

€4.75m for the girl left blind and in her wheelchair

'Water on the brain' case ends in a HSE payout for the family



Tragic: Jade will need 24-hour care for the rest of her life

By Helen Bruce

A TEN-YEAR-OLD girl who was left brain damaged as a baby after doctors failed to diagnose her condition has been awarded €4.75million.

Jade Keane won her High Court battle against the HSE as a public health nurse and the National Maternity Hospital were found to be negligent.

Jade is blind and unable to walk, as well as suffering from cerebral palsy and epilepsy.

The court heard how Jade's head increased in size at an alarming rate for the first two months after her birth in March 2001.

She was diagnosed three months later with hydrocephalus, or water on the brain. A shunt was inserted to drain cerebral spinal fluid from her head.

Prior to this procedure, her swollen brain was being crushed against her skull.

After the settlement was approved by Judge Iarfhlaith O'Neill, Jade's mother Gillian Keane, who was with her partner Ian Henderson, said: 'We are happy for Jade that it's settled, and we can care for her for the rest of her life. It will mean a huge amount to her.'

Miss Keane expressed her relief that the matter was settled: 'I am angry, but I think I have come to



Angry: Gillian and Ian Henderson

the stage when I can put it behind us and we can move on with our lives.

'She has been through a lot, obviously, and it is very sad, but she is great. I'm very proud of her... She's a lovely kid, a pleasure.'

Referring to the medical staff in the case, she said: 'I hope they have learned their lesson. And I hope this will prevent the same thing happening to anyone else.'

Miss Keane, who had taken the case on behalf of her daughter, told the court that she had first noticed

her daughter's behaviour had begun to change a couple of weeks after being discharged from the National Maternity Hospital in Dublin.

Six weeks later, she became increasingly concerned about Jade's head size and explained her worries to family GP Dr Dermot Stones in Ballybrack, Co. Dublin, at the baby's six-week check-up.

The mother-of-two said: 'She had started to sleep a lot more. Her feeding was slowly getting worse. Her head was getting bigger. I told him I thought her head was too big for her body.'

'I hope the medics learnt their lesson'

Dr Stones measured Jade's head but told Miss Keane that it was normal and that she need not be concerned. Dr Stones has admitted negligence.

Miss Keane and Jade's grandmother, Caroline Keane, had also both expressed concerns over the size of her head to a public health nurse.

It was not until Jade saw the area medical officer on June 5, 2001, that she was referred for treatment at Our Lady's Children's Hospital, Crumlin.

She was admitted on June 7 and had emergency surgery four days after being diagnosed with water

on the brain. Increasing head size is a symptom of the condition.

Court papers showed that Jade, of Rathnew, Co. Wicklow, will need 24-hour care for the rest of her life. She will never be able to work.

Had her condition been diagnosed earlier, expert witnesses said that she would have suffered from impaired motor faculties, appearing to be clumsy.

But, crucially, she would have had her sight and would have been cognitively normal.

The court had heard that the maximum amount Jade could receive was about €7million.

However, the defendants were poised to argue that some, if not all of the damage had occurred in the womb before Jade was born.

Denis McCullough SC, for Jade, said that while he believed the majority of the damage was caused after her birth, this was not an issue he was prepared to gamble in court. He recommended the proposed settlement, plus costs.

There was also a dispute regarding Jade's life expectation - calculated at either 35 or 60 - which could have impacted the settlement figure.

Judge O'Neill said: 'In those circumstances, it seems to me that the only prudent, sensible thing to do is take that settlement, so I will approve it.'

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