

## S v PLYMOUTH HOSPITALS NHS TRUST

**Total Damages:** £14,000

**Trial/Settlement date:** 3/3/2010

**Age at Trial:** 21

**PSLA:** £13,000

**Type of Award:** Out of Court Settlement

**Court:** Out of Court Settlement

**Age at injury:** 17

**Sex:** Male

**The Claimant, a 21-year-old man received £14,000 when he suffered a permanently disabled left little finger and pain in the finger when knocked as a result of an inappropriate procedure being performed and this procedure being performed incorrectly by the Defendant Hospital. The site of the injury was also dressed inappropriately following the procedure.**

Claimant: Male: 17 years old at the date of the accident; 21 years old at date of settlement.

Clinical Negligence: On 12<sup>th</sup> February 2006 the Claimant sustained an injury to the little finger of his left non-dominant hand, whilst playing football. He attended the Accident and Emergency Department of the Defendant Hospital and an x-ray confirmed the presence of a fracture.

The Claimant was seen in the fracture clinic and an operation to apply an external spring fixator was performed on 21<sup>st</sup> February 2006. Following discharge from the Defendant Hospital the following day, the springs from the applied device came off and consequently left the Claimant in severe pain. Upon his return to hospital the Claimant was informed that the dressings had been improperly applied. The dressings were reapplied and the springs reattached and realigned.

The springs came off again when the Claimant attended his GP practice to have the dressings changed. On 21<sup>st</sup> March 2006 the Claimant was informed that the finger had been left misaligned as a result of the operation. The Claimant pursued a recommended course of physiotherapy before undergoing a corrective osteotomy in an attempt to realign the finger on 19<sup>th</sup> October 2006.

A further operation was carried out on 15<sup>th</sup> June 2007, however the claimant remained with a crooked finger and continued to endure sever pain whenever the finger was knocked.

The Claimant sustained injury and bought and bought an action against the Defendant alleging that the Defendant had failed to provide adequate treatment, and in the circumstances performed inappropriate treatment , had failed to provide staff with competence or sufficient experience in external fixation treatment and had failed to adequately apply a spring-fixator during the operation performed on 21<sup>st</sup> February 2006. The Claimant further alleged that the Defendant had failed to appropriately dress the wound and maintain the springs post-operatively.

Liability admitted.

Injuries: Permanently crooked and disabled left little finger which is painful when knocked.

Effects: The Claimant subsequently was unable to move the affected finger and experienced pain when the finger was knocked.

Out of Court Settlement: £14,000

Breakdown of general damages: £13,000 PSLA

Matthew Porter-Bryant of Guildhall Chambers instructed by Nye Moloney of Metcalfes Solicitors for the Claimant. NHSLA for the Defendant.

*Report submitted by Nye Moloney of Metcalfes Solicitors.*