

## **How to make a complaint or claim after the loss of a baby**

After the loss of a baby, whether you have suffered stillbirth or a neonatal death, understanding why your baby died and finding answers can often feel very important and may help to provide closure after such a devastating loss.

### **The Hospital investigation**

If your baby has died in hospital, the Trust will undertake a review and start an investigation. In the first instance you should be told that the hospital will undertake a review into your baby's death. The review should include questions and concerns about your care or the care of your baby, which should then be addressed by the review team at the hospital.

The Trust should then generate an investigation report, and offer for you to either review the document, or attend a meeting at the hospital in order to discuss this and answer any further questions which may not have been answered.

If the Trust do not launch an investigation, you can request that this is undertaken. This should happen within a few weeks and the report provided to you.

In some cases, an independent body, such as the coroner or the Healthcare Investigation Branch in England, will conduct a separate investigation to find out what happened. This is usually when a baby dies during labour at term, which is more than 37 weeks of pregnancy, or after they have been born up to 24 days old.

### **Making a complaint**

If you would like to make a complaint about any aspect of your care or the care provided to your baby, including the review process itself, you can make a complaint via the PALS (Patient Advisory Liaison Service) where your baby was born, or where the care took place if this is not the same hospital. Every Trust has details of the PALS service on their website.

An investigation will be undertaken, any questions you have asked should be answered, and you may get the answers that you need after the loss of your baby.

Sometimes parents also request the medical records to help understand what happened, in what is often a difficult and confusing medical situation.

### **When to take legal advice**

If you have received the investigation report or the response to a complaint, you may feel the need to seek legal advice to see whether you may have a claim for medical negligence.

It is important that you speak to a specialist lawyer in medical negligence, and from somebody who understands baby loss and neonatal death.

The specialist lawyers will listen, take details as to the care that was provided to you and your baby, and advise on whether they think further investigations may be needed and if there is a potential medical negligence claim.

They will consider whether the care fell below an acceptable level, and if the loss of the baby and any injury to you may have been avoided.

### **Signposting**

We have an established relationship with Tozers Solicitors, who have a specialist medical negligence department, and act for families where they have suffered a stillbirth or neonatal death, infant injury or death, and maternal injuries.

If you would like to seek free, confidential, specialist legal advice, please contact Helena Campbell:

**Helena Campbell | Associate & Chartered Legal Executive | Medical Negligence | Tozers**

**Endurance Arthur | Partner and Solicitor | Medical Negligence | Tozers**

Tozers have several solicitors who are members of the Law Society Clinical Negligence Panel.

Alternatively, you can contact another firm of specialist solicitors that are accredited by the Law Society using their website <https://www.lawsociety.org.uk>

