

# Fiona Sinclair KC and Simon Hale successful in Sheffield Teaching Hospital Foundation Trust v (i) Hadfield Healthcare Partnerships Limited (ii) Kajima Construction Europe (UK) Limited (iii) Veolia Energy & Utility Services UK PLC [2023] EWHC 644 (TCC)

Yesterday, the Technology and Construction Court handed down summary judgment in *Sheffield Teaching Hospital Foundation Trust v (i) Hadfield Healthcare Partnerships Limited (ii) Kajima Construction Europe (UK) Limited (iii) Veolia Energy & Utility Services UK PLC [2023] EWHC 644 (TCC)*.

Fiona Sinclair KC and [Simon Hale](#) (instructed by [Clyde & Co](#)) successfully represented Hadfield Healthcare Partnerships Limited- a special purpose company, incorporated for the purpose of developing and operating a new ward block (“the Hadfield Wing”) as a PFI Project. The matter concerned various contracts executed by deeds between Hadfield and the involved parties relating to the design, build, commission, and operation of the Hadfield Wing.

The Court ultimately dismissed the application brought against Hadfield Healthcare Partnerships Limited, on various matters including the scope of a D&B contractor’s tortious duty of care to its employer. Mr Justice O’Farrell J found that “whether a concurrent duty of care at common law not to cause pure economic loss by virtue of defective workmanship or the use of defective materials can arise in circumstances such as the Construction Contract, remains unsettled and is controversial”.

The Judge also commented that: “It is right to question, as a matter of law, whether there is any basis on which building contractors should be distinguished from other professionals when ascertaining whether there has been any Hedley Byrne assumption of responsibility. The range of recognisable professions generally has expanded since Hedley Byrne and Henderson, with the introduction of new technologies and industries, greater research and understanding, and improvements in the training and standards of specialist areas of work. In particular, within the construction industry today there are many disciplines of special skill and expertise which could be described as professional.”

Read the full judgment [here](#).