

Fatal claims

A fatal claim refers to seeking compensation when someone's death has been caused by negligence.

These claims can occur in many situations. Examples we commonly experience include where there has been substandard treatment or care in a hospital, care home, supported living facility, mental health unit or prison.

Do I have a valid claim?

In order to bring a claim, it is necessary to prove that those who provided care to someone or were involved in the circumstances of death breached a duty of care and this caused or contributed to their death.

Solicitors will help to establish whether you have a potential claim by speaking with you and by obtaining and analysing medical records, care records or other relevant documents. If an inquest is being held, solicitors can attend the hearing to help gather evidence that may answer the question of whether a loved one received failings in care that caused their death.

Who can bring a claim after someone has died?

Only certain people can bring a claim on behalf of a loved one who has died, either the person named as Executor in the Will, the legal 'next of kin' if there is no Will, or any person who was dependent on the deceased for income or care, such as a spouse or a child. If you are unsure if you can bring a claim, please contact us for advice.

What compensation may be available?

How much you receive for a successful claim will depend entirely on your specific circumstances, as it is calculated based on the losses you have suffered.

Typically claims can include the following:

Damages for pain, suffering, and loss of amenity on behalf of the deceased

This compensation is awarded for the pain that the deceased suffered as a result of the negligence prior to their death. The sum is calculated based on the nature of their suffering and the length of time between the negligent care and their death.

Statutory bereavement award

A bereavement award is a fixed amount that can be claimed by certain family members after someone has died. It is awarded to a husband, wife or civil partner of someone who has died, or can be awarded to parents of a child under 18.

The amount is set down in statute and is currently £12,980 for deaths occurring after 1 April 2013.

Financial losses incurred by the deceased prior to their death

This is compensation for any financial losses that the deceased suffered prior to his or her death. An example of this would be where a delay in a diagnosis meant that the deceased was unable to work prior to their death, perhaps due to an intensive treatment programme that was required or side effects of any drugs they were taking.

It could also include the costs of any additional care that the deceased required prior to his or her death, either from family members or from employed care staff.

Funeral expenses

Funeral costs and any other associated costs such as burials/cremations, headstone or a wake can be claimed.

Financial losses

A claim can be made where there is a shortfall in the amount of money brought into your household as a result of a person's death. This could include loss of earnings, loss of employment benefits and any pension losses, and can be sizable.

Loss of care or other services

A dependency claim can also be made where the person who has died provided care (or other domestic services) for others in the household such as children, grandchildren, an elderly relative or a spouse. Again, this can be a sizable part of a fatal claim.

Psychiatric claim

Individuals who witnessed the sudden and distressing death or injury of a loved one may also be able to bring a claim on their own behalf. This can help provide financial compensation which can be used for counselling or other psychiatric treatment.

Is there any purpose other than financial compensation?

In many cases we are also able to help to obtain an apology from those found responsible for the death, or for assurances as to the changes that have been made to avoid anyone else suffering in the same way.

Time limits for bringing a claim

Generally speaking you have three years in which to formally commence your claim in the court, but there are sometimes deadlines as short as 1 year so we recommend you contact a solicitor as soon as you feel ready and able.

This leaflet has been prepared by Royds Withy King, a law firm with a specialist team who can advise following the death of someone close to you.

Call us for free on:
08000 277 324

Or email:
bereaved@roydswithyking.com

**More information is available
on our website at:**
roydswithyking.com/bereaved