



Erb's Palsy Group
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Erb's Blerb 130

Magazine of the Erb's Palsy Group Spring Issue 2025

Hello and welcome

I hope this issue of our newsletter finds you all keeping well and enjoying a little of the good weather we have had.....

We have a very interesting issue this time, with some great contributions from our members and details of our Family Fun Day in October !

So settle down for a few minutes and enjoy this issue.

Karen Hillyer

COFFEE MORNING

Karen Hillyer held an impromptu coffee morning in Coventry during March – she had booked a venue for a different event, which couldn't go ahead and decided at 2 weeks notice to hold a Coffee Morning instead. It was a wonderful get together, with families who have previously met up and new families with tiny babies.

We had one young lady Morgan who was in her 20's who spoke at great length to other families and youngsters about how she coped with her injury and she was delighted to meet other people with the injury for the first time. We were so busy enjoying the event, we forgot to take photos!

The whole day just reminded all of the attendees just how valuable it is to be able to share your experiences, tips, moans, groans and happy times with people who TRULY understand the causes and effects of this injury.

So if YOU would like to hold a coffee morning- let one of the Trustees know and we will do our very best to support you with paying towards a venue and refreshments !

info@erbspalsygroup.org.uk

ERBS ON TOUR

Once again we are going to ask you to send us your photos of Erb's Palsy group merchandise whilst away at days out or on holiday! These lovely images are great for sharing on Social Media and to raise awareness of the Charity – you can e mail them to **trudi@erbspalsygroup.org.uk**

FAMILY FUN DAY

You will see on **page 9** details of our forthcoming Family Fun Day- we're off to WILTSHIRE an area we haven't been to before- a beautiful venue and we hope you will join us at this lovely event ! Booking form can be found on **page 13**.



Donations

The Trustees would like to send their Thanks to the family of the late **Kathleen Broom**, Great Grandmother of Max Hole. Kathleen recently passed away at the age of 97 years young !

Thank you to Kathleen's son Norman, for nominating our organisation as the beneficiaries of their donations in lieu of flowers. We received **£116.10** in Kathleen's memory.

Many Thanks to **Anne Richards**, Grandmother of Bobby Richards for her donation, your ongoing support is wonderful.

The Charity had two donations in January which we have NO information about!

The two donations were paid directly into our bank account and were for **£136.80** and **£143** respectively. They were simply listed as **North Herts** – no other information was forthcoming, so if you organised this – **THANK YOU !**

Our immense Thanks go to several of our families who have made significant donations recently. The **Gaw family** from Scotland, The **Smith's** from Suffolk and the **Bashir family** from London.

Our HUGE thanks go to **Karina Nikitin** who ran in the Tokyo Marathon in March for the Charity. Karina raised an amazing **£2195** for us- we are so grateful for your support."

*Thank you all so much
for your continuing
contributions to
the Charity.*



Mark shows off his medal!



Mark McVeigh, Dad to baby Louis recently completed a dualthon in aid of the Charity, he finished 26th over all and 9th in his age category (he didn't tell us his age !!)

Mark raised a STAGGERING **£3705.42** in sponsorship and an additional **£753.90** in Gift Aid **thanks so much Mark !**

Let's bring the FUN back into Fundraising



As a small, independent charity, we depend entirely on donations and fundraising to continue our work and support our community. Let's bring the FUN back into fundraising and remember that spreading awareness is just as vital as raising funds. This article highlights simple and effective fundraising ideas that you or your children can participate in, whether at work, school, or within the community. For more details or to organize your own fundraiser, please reach out to Stacey.

Let's get Fundraising!

- **Complete a Sponsored Event**

This could include a sponsored walk, run, cycle, silence, triathlon, swim or why not get sponsored for giving something up?

- **Ask for an alternative gift**

Instead of Birthday presents, Easter eggs or a Christmas gift why not ask your close ones to instead donate to your chosen cause!

- **Host a Quiz**

Now that Spring has Sprung why not host a quiz either online, indoors or outdoors at a family BBQ. You can charge people to participate and offer a small prize for the winner!

- **Hold a Raffle**

Why not reach out to a local company to supply a free raffle prize? Or have you some smelly sets unused from Christmas? Host a raffle where people can purchase tickets from you for a chance to win a prize!

- **Dress up day**

Why not host a dress up or dress down day at your nursery, school or work place? This is such an easy and effective way to raise funds!

- **Bake Sale**

A bake sale is another simple yet effective idea which can be held pretty much anywhere!

- **Hold a Coffee Morning**

Once again spring has officially sprung so why not host a spring themed coffee morning for family and friends, you could include a bake sale, raffle and hand out leaflets.

- **Sell Something**

Time for the Spring Clean! Why not head on over to Vinted or EBay and sell some old clothes, electronics, books or DVDs which are taking up valuable space. Donate the proceeds to your chosen Charity.

We'd love to hear all about your fundraising adventures! Share your stories with us so we can celebrate your amazing efforts in our Blerb and across our social media channels.





The importance of getting the right travel insurance!

It's the time of year that we all start getting that urge to book a holiday and soak up the rays of the sun in hotter climates than sunny old England.

After the fun of booking your holiday in the sun, it's time to start searching for that all important travel insurance. This is where the fun and games start:

"What type of insurance do I need?"

"I or someone in my family has Erb's Palsy/ medical condition, do I need to mention it to the insurer?"

"I or someone in my family am waiting for an operation on my Erbs arm?"

"I have a GHIC card, wont that be enough to provide cover in Europe?"

The most important thing that you need to consider is getting insurance ASAB (as soon as you book), this will ensure that if there are any unforeseen circumstances that cause you to have to cancel your holiday you can look at claiming back the cost of the holiday from the insurance company*.

You can get a few different types of travel insurance from annual policies to backpacker policies. An annual policy provides insurance for multiple trips throughout

the year, these can come in handy when you are going on more than one holiday a year. A single trip policy provides you with travel insurance for the period of the trip that you are taking. A backpacker policy is very similar to a single trip policy, but it can work out cheaper in the long run when you travel for an extended period.

It's always best to speak to the insurer to work out what policy is best for you, they can normally do a few different quotes so you can make an informed decision.

It is always best to discuss with the insurance company any medical condition that you either have medication, surgery or regular reviews with you GP or constant to ensure they are fully aware of your medical history and that it is noted on your policy, the will safeguard that if you have to have treatment abroad or you have to cancel your trip due to one of these conditions it should be covered on you travel insurance*.

It can be an uphill struggle to find an insurer that will provide protection whilst you are on a waiting list for an operation or an investigation into a medical condition, don't get disheartened as there are some insurers out there that may be able to help (it's just finding them that's the trick), you can use an independent insurance directory provided by Money Helper to find the correct insurance for you.

While the Global Health Insurance Card (GHIC) provides access to state-funded healthcare in EU countries, it's not a replacement for travel insurance. Travel insurance offers broader coverage, including medical expenses not covered by the GHIC, repatriation costs, and protection against other travel-related issues like lost luggage or trip cancellations.

Once you have your insurance in place make sure you tell the insurance company if any medical information or conditions change to make certain that your insurance is fully up to date, and this will hopefully stop any stumbling blocks if you need to make a claim.

LASTLY ENJOY THE SUN AND GET THAT WELL EARNED DRINK FROM THE BAR!!

HAPPY HOILIDAYS!

*Subject to the company Ts&Cs





Big Baby trial update

It's been a while since I've shared what's been happening with the Big Baby trial results. Unfortunately, I'm still unable to share any due to the fact that they still haven't been published in any medical journals such as the BMJ. If I were to leak any information the whole trial would be null and void.

Having said that Karen and I have been asked to take part in another trial attached to Big Baby. We are helping them undertake 'modelling the cost effectiveness of induction of labour to prevent shoulder dystocia'.

It is hoped this extension of the trial will start in early 2026 and will help encourage more maternity clinicians to consider the induction of labour for gestational dates babies.

There is a lot of paperwork to complete in the background before we even get approval to undertake this new study.

I also had an interview about my involvement as a PPI [Patient and Public involvement] in maternal trials, at the time I was also given the chance to speak about the group and what we do so now I'm awaiting the final results from her later in the year about other PPI's experiences and see how they compare with mine.

I have also recently discovered that Professor Siobhan Quenby received a MBE for her groundbreaking research into obstetrics in the King's 2025 New Year's Honours list. Having worked alongside Siobhan on the Big Baby trial it is a well-deserved recognition.

Fingers crossed I can share the trial results with you soon

Jackie



Erb's Palsy Group
Registered Charity No. 1157720 CIO



Joachim Stanley secures admission of liability on an Erb's palsy case.

Joachim Stanley recently secured a complete admission on liability issues on an extremely hard-fought case which had been contested by the Defendant for years, and on which a Trial on liability issues was looming.

T was born in 2001. Significantly, her older sister (born in the same hospital in 1997) had suffered from "severe" shoulder dystocia. T's mother said that when T's older sister was born, sirens had sounded, and people had come rushing in. She was a large baby, weighing over 4kg.

During her pregnancy with T, T's mother received relatively little advice as to her birth options. A previous history of birth complicated by severe shoulder dystocia was noted. T's mother was told that if the baby was large, she would be offered a caesarean section.

In the event, T was large for dates. T's mother attended all of her antenatal clinics and had all of her ultrasound scans.

In September 2001, T's mother was seen on the delivery suite and the previous history of shoulder dystocia was again documented. The plan was to deliver T with a caesarean section if her estimated weight went over 4kg.

Later that month, T's mother was admitted to

hospital. A midwife there (according to her witness evidence) estimated T's weight by palpating T's mother's stomach. She estimated T's weight as 4kg. Since margins of error were of the order of 10 – 20%, it followed that there was a considerable risk that T now weighed as much as, or even more than, her older sister at birth.

It was too late to offer a c-section. The midwifery experts agreed that once she knew of T's estimated weight and T's mother's obstetric history, the midwife attending the birth should have alerted colleagues that there was a high risk of shoulder dystocia.

The Defendant's records were so bad that it was difficult to work out what happened next. However, according to the midwife with conduct, she then sent a colleague out of the room as she feared shoulder dystocia might happen. She did not press the emergency bell, which is the recognised way of ensuring obstetric staff arrive promptly (usually 30 – 60 seconds) whilst not obliging colleagues to go out and fetch them.

It was difficult to work out how many people were present at the point of delivery. T's mother was clear that she only remembered the midwife with conduct being in the room. On her account, this midwife looked horrified, then started pulling whilst shouting at her to push. The midwife's statement said that she asked T's mother to stop pushing.

According to one entry in the records, the staff tried McRoberts (a recognised manoeuvre for release of an impacted shoulder, which involves at least 3 people – 2 people are required to take one of the mother’s legs each, and flex these back towards her chest, whilst the accoucheur tries to release the child). We asked how this was possible given that it looked as though either 1 or possibly 2 midwives were present. The Defence explained that the midwife with conduct could have pushed one of T’s mother’s legs back with one hand, pushed the other leg back with one of her own legs, and then delivered the child with other remaining hand and whilst standing on one leg.

According to the Defendant’s witness statements, a single obstetrician arrived to help after “a few minutes” and found T being delivered.

T suffered a permanent Narakas Group II brachial plexus injury.

The parties’ orthopaedic experts thought the most likely mechanism of injury was excessive traction (pulling). The obstetric experts agreed that the injured shoulder was uppermost (anterior) at all relevant times. Both the obstetric and midwifery experts were highly critical of the midwife’s conduct throughout the birth. It was highly probable that forceful non-diagnostic traction had been applied – several alternative explanations were offered by the Defendant’s experts, all of

which were then agreed to be unlikely at joint expert meetings.

Despite the fact that its own factual witness evidence was unhelpful, and its experts were at best lukewarm, the Defendant’s solicitors insisted on contesting this case until months before Trial on liability issues. Surprisingly the Defendant solicitors let joint expert meetings take place, as doing so revealed that their own experts didn’t support their case.

The Outcome

We were delighted to obtain a complete admission of liability – this was conceded at 100% (i.e. the Claimant will not have any of his damages discounted to reflect litigation risk in respect of liability issues). We are now seeking a significant interim payment of damages to provide our client with all necessary help and support, as the Defendant’s conduct has delayed this by a period of years.

If you believe that you or your child may have suffered an injury as a result of the labour or birth, then do please contact us as we will be only too happy to discuss matters with you on a no-cost, no-obligation basis.

Case report by **Joachim Stanley**.





Sophia's Story

I asked my four-year-old daughter, Sophia, to share her thoughts on living with Erb's Palsy and what it means to her. Despite her young age, Sophia has faced numerous challenges in a short amount of time and is learning so much about how Erb's Palsy affects her daily life.

What does Erb's Palsy mean to you?

I have an Erb's Palsy arm which means the spaghetti (nerves) in my arms is poorly. When I was born the spaghetti got hurt.

That means this arm (points to left arm) works a bit different to my other arm.

How does Erb's Palsy affect your normal activities?

I can get dressed by myself now. But mummy has to remind me to put my Erb's Palsy arm in my top first. Sometimes I forget. When I play I can do most things by myself but sometimes I have to ask for help.

Who helps you with your Erb's Palsy?

Mummy and Daddy help me to stretch my arm and I can do lots of things now. I go and see my friend Sally (Physiotherapist) she plays fun games and always wants



to look at my arm. I like it when Sally has bubbles and she blows them for me to pop them. Sometimes we go a long way in the car to see my special Doctor (specialist) and they like to look at my Erb's Palsy arm too. Last time Sarah showed me how the bed goes up and down and that was really funny.

Have you had any operations?

This many (shows 2 fingers on her hand). I have to go in the car with Mummy and Daddy and we drive a long way. Now I have magic lines (scars) I think I have four magic lines now.

How do your magic lines make you feel?

Great! They mean that I had an operation which will help my Erb's Palsy arm to get big and strong.

What is your favourite thing to do?

Go on holiday to the big swimming pool with the waterfall. I like to jump in the pool and learn to swim. I like all my toys. I really like my scooter.

As parents, we firmly believe that knowledge is power. Sophia, who turns five this September, has shown incredible strength and resilience in navigating life with Erb's Palsy. We're committed to empowering her by ensuring she's always educated about her Erb's Palsy in an age-appropriate way. The Herbie books have been an invaluable resource, helping Sophia understand more about Erb's Palsy and what it entails. Her nursery often shares how confidently she explains her Erb's Palsy to both adults and children.

2025 FAMILY FUN DAY

www.steam-museum.org.uk



We would love you to join us at our next Family Fun Day

We're holding it at STEAM the Museum of Great Western Railway in Swindon, Wiltshire on Saturday October 4th.

We are planning a great event for the family, with everything from arts and crafts, to face painting, Formula 1 Race Simulators, Fencing, a Circus workshop and a whole host of brilliant activities for everyone to have a go at !

There is a booking form for the event in this issue – we do ask for a contribution towards the cost of the event – which you can pay online at our DONATE button on the website- please make sure you put a note on the form that it is payment for FUN DAY 25 otherwise we are unable to match your form with your payment www.erspalsygroup.org.uk

The venue is a beautiful place and we are all located on the ground floor in the Great Western Hall and the Hawkesworth Hall – plenty of room to move around, have a go at the activities and chat with other families – so book your place now – for a brilliant fun packed event !!

Here is some information about the venue

STEAM – Museum of the Great Western Railway is housed in a beautifully restored Grade II railway building in the heart of the former Swindon railway works.

Situated right opposite the Swindon Designer Outlet, the museum tells the story of the men and women who built, operated and travelled on the Great Western Railway, often referred to by historians and railway fans as 'God's Wonderful Railway'.

The pioneering vision and engineering genius of Isambard Kingdom Brunel led to the Great Western Railway network becoming regarded as the most advanced in the world.

The full address is Firefly Lane, Swindon SN2 2EY

Car parking for the museum is located 5 minutes walk away in the Swindon Shopping outlet village. The cost of parking is £2 for 5 hours and after 5 hours rises to £12 Disabled blue badge holders park for free – the parking MUST be paid by card there are NO cash facilities to pay.



How assistive technology can help someone living with Erb's palsy

As with many conditions, the everyday management of Erb's palsy is increasingly aided by assistive technology.

There is a wide range of technological aids that can now assist, and these aids are not limited to bespoke software. In this article, we look at how assistive technology can help in the setting of Erb's palsy and give some examples of the available technology.

Computer technology

As learning (like much else) moves ever more online, the importance of adapted computer equipment has increased. Fortunately, there are a range of computer-related options which may be of assistance, both educationally and in the workplace.

Many people with Erb's palsy find working at a keyboard to be somewhat uncomfortable. There are several products that could assist with this, including ergonomic or one-handed keyboards, depending upon what is most comfortable for the individual. Additionally, there is now a range of speech recognition software which can be useful, particularly with drafting longer documents.

As ever, when choosing specialist equipment, it is always a good idea to ensure that you receive expert input, and if possible to "try before you buy". It is also a good idea to ensure that the buyer has the opportunity to have some training once the equipment has been purchased, so that they can ensure they get the best out of it. If you are currently bringing a claim, it is important to explore

these issues with a suitable expert, so that the costs associated with both the equipment and training can be appropriately factored into the claim.

Home adaptations

In addition to computer equipment, adaptations to the home can also prove invaluable to people living with Erb's palsy.

Digital locks on the front door of the house can make life much easier, particularly when carrying items (e.g. shopping). If using both hands is difficult, then other solutions could be considered, such as systems that facilitate opening windows and possibly drawing blinds. This could be particularly helpful where windows are located behind a sink (as is often the case in kitchens and bathrooms).

Again, if you are bringing a case, it is important to discuss these issues fully with your instructed solicitors, in order to ensure that all potential areas of difficulty (and opportunity to improve everyday life) are identified. This is likely to help your legal team and your instructed assistive technology experts.

If you are bringing a claim for Erb's palsy, then it is often extremely helpful to consider the issue of assistive technology carefully. Careful provision of specialist equipment can prove invaluable both educationally and in the workplace. It helps people to achieve their true and full potential.

If you and your child have been affected by this issue, and you are seeking legal help, please feel free to get in touch on a no-cost, no-obligation basis.

Article by **Dr Joachim Stanley** and **Mr Roger Southall**.

Hi Everyone...

..... It's so good to see you again! The sun is finally coming out to play and I hope you have been enjoying getting outside. In Spring I love to go out and take notice of all the changes in nature, the leaves growing, the flowers start to appear, I love seeing baby animals too.



Spring Colouring

Here are some colouring pictures that you can colour in if you like. I would love to see any that you have coloured. Feel free to email them to me at epgblerb@hotmail.com

I have made a spring bingo for you below, see how many signs of spring you can spot and tick them all off.

Bird's nest	Rainbow	New buds on trees	Lamb
Flowers in bloom	Try a Spring Vegetable	Birds singing	Cherry blossom
Spot a puddle	Find a feather	Beer	Fly a kite
Spot shapes in the clouds	Butterfly	Draw a spring picture	Ladybird



JOKE CORNER

I have some spring jokes for you to try out on your friends:

How excited was the gardener about Spring?

Why are potatoes good detectives?

Why are frogs so happy?

So excited he wet his plants!

Because they keep their eyes peeled!

Because they eat whatever bugs them!

Ha
Ha
Ha
Ha



Achievements



Huge congratulations to Brynn, who has successfully passed his driving test. Stay safe on the roads Brynn, well done!



Elsie, who is 7 years old, recently took part in activities on an outdoor adventure course. Despite being initially hesitant and the activity causing her some pain, she absolutely smashed it! Used both arms to move the harness along and balanced at height. Very well done Elsie! You should be super proud of yourself.



Tilly-Mai has been awarded Star of the Week at school! Your lovely smile tells us just how much it means to you Tilly-Mai. Keep up the good work!



Penelope has left arm Erb's and is doing really well on her balance bike.

You make everybody so proud of how much you can do!



Hollie and her mum auditioned for Britain's Got Talent. They received a great response from the audience and judges alike and we hope to see how well you do in the competition and in the future. Keep us up to date Hollie!



Lowestoft Lions 20th Annual Swimability Gala - A new award, the outstanding contribution award was given to Kristina Hann.

After having her left arm amputated in late 2023, Kristina's story amazed Lowestoft Lions members when they met her last year, only months after the amputation. She has battled and learned to swim again and not only does she swim the longer distances, she also encourages and inspires others at Colchester Phoenix Swimming club.

The Lions were super pleased to meet Kristina again and watch her push through and swim at the event this year."

BOOKING FORM FOR 2025 FUN DAY

SATURDAY October 4th 2025 at

Steam- The museum of Great Western Railway, Swindon SN2 2EY

NAME

ADDRESS

POST CODE

NAMES OF ALL ADULTS ATTENDING

****Have you enclosed your entry fees? Adults £10****

Remember – Adults and Children with Erb's are FREE

PLEASE LIST THE NAMES AND AGES OF ALL CHILDREN ATTENDING

Ages are required as this information is vital for insurance purposes.

Name Age

Please list here any special dietary requirements:

Do you give permission for any photographs taken at the
Fun Day to be used in the newsletter or on the EPG website?

YES ☐

NO ☐

Do you require acknowledgement of your form?

(Please enclosed a stamped addressed envelope)

All cheques or postal orders should be made payable to the ERB'S PALSY GROUP or you can
pay via our 'Donate' button at www.erbspalsygroup.co.uk stating payment is for this booking.

Please send completed booking forms with your payment to:
KAREN HILLYER, 60 ANCHORWAY ROAD, COVENTRY CV3 6JJ.

To arrive **NO LATER THAN September 4th 2025**



TOZERS

CAUSATION IN INJURY CLAIMS: NAVIGATING COMPLEX SCENARIOS

The aim of compensation is to restore a person to the position they would have been in had the injury not occurred.

The reality is that whilst physically this cannot be achieved, compensation can help access the care and support needed to manage the consequences of their injury.

In the case of conditions like Erb's Palsy, the physical limitations are only part of the consideration. Many individuals also face additional difficulties, ranging from psychological difficulties to neuropathic pain. When negligence is proven and these issues arise as a direct result of the Erb's Palsy, the consequences and associated costs can be claimed from the defendant.

However, complications arise when individuals develop conditions that would have occurred regardless of the injury. For example:

- Psychosocial adversity (e.g., exposure to traumatic events)
- Neurological disorders not linked to Erb's Palsy
- Learning disabilities
- Dyslexia

In these cases, the defendant can argue that they should not be held responsible for the impact of these unrelated conditions. Furthermore, they may argue that compensation for the Erb's Palsy injury should be less than it might otherwise have been because the claimant would have faced challenges irrespective of the Erb's Palsy, such as:

- Inability to secure employment
- Need for care

This situation becomes particularly challenging in cases like Erb's Palsy when the injury happens at birth and:

1. It is impossible to determine exactly how the individual would have developed without the brachial plexus injury.
2. It is not easy to determine which condition causes what effects, as they will more than likely interact with each other.

To navigate these complexities, solicitors need to collaborate with experts to carefully explore the "co-conditions" and the interplay between them, to establish what could reasonably be claimed from the defendant having regard to the relevant legal principles.

Consequences that can be claimed – take your claimant as you find them

Unrelated injuries don't automatically reduce the value of a claim – in fact in some cases, they could even increase it. There is a general rule that "you must accept the claimant as you find them". If a person was already vulnerable due to pre-existing medical conditions, the defendant may still be held fully accountable for the impact of the injury, even if the person's outcome would have been less severe had they been in better health.

In the case of Erb's Palsy claims for example, if the claimant would have pursued a physically demanding job had the injury not occurred, the defendant must recognise that the claimant's ability to do such work is now further limited due to the Erb's Palsy. Consequently, the defendant is required to provide appropriate compensation.

A recent case I handled raised these arguments but also brought up another important issue: **capacity**. There are two considerations when it comes to capacity and legal proceedings:

1. The ability to bring the claim (capacity to litigate)
2. The ability to manage financial affairs

In law, generally an adult person is assumed to have capacity unless proven otherwise. The rationale behind mental capacity law is to protect a person's right to make their own decisions where possible whilst safeguarding vulnerable individuals. If someone lacks the capacity to bring a legal claim, a Litigation Friend will be required. Similarly, if they lack capacity to manage their financial affairs, a deputy will be required (if the compensation meets the necessary threshold).

I recently represented an individual who had not only sustained Erb's Palsy but also had other unrelated physical and mental health conditions and was deemed to lack capacity. This applied to both bringing the claim and managing their financial affairs. As a result, a Litigation Friend was appointed and the costs of a deputyship were included in the claim. The situation was further complicated by the fact that the lack of capacity was not related to the birth – it would have been the case regardless. Unfortunately, the defendant was uncooperative, both disputing the lack of capacity and arguing that any costs associated with it should not be recoverable, since they were not related to the negligence. In addition, they asserted that the other "unrelated" physical and mental health conditions would have been debilitating, in an attempt to reduce the damages.

Following an extensive investigation, preparation of evidence and negotiation, a settlement of **£1.85 million** was secured, which included money to appoint a professional deputy. Ultimately, although the lack of capacity was not related to the negligence, the individual would not have had to manage large sums of money (to source care, equipment etc) in the absence of the defendant's negligence.

It was pleasing to have been able to rebut the arguments made by the defendant in this case and to secure the appropriate level of compensation for my client, as it was important that the individual could access the support they would need and to alleviate the pressure on the family.

When considering capacity, I was acutely conscious of how important it was to balance this individual's right to be heard, alongside ensuring adequate protection for their vulnerabilities.

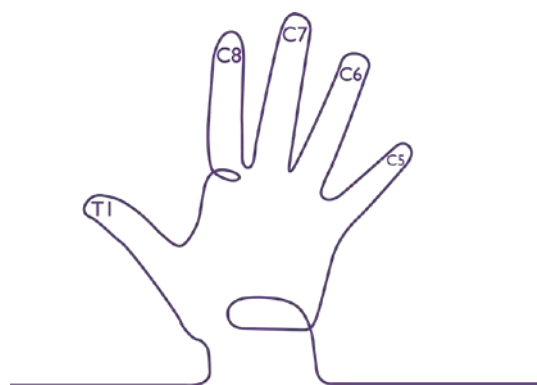
How we can help?

If you believe that you or your child may have suffered an injury as a result of labour and birth, then please do contact us as we will be only too happy to discuss matters with you on a no-cost, no obligation basis. We have a very specialist team ready to assist you, with unrivalled experience in claims arising from Erb's Palsy.



Michelle Beckett

m.beckett@tozers.co.uk
01392 667 639



Can-do attitude

Kristina Hann, a Trading Standards Officer at Essex County Council, has always had a positive and tenacious approach to life despite being born with a disability. Now, with her assistance dog Louis at her side, nothing can hold her back

"It's been a weird year. I've chopped my arm off. I've gone back to work. I've carried on doing my swimming and obtained my CTSI animal health and welfare qualification." When speaking with Kristina Hann, it soon becomes clear that she takes whatever life has to throw at her in her stride.

Born with a left arm that was paralysed as a result of damage to the brachial plexus nerves, Kristina is no stranger to confronting prejudices. "The worst thing about growing up with an arm that doesn't work but is clearly visible is people don't believe you," she says. "At school, I got detention in PE for not being able to tie my shoelaces because the teacher said I was faking it. Why would I lie about that? It's one of those things that you never forget."

Kristina soon learned that her disability would influence her life in many ways – and often because of others' thoughtlessness. "I failed my graphics GCSE exam because the pencil kept falling out of the compass, and no one would help me put it back in," she remembers. "When I was 15, I wanted to join the Navy the following year, and no one told me that



I wasn't going to be allowed to until I went to a careers fair and was turned away."

Kristina studied law at university, and when she graduated in 2009, a job at Hertfordshire Trading Standards caught her eye. At first though, she thought her medical history would stand in her way. As well as having a paralysed arm, she also has epilepsy and had recently had a seizure that prevented her from driving. "The job advertisement said a full driving licence was required but I was told to apply anyway and they'd review it," she says.

"Also, because I'd be going out and about, they needed to do a review of whether or not I'd be physically able to do the job," she says. "I'd been through this before, so I was expecting to get turned down on medical grounds – but one of the senior managers wanted to give me the chance to prove myself. I got the job, and I then got my driving licence in 2010. There were some interesting questions that were asked of me though, like 'how do you type one-handed?' Me being me, I said, 'one-handed'."

Kristina began her Trading Standards career as a Trainee Officer at Hertfordshire Council, later earning the Diploma in Consumer Affairs and Trading Standards (DCATS). "I had maternity leave in the middle of that, but I managed to qualify at the same time as everybody else I started with," she says. "I think taking nine months out of the process made me work a little bit harder afterwards to make sure I caught up with everybody."

Kristina stayed at Hertfordshire for 13 years, learning the ropes, earning the respect of colleagues and working her way up to Senior Trading Standards Officer level. During that time, her health complications continued. "I had operation after operation to try and fix my arm," she says. "They were talking about taking stuff out of my legs to put into my arm, but I said, 'absolutely not, that sounds terrifying!'"

"I let them do one last surgery on me in 2019, but it did not work. So I said, 'I want rid of my arm'."

"They amputated it a year ago. It was a choice, an elective amputation. I was only off work for two weeks – and I was off swimming for three weeks, winning my first regional gold medal in over 20 years a few months later in the 200m individual medley event. The amputation was the best

decision I ever made. I don't know how to be two-handed. I've just got on with it."

Dynamic duo

Following a period of momentous and stressful changes – a bereavement, new care responsibilities, a new job and a series of major health procedures – a fresh glimmer of light arrived in Kristina's life in March 2023 in the shape of Louis.

Louis is a three-year-old black Labrador, specially trained by the charity Dogs For Good to work with an adult with a physical disability. "Part of my condition means I drop things on the floor all the time," Kristina explains. "He'll pick up my keys when I drop them, my purse, the remote control. He takes off my slippers, my socks, my shoes."

"Around the house, we put ropes on doors that he can use to open them. He is able to push the metal buttons that open doors in public places. If I've got something in my hand, I'll just say to him the code word to open the door and he'll stick his face in it. He's not the most graceful with that – he will literally headbutt the thing – but he is getting a little bit more graceful as he's getting older. He's just absolutely brilliant at doing what he does," she adds with a touch of unmistakable pride. Although, she points out, "He doesn't work for free – every time he does something he's supposed to do, he gets treats."

Kristina's experience

"I've met a lot of disabled people who are not upfront about their disability in job interviews, because they're scared they're not going to get hired. That's not been my experience in Trading Standards at Hertfordshire or Essex whatsoever. I've been upfront. In those interviews I've had, I could've hidden my disability easily both times. I've never done that."

"You have to be open about what your restrictions are though. The Equality Act does state that reasonable adjustments can be made, as long as they are in keeping with health and safety, which for the most part they are. It's about having open dialogues with the people who are going to be your managers, and knowing what the job entails."





GROW YOUR OWN VEGGIE PATCH COMPETITION

Gardening is a fantastic way to get kids and adults outside, active, and engaged with nature. Growing vegetables like snake beans, rainbow carrots, pumpkins, mini cucumbers, and mashed potato squash can be a fun and rewarding experience.

Ison Harrison would like to encourage as many people as possible to get outside and have a go at growing their own food.

WHO CAN ENTER:

Anyone who is a member of the Erb's Palsy Group can enter the competition, there is no age restriction.

THE PRIZE:

All entries will be entered into a prize draw and a winner will be selected at random. **The winner will receive a £50 Amazon voucher.**

HOW TO ENTER:

1. Choose something to grow and plant it.
2. Care for it, and document it's progress.
3. Send us a short progress report with pictures by 10/09/2025 to Katrina Stapleton at khs@ih.co.uk.

Please include your name/ and the name of your child.

CREATING YOUR VEGETABLE PATCH

Choose the veggie:

Do some research and decide which vegetables you would like to grow and what they need.

Give them a good start:

You can start your vegetables off in containers inside if the weather is still cold. If you decide to plant directly into the garden do it after the last frost!

Choose the right spot:

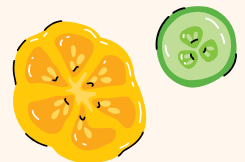
Find a sunny spot in your garden. Most vegetables need at least 6 hours of sunlight a day.

Prepare the soil:

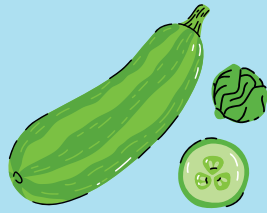
Loosen the soil with a garden fork and mix in compost to enrich it. This will help your veggies grow strong and healthy.

Plan your layout:

Decide where each vegetable will go. Taller plants like snake beans can go at the back, while shorter ones like rainbow carrots and mini cucumbers can be at the front.



PLANTING YOUR VEGETABLES



Snake Beans:

Plant seeds 1 inch deep and 3 inches apart. They grow tall, so provide a trellis or support for them to climb.

Rainbow Carrots:

Sow seeds thinly in rows about 1/4 inch deep. Keep the soil moist until they germinate.



Pumpkins:

Plant seeds in small mounds about 1 inch deep. Space the mounds 3-4 feet apart.

Mini Cucumbers:

Plant seeds 1/2 inch deep and 12 inches apart. They also benefit from a trellis.

Mashed Potato Squash:

Plant seeds 1 inch deep and 3 feet apart. These need plenty of space to spread out.



PROTECTING YOUR VEGGIES

Mulching:

Add a layer of mulch around your plants to retain moisture and suppress weeds.

Netting:

Cover your plants with netting to protect them from birds and insects.



HELPING YOUR VEGGIES GROW



Watering:

Water your plants regularly, especially during dry spells. Aim for the base of the plants to avoid wetting the leaves.

Feeding:

Use organic fertilizers to give your plants the nutrients they need.

Weeding: Keep the area around your plants free of weeds, which can compete for nutrients and water.



FUN TIPS TO KEEP KIDS ENGAGED

Create a Garden Journal:

Let kids document their gardening journey with drawings and notes.

Decorate Plant Markers: Use colourful markers to label each type of vegetable.



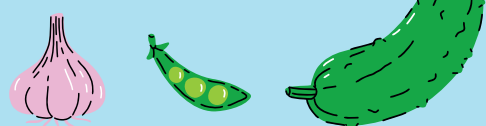
Garden Crafts:

Make garden decorations like painted rocks or wind chimes.

Gardening is not just fun, it's also great for your health. Spending time in nature can reduce stress, improve mood and self-esteem. It encourages sensory development and using your hands to plant and care for vegetables can improve fine motor skills and hand strength.

We can't wait to see what you grow.

Have Fun,
Ison Harrison Solicitors



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information

We have a wide range of fact sheets and leaflets available – please check the website for full details www.erbspalsygroup.org.uk all of our leaflets can now be e mailed to you for ease of sending. All requests should be sent to Karen Hillyer (details as above)

In addition to these fact sheets we have a wide range of Information booklets available to post to members or health care professionals. These Include the following;

- **Erb's Palsy, A comprehensive guide for professionals and parents on the prognosis, treatment and support of Erb's Palsy**
- **Care of a baby with Erb's Palsy**
- **Rights in the workplace and education – a guide to your rights under the Equality Act 2010**
- **All About Me book – a booklet for you and your child to complete for use in school and other external settings**

These can all be obtained by contacting Karen Hillyer.

Bye for now!
x

