital, and this time the fourth degree tear was recognised. She had a repair operation – but this was unsuccessful. Shockingly, she had to have a colostomy bag fitted. When she continued suffering leakage through her perineum, she was once again told that her concerns were unwarranted. It was only after the colostomy was reversed that a fistula was diagnosed and Jane had another repair operation.

As a result, Jane is left with debilitating symptoms including incontinence of flatus and occasionally faeces, urgency, difficulties with toileting and sexual dysfunction. There has also been a toll on her mental health, with the development of

a psychiatric injury requiring treatment. Due to the embarrassing and personal nature of her symptoms, her life has been restricted and she has had to make significant adaptations. She faces the prospect of worsening symptoms when she reaches the menopause, which are likely to stop her from being able to work in her chosen field. Treatment may help, but there's no doubt that she will be left with considerable problems throughout her life.

Jane sought help from Leigh Day medical negligence lawyer Kelly Lawford, who secured a settlement of over £600,000. Kelly argued that an episiotomy should have been carried out, and that the obstetrician delivering the baby should have controlled the delivery of the baby's head so as to prevent the tear. She also argued that the extent of the tear should have been identified and repaired at the time, and that if this had happened, Jane would have avoided the symptoms she now has. Kelly's arguments were successful and the Trust eventually accepted liability.

No one should have to go through what Jane did – by holding Trusts accountable, we hope for lessons to be learned and to reduce the risk of future harm.

How can we support you?

If you think that you may have a medical negligence claim, getting in touch with legal experts is important. Bringing a claim can be a stressful process – Leigh Day's team are with you throughout.

The first step is to get in touch for a free initial chat about your case. Our specially trained, trauma-informed team – which includes three midwives – will sensitively talk through the details of what happened to you. If there's a chance your case could succeed, you will then be referred to one of our expert lawyers, who can talk you through funding options and likely timescales. It's natural to worry about the cost of bringing a claim, but legal aid may be available in some cases, and we can often offer conditional fee agreements – otherwise known as 'no win no fee.'

Next, we'll request your medical records and share them with the best medical experts. They will review what happened and provide their opinion on the potential negligence that occurred. Every time we receive new evidence, we will let you know straight away and explain what it means for your case. When we're sure that the evidence supports your claim, legal proceedings start.

The journey towards settlement isn't always a fast one – some cases can take years. However long it takes, your lawyer will always keep you in the loop about progress and timescales. In most of the cases we take on, we are able to settle out of court and secure suitable compensation for clients to allow them to move on with their lives.

We know that choosing to bring a medical negligence claim is difficult, and comes at an already stressful time. If you have more questions about the process, go to our website:

<https://www.leighday.co.uk/faqs/medical-negligence-faqs/>

"I found the whole process of taking out a medical negligence claim quite daunting, however the team at Leigh Day were good at explaining things in laymen terms and fantastic at keeping us up to date with the progress of the case. They were supportive the whole way through."

Leigh Day client

"Matthew Westlake and Suzanne White have been my rock through this process, they have genuinely huge hearts and outstanding skills in their field. I could never recommend anybody else, I have absolute trust in Leigh Day and words cannot express my gratitude!"

Leigh Day client

Is there a time limit to bring a claim?

Generally speaking, you have three years from the date when medical negligence occurred to bring a claim. However, this time limit only starts from when you are aware you have been injured due to negligence. So, if you become aware that negligence caused your injury after the three year limit has expired, you may still be able to bring a claim.

For children, the clock does not start until the child who has been injured turns 18 – meaning time would run out when they turn 21.

In cases where someone lacks mental capacity to make decisions, there is no limitation on bringing a claim.

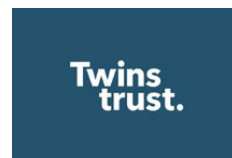
If you have more questions on medical negligence claims, see our FAQs here: www.leighday.co.uk/medicalnegligence

Why choose Leigh Day?

Leigh Day's solicitors are passionate about fighting injustice and place patient safety at the heart of everything they do. The medical negligence department has been advocating for patients' rights for over 30 years, with a special focus on women's rights in healthcare.

This strong focus on women's rights and maternal health led to Head of Medical Negligence Suzanne White being the only lawyer asked to give evidence at the Birth Trauma Inquiry in 2024. The firm also works with a wide range of charities relating to maternity and women's health. We're proud to work with such inspiring organisations, all of whom work tirelessly to provide training, improve outcomes for families and campaign for patient safety and meaningful change.

Leigh Day stand against injustice in all its forms and are known for their sensitive support – if you're ready to talk, our team are here to listen.



Our people

Meet the partners in our Medical Negligence team.



Suzanne White



Sanja Strkljevic



Brendan Hope



Nandi Jordan



Anna Brothers



Stephen Jones



Maria Panteli



Matthew Westlake



Des Kavadas



Angharad Vaughan



Julia Reynolds



Kirsten Wall



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