

Jack Clayton v Yeovil District Hospital

Jack Clayton was born in 2005. During his mother's very long labour Jack became distressed and was starved of oxygen. The hospital staff failed to identify this problem or act upon it in time, by delivering Jack earlier and as result Jack now suffers from cerebral palsy.

It took until Jack was around eight months old for health visitors to initially identify his condition. However, his mother, Katy Oram had already suspected something was wrong with Jack. As a result, Jack was tested for many different genetic conditions until finally the diagnosis of cerebral palsy was made. A brain scan was carried out which was reported as showing no abnormality, but on reconsideration of this during the investigation of the case it was found that the scan did show brain damage.

Jack suffers from impaired movement and speech, and cannot walk unaided. He also needs to be fed and is totally reliant on his parents to do everyday tasks. Jack is of normal, possibly even above normal intelligence and he is aware of his disabilities, which will continue to cause him to become more and more frustrated as he grows older.

It has taken Ms Oram and her solicitors, JMW, four years to prove that the hospital was responsible for Jack's cerebral palsy. The hospital has now made a full admission and provided an apology. Judgment has been entered on his behalf.

The cost of the reports involved in proving the hospital's negligence, were significant. Without access to Legal Aid, Ms Oram would have struggled to find legal representation to help her do this and she certainly could not have afforded to fund it herself.

Without access to Legal Aid, justice would have been denied to Jack.

The case is ongoing as the parties now need to agree a settlement which is likely to be in the region of several million pounds.

Every penny of the compensation will go towards Jack's lifetime care and needs, which will need to be calculated, and the amount of compensation is now in the process of being assessed requiring a further number of expert reports to be commissioned. These assessments will need to take place over time to see how Jack develops.

