

Legal Helpline 0845 355 0845

NHS worker wins seven-year legal battle

AN NHS worker whose foot was partially amputated after a horrific accident has received compensation of more than £1.5m after a seven-year legal battle.

His employers and their solicitors blamed the worker for the accident. They fought the case to a preliminary trial at which a court declared the NHS Logistics Authority liable for the accident. The worker was exonerated of any blame.

There followed a five-year wrangle over how much money he should receive, during which he had to fight to within weeks of a further trial before settlement.

The 49-year-old from Cheshire suffered a crushed left foot after he lost control of a forklift truck. The truck was found to have a loose battery cable, which had sent the vehicle out of control. He now relies on crutches, and sometimes a wheelchair.

He suffers from constant pain in his leg and has been told that he may require a below the knee amputation. He will never work again and seven years on still needs to attend regular physiotherapy and rehabilitation sessions.

UNISON instructed its lawyers, Thompsons Solicitors, to help. Thompsons argued that the authority should have had a programme of inspection and repair in place. Additionally, it should have listened to earlier complaints about faulty cables.

But because the authority refused to admit liability, Thompsons had to issue court proceedings. A judge at Liverpool County Court agreed that the employer was responsible for the accident.

Delays by the authority's solicitors meant it took a further five years to decide how much compensation should be paid.

The authority's insurers eventually settled just two weeks before trial for over £1m plus annual payments of £25,000 index-linked for life.

Thompsons was able to secure an interim payment so the member could buy a bungalow with wide doorways, which

again. I'm in constant pain and cannot do the things I would like to be doing and I need help to achieve the simplest things, like getting dressed and having a shower.

"It is a great relief that my case has finally been settled. My family and I appreciate the hard work and support we have received from UNISON and Thompsons who have helped us every step of the way. We would have been lost in the legal system without them.

Appalling example

Steve Stott, UNISON North West manager for legal services, said: "This case is an appalling example of an employer failing to comply with its health and safety obligations and, as a result, a loyal member of staff has suffered a lifelong injury.

"Staff had reported the battery cable fault numerous times and many had experienced accidents as a result. To add insult to injury, the NHS Litigation Authority denied liability and its lawyers and insurers spent seven years quibbling, only to settle at the eleventh hour. Years of distress could have been avoided for our member and his family."

Matthew Tollitt from Thompsons Solicitors added: "Our client and his family have been through a horrendous time during the last seven years, firstly dealing with the after effects of the accident and then living with the uncertainty of an ongoing legal battle."

THOMPSONS REGIONAL SERIOUS INJURY TEAM

If you or a family member suffers a serious injury, life is likely to become difficult

Cases involving serious or 'catastrophic injury' often lead to multi-million pound settlements and can take many years to conclude, so a relationship that you trust really matters.

Thompsons Regional Serious Injury Team can provide specialist advice and representation, and immediate help with what you need.

We will also work closely with UNISON to ensure a link is maintained with employers and work colleagues while you or your family member have medical treatment.

In addition to our expert legal advice we can also offer and advise on:

- Hospital Visits
- Family Visits at Home or in Hospital
- Needs Assessments
- Rehabilitation Support
- Financial Support/Welfare Benefits
- Advice on Health and Social Care Services
- Practical and Emotional Support
- Capacity and Decision Making

For more information please contact:

Imogen Wetton

Thompsons Manchester

0161 819 3540

imogenwetton@thompsons.law.co.uk

has helped him adapt to his injuries. He plans to use part of his compensation to buy physiotherapy equipment to help him to work towards bearing weight on his leg.

He said: "This accident has completely changed my life. I enjoyed my job. Now, I've had to accept that I will never work

Insufficient ventilation despite warnings from staff

A MEMBER exposed to poisonous fumes in a school science room, suffering headaches, coughing and irritated eyes, has received compensation.

The senior science technician was exposed to bromine fumes from a bottle with a corroded lid. The cupboard in which the bottle was stored wasn't properly ventilated and no suitable protective equipment or clothing had been

provided to employees working with such substances. Even the windows didn't open.

Firefighters had to smash the windows of the science preparation room to allow the poisonous fumes to escape. The member suffered the effects of the fumes for several weeks after the incident at the Richard Rose Central Academy in Carlisle.

The building was only a couple of years old and employees had warned the academy that it had not been properly ventilated. But no action was taken.

Suzanne Humphries of Thompsons Solicitors said: "This employer had every opportunity to ensure that the premises were fit to cope with an event such as this but failed to do so, putting the health of their employees at risk.

Employers failure to follow their own risk assessment

A COURT has awarded a UNISON member compensation for injuries she sustained when she was assaulted by a patient, after the judge found that her employers had negligently failed to follow their own risk assessment.

The former Lancashire staff nurse worked in secure hospital accommodation providing care and assistance to mental health patients.

On the day of the incident, she was assisting a patient being transferred from the main hospital into secure accommodation. The patient hit her on the back of her head and neck, causing her to fall down stairs.

The member sustained injuries to her neck and back, as well as suffering from stress and anxiety. The accident has had an impact on her life as she has been unable to return to her former employment.

Liability denied

UNISON instructed Thompsons Solicitors to act on behalf of the member and a claim was made against the Lancashire NHS Trust. Liability was denied and Thompsons issued court proceedings against the trust.

Following a five-day trial, the judge found that the trust was at fault for the accident. In handing down his decision,

the judge said: "Had the defendants not been in breach of statutory duty or negligent, the patient would not have been in that place, at that time, under the care of the claimant. Accordingly I find the defendants liable."

The judge rejected the trust's allegations that the member was partly responsible for the accident. The trust sought permission to appeal the decision, however this was later refused by the Court of Appeal.

Following negotiations with the trust's solicitors, a significant settlement was agreed in respect of the member's injuries and financial losses.

Did you know?

As a UNISON Member you receive:

Free legal advice and representation on:

- Personal Injury at work (including assaults)
- Personal injury away from work
- Road traffic accident injury
- Holiday injury
- Slips and trips
- Industrial disease or illness
- Employment law accessed through your UNISON branch

For UNISON Members and their families we offer:

Free legal advice and representation on:

- Personal injury away from work
- Road traffic accident injury
- Holiday injury
- Slips and trips away from work
- Industrial disease or illness incurred away from work
- Special terms for clinical negligence cases
- Reduced rates for conveyancing and family member Wills

About Thompsons

Thompsons Solicitors is the largest national specialist personal injury practice in the country with over 1200 staff in a network of offices nationwide.

We secure over £150 million compensation each year for people who have been injured and suffered loss as a result of accidents caused by the carelessness of others. Thompsons only works for injured people, never for insurance companies or employers.

Please email newsletters@thompsons.law.co.uk to let us know if this newsletter was helpful and what topics you would like covered in future.

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