

National Health Service Mediation Scheme

Case Study 1

Facts

This was a clinical negligence claim brought against the NHS. The claimant developed Guillain-Barré Syndrome and was admitted to hospital. While being fed in hospital, the individual suffered a cardiac arrest and hypoxia leading to catastrophic brain damage.

The mediation occurred before an issue of proceedings and was instigated through a joint-party agreement.

Amount in Dispute

£5,000,000.00

Time between Decision to Mediate and Final Outcome

4 months

Mediator's Pre-Mediation Work

5 hours

Length of Mediation

5 hours

Mediator Fees (incl. pre-mediation work)

£2,900.00

Mediation & Case Outcome

The mediator held a number of individual and joint meetings with the parties during which multiple offers were exchanged before a final settlement was agreed. The case was settled for 70% of the total damages when awarded or agreed. The parties also agreed on an interim payment of £105,000 to assist with upcoming expenses.