



# Establishing “causation” is often the most critical aspect in a Medical Negligence Claim

The issue of causation in a [medical negligence claim](#) is often the biggest challenge.

When a person suffers an injury or illness following a medical procedure or treatment, they will often question why they suffered the injury or illness and whether it was due to a lack of care on part of the doctor or hospital.

One aspect of establishing medical negligence or a breach of the duty of care owed to a patient, is answering the question whether the doctor and/or hospital failed to

exercise due skill and care and competent professional practice when providing the treatment.

However, in order to be able to proceed with a medical negligence claim the breach of the duty of care must result in injury, loss and damage and this is known as causation. Establishing causation, namely the loss and damage arising from the breach of the duty of care, can often be the more challenging issue in a medical negligence claim.

If the injury, loss or damage would have occurred regardless of the breach of the duty of care, then there is no entitlement to compensation even if you can establish a breach of the duty of care.

It is necessary for the patient to show that the breach of the duty of care caused an injury and that loss and damage flowed from the injury and to quantify the damage caused.

## When is causation difficult to establish?

A couple of examples of when causation may be difficult to establish are, firstly with a delayed diagnosis of a medical condition such as cancer. In such cases a patient must not only establish the negligence, namely that there was a delay in the diagnosis but also that the patient’s diagnosis and treatment has been impacted by the delay. If the treatment and diagnosis is the same despite the delay then it will be difficult to establish a negligence claim.

Secondly when the negligence arises from the treatment of a pre-existing injury where the negligence has not resulted in a difference in the outcome from the original injury.

Often causation is unclear and although some loss and damage may be potentially attributable to the breach of the duty, it is difficult to proceed with a claim.

In many medical negligence cases, establishing causation is a greater challenge than establishing a breach of the duty of care. This is primarily because the cause of the

injury, loss and damage suffered as a result of the particular medical condition can be uncertain and unpredictable.

## How can Andersons Solicitors help with your Medical Negligence Claim?

Causation plays a vital role in your potential medical negligence claim. Accordingly, it is important to have experienced and professional legal assistance if you wish to pursue a claim for compensation as a result of medical negligence. Today’s writer, Partner at Andersons Solicitors, [\*\*Suzanne Pinyon\*\*](#), is highly experienced in [\*\*medical negligence claims\*\*](#). Visit Suzanne’s profile for more information or [\*\*contact us here\*\*](#).