



ELDERLY CARE FACT SHEET

Thanks to medical advances and improved lifestyles, more and more people are living into old age. This brings new challenges in providing care for elderly patients and, on occasion, if this care fails, may have devastating consequences.

If you, or a member of your family, have been injured as a result of poor care, you may wish to consider seeking compensation by way of a clinical negligence claim. The clinical negligence group at Penningtons Manches Cooper is regarded as one of the leading teams of specialist lawyers advising on this area in the UK.

We see a number of problems repeatedly arising in elderly care including the following:

- **Pressure sores:** these are painful sores (sometimes referred to as pressure ulcers or bed sores), which develop both in a home and hospital setting, when patients are confined to a bed for a long period of time. With a proper risk assessment, good nursing care, nutrition and hydration, these sores are nearly always avoidable, but a level of acceptance of these problems has developed amongst some nursing staff.
- **Falls:** elderly patients often have more restricted mobility than other patients. When they are admitted to a hospital ward, they should be assessed to make sure that steps are taken so that they are not at risk of falling, either when moving about the ward or when positioned in their bed or chair. This may include the provision of bed rails, escorts or wheelchairs. All too frequently assessments are either not undertaken or completed incorrectly, allowing elderly patients to sustain avoidable injuries which have significant consequences for the frail.
- **Care home negligence:** more and more elderly people are now residing in care homes when, due to the level of care they need, it is impossible for their families to cope without help. This choice is

often a difficult one, and made with the best interests of the elderly family member, but occasionally things go wrong. Elderly people in care homes are in a vulnerable position and are dependent on the nursing home staff to see to all of their needs. Sometimes, this care is not provided or falls below acceptable standards.

- **Wound care and infection/sepsis:** as skin ages, it becomes more delicate, meaning that special attention is needed when a wound is present. Any wound is at risk of infection, but in an elderly individual an infection that goes untreated is more likely to have a serious impact upon this person in the future. With correct nursing care and specialist input at the correct time, infections should be promptly treated and the spread of infection avoided, but often this is not the case and poor healing and serious illness occur.
- **Medication/dispensing errors:** with age, certain medical conditions can arise, which mean that individuals are reliant on regular prescription medications. Occasionally the wrong medication is dispensed and sometimes this is identified too late, leading to potentially devastating consequences. With correct procedures in place, dispensing errors of this type are entirely avoidable.

COMPLAINTS PROCESS

Sometimes poor care is given and by good fortune, rather than good planning, injury is avoided. In these circumstances, it is not possible to bring a claim for compensation, but it can be a good idea to make a complaint. This highlights the problems to those in charge of the facilities/care providers to ensure that steps are taken to avoid the same thing happening in the future.

We recommend making a complaint in writing to the healthcare provider who dealt with the treatment in question, following which a formal response should be received. If the care was provided in an NHS hospital, the complaint should be directed to the chief executive



of the relevant hospital trust in the first instance and, thereafter, the Parliamentary and Health Service Ombudsman. If the care was provided in a care home, the complaint should be directed to the manager of the care home in the first instance and thereafter social services or the Local Government Ombudsman.

For more information on making a complaint, you may wish to contact Action against Medical Accidents (AvMA), a charity that promotes better patient safety and justice for those who have been affected by a medical accident. AvMA's details can be accessed at <http://www.avma.org.uk>.

CLINICAL NEGLIGENCE CLAIMS

We have specialist expertise in bringing medical negligence claims on behalf of individuals and their families. By bringing a successful medical negligence claim, we are able to obtain a financial payment from the negligent party. Depending on the circumstances of the injury suffered, this financial payment may include:

- compensation for pain, suffering and inconvenience caused;
- reimbursement for out-of-pocket expenses;
- future care costs if the need for care arises earlier than it otherwise would have because of deterioration related to problems with treatment.

Equally, when an admission of fault is made by a healthcare or service provider, you can be certain that the circumstances of the poor care received have been brought to their attention. Our hope is that this will help avoid the same thing happening to another person in the future and go some way to preserving the dignity of the elderly.

FIND OUT MORE

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

T: 0800 328 9545

E: clinnegspecialist@penningtonslaw.com

