



YOUR GUIDE TO BIRTH INJURY CLAIMS

Birth and Neonatal Injury Solicitors

Compensation claims • Free Case Review • Second Opinion
No-Win-No-Fee • HIE & PVL Specialist Solicitors

www.clmedilaw.co.uk

WELCOME

Pregnancy and birth can be the most wonderful time in a parent's life. But when things don't go to plan, sometimes the consequences can be life-changing for the whole family.

Injuries can arise during the mother's antenatal care, labour & delivery, the postnatal period, or even during a newborn's early care following birth.

Sometimes these injuries occur as an unavoidable part of the birth process. But when things have gone wrong during pregnancy, delivery, or your baby's early days, you might question whether the harm was preventable.

In some cases, it may be necessary to consider seeking legal advice regarding a medical negligence claim. This prospect can be daunting, so it is important to speak to solicitors specialising in maternity and neonatal claims for compassionate, expert advice.

How CL Medilaw Can Help

We are a leading national team of expert birth injury lawyers, committed to changing lives. Our specialist solicitors across England and Wales support families seeking legal advice during distressing times. With local teams throughout the UK, we're happy to visit you at home.

We've helped hundreds of families pursue medical negligence claims following poor care, securing substantial compensation, answers, and accountability for medical mistakes. We make the legal process straightforward, seeking early compensation for treatment, therapies, aids, equipment, and care when needed. We support the whole family, including pursuing claims for the physical and psychological effects of maternal injuries as well as for children injured at birth.



CHANGING LIVES

With our many years of experience in birth injury claims, we work for our clients fearlessly and with a determination to achieve a successful outcome, even in the most difficult of cases.

We are committed to helping families find the answers they deserve, providing a clear path forward, and working to ensure that lessons are learned to improve future care standards. We will listen and advocate for you. We understand that no amount of compensation can undo the challenges you have had to face as a result of a birth injury, but we will work tirelessly to ensure that you or your child receive the maximum compensation you deserve.

As part of our commitment to Changing Lives, we offer a Free Case Review to anyone with a birth injury claim. Whether you have never sought legal advice before, or need a Second Opinion where other solicitors have been unable to help, we are happy to take a look and offer our expert advice. We have many cases where claims have been previously investigated and discontinued, but by looking at the issues from a different angle or speaking to the right experts, have been able to achieve a successful conclusion. If you or your child have a claim, we will prove it for you.

We can also guide our families through an **MNSI** or hospital investigation, or advise on past **HSIB** reports, and assist you with achieving the right outcome from these processes.

In the meantime, we can signpost you to other sources of support to help you navigate life after a birth injury. We work with charities and organisations all over the country, including **Peeps HIE**, **Bliss**, and numerous other charities and organisations including those providing special education and therapy, to ensure that our families have the best support possible from the outset.

"We are very grateful to the team of experts at CL Medilaw that have fought to get this result for our daughter.

Her life will never be what we had hoped for due to the errors made during her birth, but at least with this outcome we can feel confident that her future is now financially secure."

– Lily's Dad.



COMMON CLAIM TYPES

It isn't always easy to understand what may have gone wrong during pregnancy, delivery, or your baby's early days. We can help you understand whether you have a claim and what legal options you have available to you.

The following pages include brief descriptions of common claim types, including:

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Hypoxic-Ischaemic Encephalopathy (HIE)

(HIE) at birth often indicates serious brain injury, caused by oxygen deprivation to the baby's brain. When infants lack oxygen during pregnancy or labour, life-changing complications like HIE can develop within minutes.

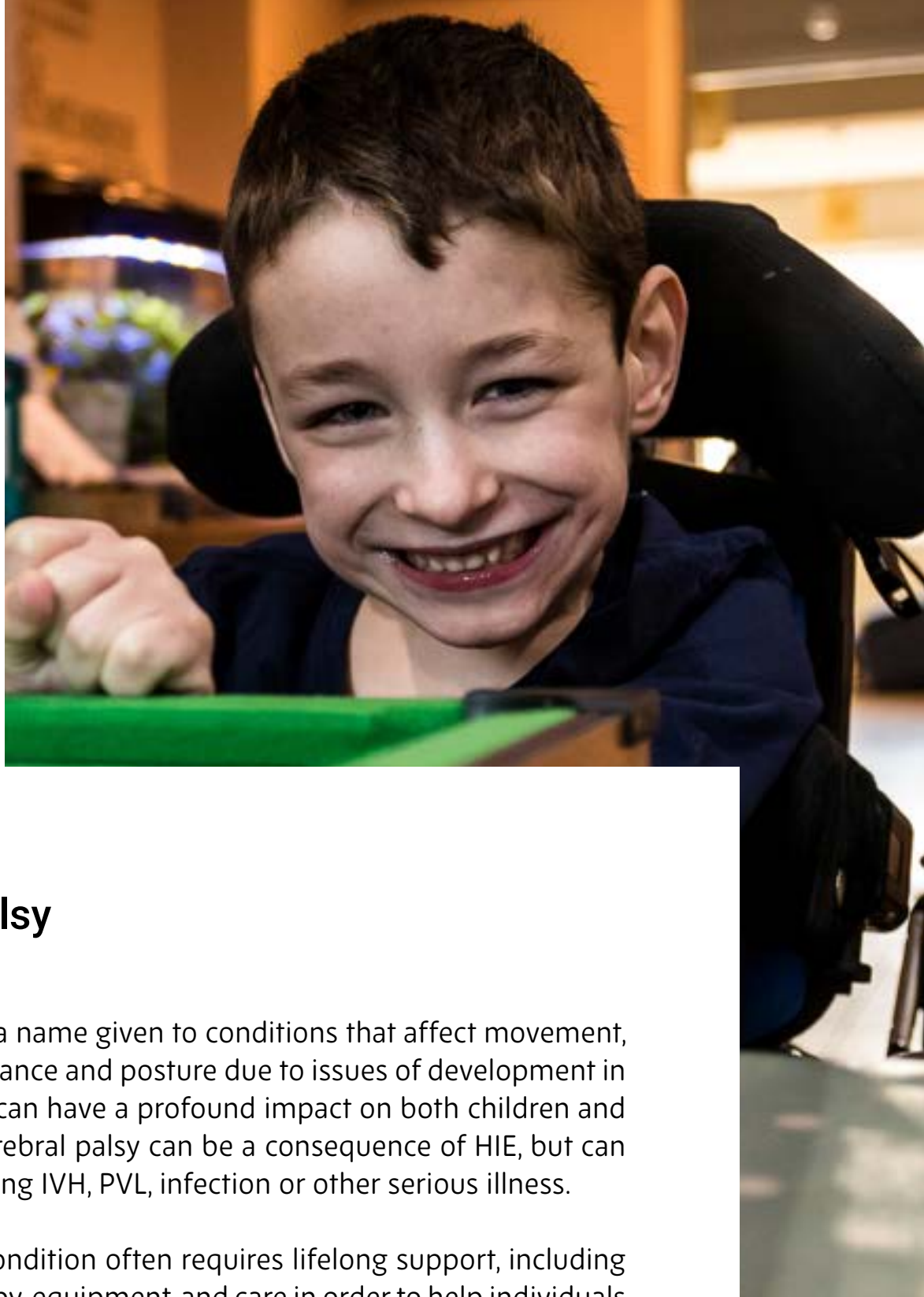
This is why careful heart rate monitoring is essential, ensuring delivery can be expedited before injury occurs when distress signs appear. Without proper monitoring, babies may require resuscitation, experience breathing difficulties, show low muscle tone, and suffer early seizures. Resulting brain damage can lead to lifelong conditions such as cerebral palsy.

Periventricular Leukomalacia (PVL)

Periventricular leukomalacia describes white matter injury to a baby's developing brain. Commonly occurring between 28-34 weeks gestation, it's typically seen in premature babies, but can affect term babies such as where there is intrauterine growth restriction. Premature birth doesn't make PVL inevitable, and in some cases, it is completely avoidable with appropriate medical care.

The two main causes are hypoxia (reduced oxygen to the brain) and infection or inflammation. During pregnancy and labour, various events can cause hypoxia, while infections like Group B Strep can lead to chorioamnionitis or funisitis. Hypoxia and infection during the neonatal period can also cause PVL without appropriate treatment.

We've achieved successful claims involving PVL, securing substantial compensation for affected babies and children. And, while PVL presents significant challenges, many children go on to live fulfilling lives. One of them is called Charlie.



Cerebral Palsy

Cerebral Palsy is a name given to conditions that affect movement, co-ordination balance and posture due to issues of development in a baby's brain. It can have a profound impact on both children and their families. Cerebral palsy can be a consequence of HIE, but can also occur following IVH, PVL, infection or other serious illness.

Living with the condition often requires lifelong support, including specialised therapy, equipment, and care in order to help individuals lead fulfilling lives and reach their full potential. The financial burden of these needs is almost always challenging, which is especially upsetting if you believe medical negligence was a contributing factor.

CHARLIE'S STORY

Charlie was born extremely premature and developed spastic quadriplegic cerebral palsy, learning difficulties and epilepsy. Despite these challenges, Charlie lives a very fulfilling life and wants to share his story with you.

Diagnosis

Charlie is a twin, born 10 weeks early by emergency caesarean section, and weighing 956g. After weeks in neonatal intensive care, he was discharged at 7 weeks old.

While his twin brother progressed

normally, Charlie struggled with basic milestones: holding his head up, unclenching his hands, and rolling over. An MRI scan revealed PVL, leading to his cerebral palsy, learning difficulties, and epilepsy diagnoses.

Charlie's Claim

With our support, Charlie was able to show that his intrauterine growth restriction during his mother's pregnancy should have been diagnosed sooner, leading to earlier delivery of the twins. The delay in his delivery caused Charlie to suffer a lack of oxygen and nutrients to his

brain, which led to PVL.

Charlie was successful in obtaining compensation for his brain injury from the hospital Trust responsible which will meet all of his care and other needs for the rest of his life.

Charlie's Condition Now

Charlie is determined to live life fully. With his family's support, he's now developing mobility and speech techniques. A happy, sociable boy, he loves spending time with his brother,

reading stories and playing games. They share a passion for football. In fact, Charlie recently got a Leckey Upsee mobility jacket which helps him to play garden football.



“Charlie will continue to face new challenges and difficulties every day of his life, but with support he will be able to achieve what he wants to.”

- Charlie's Mum

Stillbirth & Neonatal Death

Losing a child is a tragedy no family should experience. Stillbirth and neonatal deaths can often occur in the same ways as a neonatal brain injury – a lack of oxygen or untreated infection that is so severe that the baby cannot survive. Our experience in maternity claims means we can advise on whether your child's death was likely to be avoidable and if you have good grounds to investigate a claim.

Meningitis/Sepsis

Newborn babies and young children can be vulnerable to infection, meningitis and sepsis. Maternal infection can sometimes be passed to a baby during delivery, or a baby can contract an infection in the neonatal period. A delay in diagnosis or a failure to treat adequately can lead to a lifelong disability including brain damage, hearing loss, amputation and unfortunately in some instances, it can be fatal. We are experienced in the issues surrounding neonatal infection and have helped many families obtain compensation when there have been medical failures leading to poor long-term outcomes and harm.

Hip Dysplasia

Hip dysplasia is where the ball and socket of the joint of the hip does not properly form. If hip dysplasia goes undetected from birth then this may lead to life-long mobility problems. Early detection is key, often as part of the newborn screening programme, or routine early scans for those identified as at risk, such as where there is a family history or a breech birth presentation. If there is a failure to detect early and treat, and a child is left with permanent mobility problems, it may be possible to claim.



MATERNAL INJURIES

Pregnancy and childbirth require careful, compassionate medical attention to prevent injury or trauma. When things go wrong, mothers can experience physical and psychological injuries with lasting effects, causing pain, disability, and psychological harm, such as PTSD, anxiety and depression. Mothers may pursue medical negligence claims regardless of whether their child has a separate claim.

Vaginal and Perineal Tears

Although small tears can be common in childbirth, larger or more significant tears can be the result of poor medical management of the pregnancy or delivery. Cases commonly arise where options around mode and timing of delivery aren't discussed adequately, such as failing to advise or offer earlier induction of labour or a caesarean section, or where there has been improper use of forceps during the delivery itself or a failure to offer an episiotomy.

It can also be possible to claim where a tear has not been recognised or repaired in good time, leading to worse symptoms in the long run. The consequences of severe tears can be debilitating, in the worst cases leading to lifelong pain, bladder and bowel incontinence, problems with intercourse, and psychological health.





Psychological Harm

Psychological harm is common following a traumatic birth, and this can be anything from low mood or anxiety to postpartum depression and PTSD, all of which can have a severe impact on the quality of the mother's life and ability to bond with their baby and enjoy motherhood. It can affect their ability to return to work, relationships with others, ability to carry out self-care, to care for their baby or other children, and much more. Symptoms may present themselves immediately but sometimes they may appear days, weeks or months after the event. A mother may find some of part of their birth experience traumatic, distressing and overwhelmingly fearful. If the traumatic nature of the birth can be linked to poor medical management, it may be possible to pursue a claim for psychological harm. The trauma may be witnessing your baby being born in a poor condition and requiring resuscitation, and learning that they have sustained serious harm.

There are certain legal complexities to these types of claims arising from case law that distinguishes a 'primary victim' from a 'secondary victim' of the negligent care. In a birth injury claim, mothers are usually primary victims if the negligence has occurred during the pregnancy or labour, or at the delivery itself. This is because the law deems the mother and baby to be one legal entity until after the baby is born, and so any negligent care that causes a baby harm during this time also happens to the mother, giving her standing to pursue a claim as well as the child.



Secondary Victims

Secondary victims are those that have witnessed the traumatic events and have a close tie of love or affection for the primary victim, such as a partner, close friend or relatives. The psychological impact to a secondary victims to a traumatic birth can be just as significant. Often witnessing the event but feeling helpless or unable to do anything can cause feelings of immense distress, as does the fear that their loved one is being subjected to harm. Unfortunately, a Supreme Court case known as *Paul v Wolverhampton NHS Trust* in January 2024 made a ruling that secondary victims in a medical negligence setting can no longer pursue a claim on the basis that a medical professional's duty of care does not extend to family members or those other than the patient. This is a very unfair situation for fathers, birthing partners and other family members who may have distressing psychological symptoms affecting their day to day life yet are unable to seek financial compensation to obtain the support they need.

We are happy to assess any potential 'secondary victim' claim alongside a primary claim where appropriate and advise if there are any prospects of overcoming the hurdles presented by the 'Paul' judgment. We fully support the calls for the law to be changed to allow claims for secondary victims in a birth injury setting to be pursued and compensation recovered, in the same way as for primary victims.



Obstetric Haemorrhage

Postpartum Haemorrhage may occur before (antenatal), during, or after birth (postnatal). Antenatal vaginal bleeding requires monitoring of the baby and mother's condition. If the mother's health is seriously at risk — or the baby shows distress (abnormal heart rate) — emergency delivery is often required.

Postpartum haemorrhage claims arise from poor labour management, such as allowing mothers to continue too long without progress or excessive pushing, weakening uterine muscles and preventing proper contraction after delivery. Failing to administer oxytocin or other contraction drugs, or missing mild/moderate postnatal blood loss leading to major haemorrhage, can also justify compensation claims.

Without prompt recognition and treatment, postpartum haemorrhage can necessitate hysterectomy, blood transfusions, and in worst cases, maternal death.

THE CLAIMS PROCESS EXPLAINED

When you work with CL Medilaw, the typical claims process works like this:

1. Initial Consultation

The starting point of any claim is an initial call with us to explain what has happened and enable us to give you our initial advice on your prospects of being successful in a claim.

2. Medical Records

We would then obtain copies of yours and your baby's maternity and birth records, which we can do for you with your consent. You are entitled to your records by making a Subject Access Request to the hospital or health provider responsible should you wish to request them yourself. There is usually a form available on the provider's website to apply for release of your records. The provider should provide copies of the records within 28 days under the data protection regulations, but unfortunately we find that it can often take longer than

this. We can help with the process to ensure the notes are obtained swiftly and are complete.

3. Case Review

We will then review the records and any other documentary evidence available and talk to you further about your recollection of events. If there appears to be grounds to investigate further, we will explain the funding options to you. We find most clients prefer to opt for a 'no win, no fee agreement', known as a Conditional Fee Agreement or 'CFA'.

4. Expert Assessment

Independent medical experts confirm whether there was substandard care, and whether this has caused or contributed to the injuries. Our access to top-tier experts can make a key difference to the outcome of your claim.

5. Letter of Claim

We write to the Defendant to your claim and present the case to them, to which a formal response must be provided.

6. Court Proceedings

If liability is not admitted, it may be necessary to issue court proceedings. With supportive expert evidence, most cases settle before court and very few reach trial.

7. Valuation

For all of our clients, we ensure that every aspect of the injuries and their impact are considered to ensure you

The claims process is intended to provide answers, accountability, and financial compensation. Our families remain central to this process and every case is important and unique. Our mission is changing our clients' lives for the better, ensuring their financial security, independence, and the best possible opportunities for happy, fulfilled lives.

receive maximum compensation. For children with brain injuries, the process of valuing the compensation takes a bit of time to ensure that appropriate expert opinion is sought and all future needs are considered. For instance, experts in care, therapies, adapted accommodation, and education are often consulted to advise on the costs of lifelong provision to ensure all needs are met.

8. Resolution

Settlement discussions take place and usually cases are resolved out of court. For children or those without mental capacity, the court will approve any settlement before the compensation is paid.



Have a Free, Confidential Conversation Today

We have offices across the length and breadth of England and Wales with specialist birth injury lawyers ready to travel to you, no matter where you live.



☎ 0345 2410 154

✉ enquiries@clmedilaw.co.uk

🌐 www.clmedilaw.co.uk

No obligation. Just expert advice when you need it most.



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