

## NHS COMPLAINTS

### LEGAL ACTION AND FINANCIAL COMPENSATION

The NHS Constitution establishes the principles and values of the NHS in England. It sets out rights to which patients, public and staff are entitled, and pledges that the NHS is committed to achieving. This includes your right to complain if things go wrong, and what to expect from the NHS complaints process, including the right to receive compensation if you have been harmed.

Under English law, an individual may be entitled to compensation if they have been injured as a result of the negligence of another person. In order for a patient to obtain financial compensation when something goes wrong in the NHS, the following criteria must be met:

- The doctor (or other health professional caring for the patient) must have acted in a way which fell short of acceptable professional standards. The test is whether the actions of the health professional in question could be supported by a “responsible body of clinical opinion”. It will not be enough to show that other health professionals might have done something differently if a “responsible body” of health professionals would support the action taken.
- The harm suffered by the patient must be shown, on the balance of probabilities, to be directly linked with the failure of the health professional to meet appropriate standards. If, for example, there was a good chance that the patient would have suffered the harm even if the health professional had acted differently, then the claim is unlikely to succeed.

If you believe that these two criteria have been met and you wish to seek financial compensation you would need to take legal action, which is a complex process requiring specialist legal advice.

The charity Action against Medical Accidents (AvMA) provides free specialist advice on legal action, inquests and other procedures when harm may have been caused. Specially trained advisers will help you consider the options available to you after suffering a medical accident. If you wish, they can put you in contact with an accredited specialist solicitor. AvMA also offers support to help patients come to terms with the effects of a medical accident, whether or not clinical negligence is involved. Further details are available on their website <http://www.avma.org.uk/>