



Information Sheet: Cerebral Palsy

Having your baby diagnosed with Cerebral Palsy can be devastating. You are bound to ask why? That is where the specialist team at Alsters Kelley can help.

We will be able to advise you on whether or not your child's disability has potentially been caused by a lack of care during your labour. This means you can concentrate on caring for your baby while we work on your legal case trying to establish if you have a claim.

Our specialist team will sit down with you to take full information about what happened.

Then we access your medical records and obtain independent evidence on the standard of care you received.

What is Cerebral Palsy?

This condition affects the brain (Cerebral) and the ability to move (Palsy). It occurs where there has been some damage to the brain. There are various sorts of cerebral palsy and each person will be affected differently from others.

The condition can affect the ability to move, hear, see and think. Sometimes the person can suffer from epileptic fits. People with cerebral palsy often have severe disabilities resulting in them needing care for the rest of their lives.

The diagnosis can take several years to make as the diagnosis is only really confirmed when your child fails to hit the usual developmental milestones.

There are various types of cerebral palsy, and the symptoms can vary from mild to severe. The three main types are:

▫ Spastic Cerebral Palsy

Children with spastic Cerebral Palsy have stiff and jerky movements caused by muscles being too tight. This makes it difficult to move from one position to another.

▫ Ataxic Cerebral Palsy

Children with ataxic cerebral palsy have poor co-ordination, balance and low muscle tone. Symptoms can include being unsteady and shaky often called a tremor.



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- Athetoid or Dyskinetic Cerebral Palsy

Children with Athetoid Cerebral Palsy tend to make involuntary movements as their muscles change from being floppy to tense without them being able to control them. Various areas of the body can be affected and the following classifications are often used:-

- Quadriplegia: this is when all four limbs are affected - quad (four) Plegia (paralysis). This means that children with quadriplegia have trouble moving all the parts of their bodies, which may mean they need to use a wheelchair to get around. The ability to talk and eat can also be affected.

- Hemiplegia: this is when only one side of the body is affected. Hemi (one sided) plegia (paralysis). The other side of the child's body works un affected.

- Diplegia: This is when only the lower limbs are affected. Sometimes the arms can be slightly affected or can be normal.

Time Limits

The time limits for children who suffer from Cerebral Palsy runs from the child's 18th birthday. This means the statutory three year time expires on the Childs 21st Birthday. There is one exception. If someone does not have the capacity to manage their own affairs then the time limits do not apply. This can be the case in Cerebral Palsy cases where the damage to the brain has resulted in developmental delay.

Funding

With clinical negligence cases involving Cerebral Palsy, public funding is available. This was previously known as Legal Aid.

What causes Cerebral Palsy?

The vast majority of Cerebral cases are not caused by negligent treatment at birth. Those that are, are usually caused by a lack of oxygen to the baby, either before, during or just after delivery.

This lack of oxygen causes brain damage which in turn causes cerebral palsy. Sometimes injuries caused during the birth can also cause brain damage leading to cerebral palsy. This is a list of some of the problems which have been found to be negligent:



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- Failing to identify and act upon abnormalities on the fetal heart rate trace
- Failing to follow the NICE guidelines
- Failing to undertake fetal blood samples to assess the baby's oxygenation
- Failing to identify fetal distress
- Failure to perform a caesarean section where there are clear signs of fetal distress
- Failure to detect a prolapsed umbilical cord where the umbilical cord has slipped out through the opening cervix and down into the birth canal before the baby has left the womb, cutting off the blood and oxygen supply to the baby
- Leaving the baby in the birth canal for too long resulting in a lack of oxygen to the brain
- Failing to identify the correct position of the baby in the womb
- Failing to diagnose a breech presentation
- Inappropriate use of a vaccum extractor
- Failing to carry out blood test during pregnancy to assess blood incompatibility between the baby and the mother
- Improper and/or aggressive use of forceps causing nerve damage, bruising, and head injuries
- Delay in delivery once shoulder dystocia develops
- Failure to assess when the baby is too large for vaginal delivery
- Failure to identify and treat pre eclampsia
- Failing to identify and treat ante partum haemorrhage
- Failing to identify and treat post partum haemorrhage
- Not treating appropriately or recognising a baby's seizures following delivery
- Not diagnosing or treating jaundice
- Failure to diagnose meningitis and then treat appropriately
- Failure to diagnose and treat hypoglycaemia

If your baby suffers from cerebral palsy we can help advise you on whether or not you have a potential claim. We have a specialist team with vast experience in this area of law who can help answer your questions.

CONTACT:

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If you need any further information about matters in this information sheet, please do not hesitate to contact us.