

K v SANDWELL AND WEST BIRMINGHAM HOSPITALS NHS TRUST

The Claimant, a 31 year old man received £17,500 after a surgeon erroneously made an incision in the wrong wrist. The claimant was due to have an operation on his right wrist but the surgeon made an incision in his left wrist before being alerted to his mistake by the anaesthetist.

Claimant: Male: 29 years old at date of injury, 31 years old at date of settlement.

Clinical negligence: The claimant sustained a fracture of the distal right radius as well as a fracture of the left thumb in a road traffic accident. He was taken to hospital and admitted under the care of the surgeon after x-rays had been taken to confirm the injuries.

The surgeon reviewed the claimant and he was prepared for a manipulation under anaesthetic with percutaneous k-wiring for the fracture of his left thumb and open reduction, internal fixation of the distal right radius.

Prior to the operation both of the claimant's arms were marked by the surgeon. However, in theatre, the surgeon erroneously made an incision in the left wrist. The anaesthetist who was present alerted the surgeon to the error and the incision was closed with staples. The rest of the surgery was performed with no adverse events occurring.

Liability admitted.

Injuries: The claimant was left with a scar from his wrist to his elbow. He also developed an adjustment disorder comparable to chronic depression which was likely to significantly improve 3 years after the injury following Counselling therapy.

Effect: The claimant experienced ongoing pain, had to receive physiotherapy for the injury and was very self conscious of the scar.

Out of Court damages: £17,500

Breakdown of Damages: £17,000 PSLA, £500 Special Damages.

Metcalfes Solicitors for the Claimant. NHSLA for the Defendant.

Report submitted by Nye Moloney of Metcalfes Solicitors