

## **S-R v BERKSHIRE WEST NHS PRIMARY CARE TRUST**

**Total Damages:** £28,750

**Trial/Settlement date:** 7/5/2010

**Age at Trial:** 97

**PSLA:** £22,000

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

**Court:** Out of Court Settlement

**Age at injury:** 94

**Sex:** Female

**The claimant, a 97-year –old woman, received £28,750 following a fall after she had been unable to get assistance despite ringing her call bell for approximately 20 to 25 minutes. It was not foreseen that the claimant would make any significant recovery from the injury sustained as a result of the fall.**

Claimant: Female: 94 years old at the date of the accident; 97 years old at date of settlement.

Clinical Negligence: The Claimant was admitted to the Defendant Hospital on 26<sup>th</sup> January 2008 following insertion of a hip screw for a fractured neck of the left femur. On 12<sup>th</sup> March 2008 the Claimant required assistance to get out of bed in order to use the toilet. She pressed her call bell; however no member of staff came to assist. The Claimant continued to press the buzzer for approximately 20-25 minutes and still nobody came.

The Claimant's need for the toilet had become urgent and accordingly, she attempted to get out of bed herself. She fell as she attempted to do so and lay on the floor as she was unable to move. Following an x-ray the claimant was diagnosed as having sustained a fractured right hip.

The Claimant alleged negligence on the basis that the Defendant had failed to answer the Claimant's call bell within a reasonable time, failed to heed the risk of the Claimant getting out of bed herself if the call bell was left unanswered and failed to provide adequate assistance and supervision. The Claimant also alleged that the defendant had failed to provide a safe environment for the Claimant by reason of not providing adequate staff to safely monitor the ward; failed to note the Claimant's previous history of falls and of being physically unstable and negligently permitted the Claimant to fall and sustain a fractured right hip.

The Claimant continued to experience impaired mobility following the fall and following discharge from the Defendant hospital, it was not foreseen that the Claimant would make any significant recovery from the injury.

Liability disputed. The Defendant alleged that there was an adequate care plan in place for the Claimant, that it was not possible to accurately assess how long the Claimant had waited following ringing for help, there was an attempt to obtain additional staff from an agency and the staff shortage was addressed by coordinating the workload.

**Injuries:** The Claimant sustained a fractured right hip.

**Effects:** The Claimant subsequently had reduced mobility and it was not foreseen that she would recover from the injury.

Out of Court Settlement: £28,750 total damages

Background to damages: The case was settled on a global basis with no particular breakdown of damages. However the following breakdown has been estimated by the claimant solicitor:

Breakdown of general damages: PSLA £22,000

Special Damages in respect of gratuitous care: £6,750

*Report submitted by Nye Moloney of Metcalfes Solicitors instructed by the Claimant.*