

## FACTSHEET

# Cerebral palsy

Cerebral palsy affects roughly 1 in 400 births in the UK, with around 1,800 children diagnosed each year.

### What is cerebral palsy?

Cerebral palsy is caused by an injury to the brain during a baby's development either before, during or around the time of delivery.

Its impact can vary greatly, but it can affect muscle control and co-ordination, movement and mobility, vision, hearing, communication and learning. Children with cerebral palsy often have epilepsy and extensive care needs.

### Types of cerebral palsy

There are four main types of cerebral palsy:

- Spastic (pyramidal): leading to stiff, tight muscles and rigidity; movement can be difficult to control
- Athetoid (extrapyramidal or dyskinetic): causes difficulty in controlling movements, leading to writhing of the body and jerky limb movement, often focusing on upper limbs

- Ataxic: associated with tremors, difficulty with fine motor function (such as buttoning clothes) and unsteady walking

- Mixed: a combination of more than one type

### Different parts of the body can also be affected:

- Hemiplegia: affecting one side of the body
- Diplegia: usually affecting legs more than arms
- Quadriplegia: affecting all four limbs

Every case is different and it can often take some years before the full extent of a child's disabilities become apparent.

Some children will grow up to enjoy largely independent lives but others will need help with all aspects of daily life.

Caring for a child with cerebral palsy can be physically, emotionally and financially demanding.

Cerebral palsy is sometimes caused by factors beyond anyone's control, such as a genetic disorder, prematurity or unavoidable infection, but it can in some cases be caused by a failure to provide appropriate care.

Whilst our NHS provides an outstanding service for the most part, sadly mistakes do sometimes happen.

### Cerebral palsy claims

Evidence of substandard medical care which has been identified as a potential cause of cerebral palsy includes:

- Medical staff not recognising or responding to a problem with a baby's heart rate during labour
- Delay in medical staff seeking more senior assistance
- Delay in the delivery of a baby causing oxygen starvation to the brain
- Failure to manage infection
- Failure to provide appropriate neonatal care, such as in response to jaundice/meningitis

Independent expert evidence is needed to support a claim for clinical negligence – both to establish liability and to clarify the extent of any compensation award.

Compensation is designed to cover the additional cost of looking after a child whose injuries have been caused by negligence and will always vary from case to case depending on the extent of disability and care needs.

Sometimes, a child's long-term prognosis and needs can be clear by around age 6, but if a child has more subtle disabilities, this can take until secondary school age. This is often the reason why, even if liability can be established at an early age, legal claims involving cerebral palsy can take a long time to resolve.

### Interim payments

Where appropriate, once liability has been established, we can secure an award of "interim damages", which can provide advance funds for necessary care, case management, therapies, aids and equipment, special educational needs, housing adaptations and/or re-housing before the full extent of a claim can be definitively assessed.

We appoint independent case managers to work with families "on the ground" to co-ordinate care and therapy regimes around you, your child and family so that you can enjoy, as far as possible, a more typical family life.

We adopt a holistic approach and work with colleagues in other areas of law to ensure that your needs, and that of your child, are fully catered for throughout their lifetime.

### Clinical negligence

If you consider that your child's cerebral palsy may have been caused by negligence, please contact Moore Barlow's specialist clinical negligence team which has unrivalled experience in managing these complex cases and in securing significant compensation awards.

Moore Barlow are one of the few law firms accredited by The Legal Aid Agency to act in birth injury claims and we can, where appropriate, request public funding to undertake investigation of a potential claim. Other methods of funding are also available.

Please do contact us for an initial, free and no obligation, discussion.



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