



BRINGING A CLAIM FOR DAMAGE TO EYESIGHT

For many of us sight is our most valued sense. It isn't difficult to appreciate how catastrophic visual impairment can be. Routine vision checks are important to identify potential problems. Sometimes more specialist input is needed, for example, to investigate and treat eye disease or if an eye is traumatically injured, while more and more people are choosing laser eye surgery to correct or improve their visual acuity. Damage to eyesight can also be caused by an accident.

All patients are entitled to receive a reasonable standard of care and those treating them – from opticians to ophthalmic surgeons, whether on the high street, in the private sector or in hospital – are under a duty to provide this. Most of the time those providing ophthalmic services deliver proper and appropriate care, but occasionally there are problems. The impact of vision being seriously damaged or even lost as a result of an accident, injury or failings in care are devastating and can have a profound impact on a person's lifestyle.

Penningtons Manches Cooper's clinical negligence and personal injury teams are well experienced in cases involving eye care and the effects patients can suffer. We have the expertise to deal with a full range of claims and are committed to helping people who have suffered damage to the eyes or loss of vision obtain the compensation to which they are entitled.

WHAT ARE OPHTHALMIC CLAIMS?

Ophthalmic claims involve damage to the eyes, usually affecting vision, as a result of a wide range of possible causes, including:

- injury following surgery that has been wrongly or poorly performed;
- a failure to diagnose and treat disease or infection in a timely fashion;
- incorrect or incomplete advice as to the best

course of treatment; or

- an accident, whether at work, on the road, or in a public place.

Where the claim is related to medical treatment, we have to prove that the surgeon or practitioner was negligent. This means that the treatment provided fell below an acceptable standard and this caused the injury. English law imposes a certain standard of care, but whether that standard has been met or not can be a matter of individual medical judgment and involves careful analysis, including opinions from experts in the particular field of ophthalmic care as to what would be regarded as reasonable in all circumstances.

Where the eye damage arises from an accident, we need to look at how the accident happened, who caused or contributed to the accident, and whether their action or inaction presented a foreseeable risk of injury to others.

Laser eye surgery has been a particular cause for complaint and we have seen an increasing number of claims arising from this in recent years. With technological advances and widespread availability, it has become a far more accessible procedure and one that many people are choosing to have to avoid the need for costly spectacles or contact lenses. Patient information often focuses on the benefits the treatment can deliver but may not always give adequate attention to the risks or allow proper time for patients to reflect on these before the procedure.

WHY BRING A CLAIM?

We know no amount of financial compensation will ever make up for the devastation of suffering damage to sight. Financial compensation can however address some of the effects, for example, on work and lifestyle. For instance, where someone can no longer carry on with their previous job, drive, or manage at home, whether temporarily or longer term, compensation can often be used to access beneficial treatment, on a private basis, to try to improve the patient's outcome. In many cases our clients want an explanation or an



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apology and to understand what has gone wrong after putting their trust in a professional.

HOW WE CAN HELP

If you or someone you know has been injured as a result of an accident, following eye surgery or poor treatment, we can:

- advise based on the facts whether you have a potential claim for compensation, who this claim can be brought against and the prospects of success;
- investigate accordingly to find out what has happened and how, and whether this is attributable to negligence on anyone's part; and
- assess the nature and impact of the injury and future prognosis, as well as what compensation can be claimed and obtain evidence in support of this.

OUR SERVICES INCLUDE:

- Initial advice offered free of charge and without obligation - this can involve guidance provided by telephone, a visit from one of our specialist solicitors or a review of your documents.
- A range of funding options including 'no win no fee' (conditional fee) agreements.
- Advice on all types of personal injury and clinical negligence claims, both in the UK and abroad.

FIND OUT MORE

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

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