

# **Polmear and another (Appellants) v Royal Cornwall Hospitals NHS Trust (Respondent)**

**Case ID: 2022/0044**

## **Case summary**

### **Issue**

Can an individual make a claim for psychiatric injury caused by witnessing the death or other horrifying event of a close relative as a result of earlier clinical negligence?

### **Facts**

These are three conjoined appeals. Each appeal relates to a claim by an Appellant for psychiatric illness caused by viewing a traumatic event which was caused by a Respondent's negligence. In each case, the Appellant witnessed or attended shortly after a death caused by the Respondent's negligence.

Following existing law, the Paul and Purchase claims were dismissed by the High Court and County Court respectively, with permission given to appeal. Following Paul, an application to dismiss the claim in Polmear was rejected and permission given to appeal.

The cases were conjoined and heard together before the Court of Appeal. The Court of Appeal found for the Appellants in Paul and Polmear, and for the Respondent in Purchase.

All three cases come before the Supreme Court as a conjoined appeal.

### **Judgment appealed**

[\[2022\] EWCA Civ 12](#)

### **Parties**

#### **Appellants**

Lynett Polmear  
Mark Polmear

#### **Respondent**

Royal Cornwall Hospitals NHS Trust

### **Appeal**

#### **Justices**

Lord Briggs, Lord Sales, Lord Leggatt, Lord Burrows, Lady Rose, Lord Richards, Lord Carloway

### **Hearing start date**

16 May 2023

## Hearing finish date

18 May 2023

### Watch hearing

16 May 2023 [Morning session](#) [Afternoon session](#)

17 May 2023 [Morning session](#) [Afternoon session](#)

18 May 2023 [Morning session](#) [Afternoon session](#)