

DEBRIEF: A Kings Chambers Podcast Factsheet

EPISODE 4 – NEGLIGENCE CLAIMS ARISING OUT OF PSYCHIATRIC CARE

Stephen McNamara talks with Nigel Poole QC about claims for damages for allegedly negligent psychiatric care. These claims may arise out of care given to patients in psychiatric units, care in the community, or care given in other healthcare settings such as A&E. What are the common features of such claims, and what challenges do they present for litigants and their advisers?

The discussion covers questions such as whether the failure to detain could be negligent, the assessment of risk, the difficulty of proving causation, and contributory negligence. Stephen provides some useful pointers as to the kind of documentation that ought to be within a patient's medical records, when failure in care can arise, and when Human Rights Act claims might be made.

Cases referenced in the Podcast

- [Lopes de Sousa Fernandes v Portugal \(app. no. 56080 / 13\)](#)
- [Savage v South Essex Partnership NHS Foundation Trust \[2008\] UKHL 74](#)
- [Rabone v Pennine Care NHS Trust \[2012\] UKSC 2; \[2012\] 2 AC 72](#)
- [R \(Parkinson\) v HM Senior Coroner for Kent \[2018\] EWHC 1501 \(Admin\)](#)
- [Henderson v Dorset Healthcare University NHS Foundation Trust \[2018\] EWCA Civ 1841](#)
- [Reeves v Commr of Police for the Metropolis \[2000\] 1 AC 360](#)
- [Corr v IBC Vehicles Ltd \[2008\] 1 AC 884](#)

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Speaker Profiles



Nigel Poole QC

Nigel is ranked as a leading QC by Chambers UK and the Legal 500. He is Head of Kings Chambers and sits as a Deputy High Court Judge and a chair of the Bar Tribunal and Adjudication Service. He has appeared in the Supreme Court and Court of Appeal. He has given many lectures and seminars around the country on subjects including human rights, loss of earning capacity and proving reduction in life expectancy.



Stephen McNamara

Stephen practices in the fields of clinical negligence and serious personal injury, acting for both Claimants and Defendants. Stephen is regularly instructed in complex and high-value cases in which significant future losses are claimed. He has particular experience of claims involving suicide arising as the result of negligent psychiatric treatment, including claims advanced under the Human Rights Act.

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