



# HOSPITAL AND COMMUNITY CARE FALLS

**According to the Office for National Statistics, the number of over-80s in the UK is set to double within the next 25 years, meaning that by 2037 one in 12 people will be aged over 80. Against this backdrop, concerns are being raised about the pressure our ageing population is exerting on health and social care.**

One aspect of growing older is a greater risk of suffering falls. Falls and fall-related injuries are a common and serious problem for older people, with recent statistics revealing that 30% of people over 65 and 50% of people over 80 fall at least once a year in the UK.

At Penningtons Manches LLP we see many enquiries and claims relating to falls in older people, either as a result of poor management in hospital or in the community-care context with a failure to follow basic risk management procedures. Such falls can lead to devastating injuries and in turn hospital admissions that would otherwise have been avoided and/or extended hospital stays and in some cases, permanent loss of independent living or death.

## **WHAT ARE HOSPITAL AND COMMUNITY CARE FALLS CLAIMS?**

Legal claims can arise where vulnerable or elderly people have suffered falls during a hospital admission, or when receiving care in the community. Some falls are unavoidable and there is no doubt that as a person ages, statistically their risk of falls increases – especially for those with chronic illnesses, such as dementia and diabetes. However, often simple yet effective safeguards are not put in place / followed, leading to avoidable falls.

Where a person is admitted to hospital or is receiving community-based care, there is a duty on the care-providers to ensure that the person is managed properly to help them mobilise safely. NICE guidelines exist which require hospitals to assess patients for their risk of falls when they are admitted to hospital. Where a person is identified as being at high risk of falls, there is a duty of care to put safeguards in place to reduce their risk of falling.

Where people with reduced mobility who are at high risk of suffering falls are receiving social care in the community that includes manual handling, the care-providers have a duty of care to ensure they are managed in a way that reduces their risk of falls.

We see many falls claims which arise as a result of poor management in hospital or in the community-care context. Often, the high risk factors for the patient are obvious, and simple yet effective measures to minimise the risk of falls occurring – such as providing adequate mobility aids, ensuring access to patient call bells to get assistance, accompanying patients to the bathroom, and providing lowered beds and crash mats are not put in place.

## **WHY IS THIS IMPORTANT?**

Sadly, falls amongst the elderly are becoming an increasing problem and this will only become more prominent as the UK population ages. This increase prompted updated NICE Guidelines on the Assessment and Prevention of Falls in Older People published in 2013.

Falls are estimated to cost the NHS more than £2.3 billion annually, but the human cost of falling includes distress, pain, injury, loss of confidence, loss of independence and mortality. Falls and fractures in people aged 65 and over account for over 4 million hospital bed days each year in England alone.

Falls Awareness Week now takes place annually each June, and sees Age UK leading the campaign to promote the services and interventions that can help reduce the risk of a fall and encourage older people to get active in later life. For instance, a tailored exercise programme has proven to reduce falls by as much as 54%.

The increasing problem of falls needs to be tackled, given the human cost to patients and their families, as well as the financial burden it places on our health and social care systems.



## HOW CAN WE HELP?

If you, a client or someone you know has been left injured as a result of poor medical or nursing care, you or they may wish to investigate what has happened and whether compensation may be claimed, particularly to fund care / treatment needed as a result.

The clinical negligence team at Penningtons Manches LLP is regarded as a leading team of specialist lawyers advising in this area. We are committed to helping people who have suffered as a result of avoidable falls, as well as the families of people who have died in such circumstances.

We often represent families at inquests into the death of relatives who had fallen while in hospital, suffering fatal injuries as well as pursuing claims and represent directly older patients who have suffered injuries following falls, including severe brain injury and disabling fractures.

Examples of cases we have pursued have included claims where high-risk patients were left to mobilise alone to bathroom facilities when in hospital, without adequate support or mobility aids because of a lack of staffing, resulting in devastating falls. Examples of community-based claims include severely disabled people falling after being transferred inappropriately by untrained carers with incorrect use of hoisting equipment.

Initial advice is offered free of charge and without obligation. This can include guidance provided by telephone, a visit from one of our specialist solicitors or a review of your documents. We offer various forms of funding, including **no win no fee (conditional fee) agreements**. Our team aims to ensure that you receive **maximum compensation** while minimising the legal costs involved.

## FIND OUT MORE

For further information or to discuss your potential claim with an experienced solicitor, please contact:

T: 0800 328 9545

E: [clinnegspecialist@penningtons.co.uk](mailto:clinnegspecialist@penningtons.co.uk)

