



Paramedic Negligence – Case Study

Our client v North West Ambulance Service NHS Foundation Trust

Year of incident: January 2016

Date of Settlement: 2018

Acting: Scott Haslam, Associate Solicitor at Wake Smith Solicitors

Facts:

We acted for the Claimant in this matter. Unfortunately, he passed away during our investigations into the matter but we were able to assist his children in concluding the Claim on behalf of his Estate.

The Claimant was at home in January 2016 when he suffered a fall in his bathroom. He managed to grab hold of something and lowered himself to the floor. He shuffled to the stairs and was able to use the stair-lift to get himself back up.

Thereafter, he experienced a second fall but by this time his cleaner was present. She assisted the Claimant into the kitchen and sat him at the kitchen table. She made him a drink but he was shaking so much that he spilled the drink. The cleaner therefore decided to call for an Ambulance.

Three paramedics attended and the Claimant was asked to walk across the kitchen with the aid of his walker. He was not assisted. He did as he had been instructed but only managed to take two to three steps before he collapsed onto the floor. It was immediately apparent that he had suffered a compound fracture of his leg.

The Claimant was conveyed to hospital where x-rays confirmed that he had sustained two fractures. The wound was cleaned but his surgeons decided not to operate as it was thought that the risks of surgery and the anaesthetic were too great. He was provided with a plaster cast and the fracture was left to heal without surgical intervention.

Consequences:

As a result of the fractures, the Claimant's left leg was placed in an above knee plaster cast. He was unable to weight bear for around 18 weeks after the injury. Thereafter, he was only able to mobilise with significant support and supervision. He still wasn't independently mobile when he passed away.

Unfortunately, as the Claimant was unable to walk he experienced a number of other issues. Firstly, he could not return home as he required significant assistance to mobilise. He was therefore admitted to a nursing home and separated from his wife who was bedbound due to issues with her own health. He only saw her on one occasion between the incident and his eventual death.

Secondly, he developed a number of pressure ulcers (bed sores) as a result of his immobility and the plaster cast. This led to infection for which he was admitted to hospital on a number of occasions.

Thirdly, he developed community acquired pneumonia as a result of his inability to move around.



Finally, he also developed blood clots in his lungs, called pulmonary emboli, which resulted in severe chest pain, shortness of breath and admission to hospital.

Expert Evidence:

Wake Smith Solicitors obtained expert evidence from an expert Paramedic who confirmed that the Claimant's injuries could have been avoided by an appropriate assessment of his condition prior to asking him to mobilise. He was clearly at a high risk of experiencing another fall, and it was unsafe to ask him to mobilise as there was insufficient room in the kitchen to enable the paramedics to support him in the event of a fall.

Thereafter, a report was obtained from an expert Physician. He stated that the most likely cause of the Claimant's pre-incident illness was an infection. This resolved following antibiotics which were administered in hospital. If the Claimant had not suffered the fractures, he would have been discharged home (and avoided admission to a nursing home) within 10 days of admission.

The Proceedings:

Perhaps unsurprisingly, the Claimant was immediately concerned regarding the paramedics' decision to ask him to mobilise without assistance. He therefore complained to the Ambulance Service about his treatment before involving Wake Smith Solicitors. The Ambulance Service investigated the matter and dismissed his concerns suggesting that the paramedics had acted in accordance with Trust Guidelines.

After obtaining expert evidence, the Claimant (represented by Scott Haslam of Wake Smith Solicitors) put his allegations to the Ambulance Service and they accepted liability for the Claimant's injuries.

The matter settled out of Court, within 6 months thereafter.

Settlement:

The claim settled for a value of £25,000 plus reasonable costs.

We have a wealth of experience in resolving disputes for those who have suffered a medical injury from Private or NHS treatment including:

- Birth & Gynaecological Injuries
- Surgical Error (Including Cosmetic Surgery)
- Misdiagnosis / Misprescription
- GP Negligence
- Fatal Accidents and Inquests

For further information, or for specific advice please contact our leading medical negligence team on 0114 266 6660.