

Template 'Letter of claim'

Dear NHS Resolution

Letter of claim

[Claimant's name] –v- [Defendant's Name]

I wish to pursue a claim for compensation in relation to the advice provided to me and prescription of Sodium Valproate before and/or after the conception of my child [**add name**] who was born with *[Foetal Valproate Syndrome/ or describe other injuries/disabilities alleged]* as a result.

The treatment was provided at *[name of hospital or treatment centre]* by *[name of clinician(s) if known]* on *[insert date(s)]* .

Claimant's details:

- *[Full name including any previous name]*
- *[Date of birth]*
- *[Address including any previous addresses at the time of events referred to]*
- *[NHS Number]*
- *[National Insurance number]*

Events giving rise to the claim:

- *Summarise your case in a few paragraphs*
- *Include as much of the following information as possible:*
 1. *Date when Sodium Valproate (or Epilim) first prescribed and until what date,*
 2. *At what dose(s),*
 3. *By whom prescribed both initially and throughout treatment*
 4. *Where prescribed [name of hospitals, clinics etc].*
 5. *Any other anti-epilepsy drugs prescribed including dose, dates, where and who prescribed them.*
 6. *Include details of any advice given in relation to side effects and risk including risks to a fetus in pregnancy (if applicable) by who and when.*
 7. *Date of birth of child affected by Sodium Valproate in pregnancy*
 8. *Which hospital or doctors treated you in pregnancy and any advice given in relation to Sodium Valproate.*
- *If Sodium Valproate was prescribed for epilepsy, please include details such as types of epilepsy and seizures and seizure control achieved with / without Sodium Valproate and any other medication if applicable.*
- *Provide details of any specialist referrals (i.e. paediatrics, neurology, obstetrics) including date of referral and assessment(s).*
- *Include details for all hospitals attended.*
- *Where mum has been registered with more than one GP practice, please provide an outline of what happened, including details of other relevant treatments to the client by other healthcare providers*

Chronology

This should be based on the medical records. Include dates, names of hospitals and doctors involved in your treatment on each date, and briefly what happened. If you do not consider that the medical records provide full details of what happened, set out clearly where that is the case and what you say happened.

Suggested sub-headings:

Pre-conception

Please set out what advice and treatment you received in relation to Sodium Valproate before your child was conceived. See above regarding relevant information to be included

Post-conception

Please set out what advice and treatment you received in relation to Sodium Valproate during your pregnancy. Provide details of ante-natal care including scans.

See above regarding relevant information to be included

Birth

Provide details of the labour and birth of your child, how they were in the immediate period after this birth including:

- *Child's condition when born and in the neonatal period*
- *Child's Apgar scores and whether resuscitation or other specialist treatment was needed for your child*
- *Seizures / seizure control in relation to mum and medication prescribed*

Allegation of negligence:

It is my case that the standard of care that was provided by [list all relevant defendants] fell below that which was to be expected from a reasonable body of opinion in that discipline and as such amounts to a breach of duty.

- *Set out allegations of breach of duty of care (failures), broken down into pre-conception and post-conception (if applicable) or other relevant periods. It is helpful to provide this in a short list rather than long narrative. Vague allegations will cause delay.*
- *Be specific regarding the allegations e.g. if you allege that the advice given to you about the risks of Sodium Valproate was sub-standard, explain why it was sub-standard and what advice ought to have been given.*
- *If you allege that you should have been provided with alternative treatment, set out what treatment you allege should have been provided.*
- *Include any guidelines, protocols, case law or literature relied upon as relevant and /or applicable to the time in question.*

- *Set out whether you have supportive expert evidence and if so the expert's specialty (e.g. GP, neurologist)*

Causation

The Claimant's evidence will be that if the appropriate advice had been given to her

- *Set out what you say would have happened differently but for the alleged failures you have set out above. Consider and address the following issues:*
 - *If you allege that alternative medication would have been prescribed, say what and at what dose and to what effect.*
 - *If you allege that medication would have been stopped, indicate by when and with what effect.*
 - *If you allege that different advice would have led to a different course of action or outcome, provide details.*
 - *Set out whether you have supportive expert evidence on causation and if so the expert's specialty.*

Injuries

As a result of the above it is my case that my child [add name] has suffered the following injuries/disabilities.

- *Please set out details of the child's injuries including any conditions which have been diagnosed, when, where and by whom. Include any symptoms that are under investigation. Describe the level / severity of the injuries and impact on day to day living (if known).*
- *Confirm whether you have an expert's report detailing your child's condition and if possible provide us with a copy (optional)*

Heads of loss

Please set out the financial losses and costs which you allege have been caused by your child's injuries, both in the past, ongoing costs and costs and needs your child may have in the future. This may include some or all of the following. You may add to the list other items and provide details where possible.

- *Care/Support*
- *Case Management costs*
- *Treatment Costs*
- *Equipment Costs*
- *Accommodation/Adaptation costs*
- *Rehabilitation incl. Physiotherapy, Occupational Therapy, Speech and Language Therapy*
- *Assistive Technology*
- *Orthotics*
- *Education Costs*
- *Loss of Earning Capacity*
- *Court of Protection/Deputyship Costs.*

Clinical records *(if not previously provided)*

I enclose an index of all the relevant records that I hold. I am happy to provide copies of these on payment of my photocopying charges.

Other Parties

If you are investigating or pursuing a claim against any other potential Defendant, provide details including contact details for their legal representative (if applicable).

Action Required

Please provide your written acknowledgement of this letter within 14 days and provide your full written response to this Letter of Claim within 4 months (or an indication of whether you will require an extension of time)

Yours sincerely,