



Susan Allen

Mediator since 2016

Specialist areas: Clinical Negligence

Professional

Deputy District Judge 2019 to date

Fee-paid Judge of the First-tier Tribunal – Special Educational Needs and Disability 2024 to date

Extensive experience of Dispute Resolution Hearings involving mediation and early neutral evaluation

Specialist PI and Clin Neg DDJ at Birmingham

Law Society Clinical Negligence Panel 2015 to 2023

CEDR accredited mediator 2016

Current Employment

August 2021 to date (not continuous) – University Hospitals Birmingham NHS Foundation Trust, Legal Officer

Area of work – Defendant clinical negligence claims, Coroner's inquests and EL/PL. This part time role involves investigating claims against the Trust and liaising with the Coroner in relation to inquests.

Examples of concluded cases:

2019:

K v An NHS Trust: Acted for child client who suffered brain injury during surgery. Sadly died 18 months later. Pursued claim for parents. Settled for £150,000 at mediation.

H v C Heath Board: Claimant sustained a hypoxic brain injury at birth. Obtained pre-action full admission of liability Client had cerebral palsy affecting mainly one side but also significant cognitive injury affecting her schooling and employment prospects. Claim settled at a RTM for a lump sum of £5,000,000 and periodical payments for care and case management, (£14,500,000 capitalised value), 4 weeks before trial.

2018:

W v D and B NHS Trusts: Claimant born prematurely and sustained hypoxic brain injury due to a delay in diagnosis and treatment of necrotising enterocolitis in the neonatal period. Diagnosed with quadriplegic cerebral palsy and cognitive impairment. Complex issues of causation involving 2 NHS Trusts. Admission of breach of duty made pre-action together with admission of causation of injury. Issue raised regarding effect of prematurity but for the injury. Agreed a process with the Defendants' solicitor to exchange quantum evidence and settled claim at a RTM pre-issue resulting in a saving of costs and quicker resolution. Settled for lump sum of £4,000,000 and periodical payments for care and case management, (£17,000,000 capitalised)

D v N NHS Trust: Delay in diagnosing client (in her 70's) with a brain tumour. Protected party as a result of her injury and also developed dementia which reduced her life expectancy. Significant causation arguments regarding the extent to which the dementia was caused/accelerated by the delay in treatment of the brain tumour. Case settled 4 months before trial for £400,000.

C v W NHS Trust: Claimant sustained a hypoxic brain injury at birth resulting in quadriplegia, with spared cognition. Pre-action admission of liability. Settled at mediation for £4,750,000 and periodical payment for care and case management, (£17,500,000 capitalised), 1 month before trial.

A v S NHS Trust: Consent case regarding an elective bilateral mastectomy due to future risk of cancer. GMC referral of treating clinician. Settled for £250,000. M v S NHS Trust Client previously advised by 3 other firms. Case 10 years old and not issued. Delay in diagnosis of MRSA leading to osteoarthritis. Significant funding and limitation issues to overcome. Settled for £300,000.

J v S: Alleged failure by optician to identify age-related macular degeneration, leading to visual impairment. Heavily defended by insurer. Settled 1 week before trial for £25,000.

2017:

H v P NHS Trust: Delay in diagnosis of compartment syndrome leading to above-knee amputation. Case 2 years outside limitation when instructed. Significant loss of earnings claim requiring forensic accountancy expert evidence. Settled before trial for £3,000,000.

M v B NHS Trust: Client suffered hypoxic brain injury at birth. No physical injury, but cognitive impairment leading to client being vulnerable and having reduced earning capacity. Heavily defended towards a split trial. Key medical records missing. Settled shortly before trial for £1,850,000, with no admissions.

Testimonials

Chambers review: "commended for being "hard-working and very thorough." Susan assists with an impressively wide range of complex matters, including brain injury, birth injury and delayed diagnosis cases."

Legal 500 review: "Susan is an extremely experienced and well known clinical negligence practitioner who is respected by peers and (importantly) opponents".

Peer review (2020/2021) Chambers - "commended for being hard-working and very thorough. She assists with an impressively wide range of complex matters, including brain injury, birth injury and delayed diagnosis cases."

Legal 500 - "Sue Allen is an extremely experienced and well-known clinical negligence practitioner who is respected by peers and (importantly) opponents"

Contact: Registrar@TrustMediation.org.uk