



Guide to Personal Injury



Sean Rowcliffe and Andrew Hornsby are specialists in the field of personal injury law and this Guide provides further information regarding personal injury claims and will explain why expert advice at an early stage should be considered.

Overview

3 million people are injured every year in the UK. This might be due to a road traffic collision, accident at work or on a public highway etc. If someone else is at fault for the accident you may well have a right to recover compensation. In the vast majority of cases your claim would be dealt with by an insurer who will therefore have specialist knowledge of the system.

When to bring a claim

It is advisable to see a solicitor soon after the accident so early advice can be given and evidence sought in support of your claim before such evidence is lost or destroyed.

In the majority of cases a personal injury claim must be brought within 3 years of the date of the accident but there are exceptions to the rule to include accidents in a plane or at sea, the late onset of symptoms or a failure to appreciate at the time that you have been injured due to a negligent act. Your solicitor can provide you with specialist advice on this issue.

Can you bring a claim yourself?

You can present a claim to the insurers yourself without the advice of a solicitor but the Financial Services Authority have recently prepared a study which confirms that on average a client will receive two to three times more compensation by using a solicitor than if they present the claim themselves. Insurers are private or public companies and their duty is to maximise their profit not provide you with appropriate compensation. Our duty here at Hegarty LLP is to ensure that you receive maximum compensation for what you have been through.

Things to consider

You may have legal expenses insurance cover. Often this is included in home or motor insurers policies. Sometimes you would have such cover if you are a member of a Trade Union. We can advise you regarding that cover. On occasion the legal expense insurer will suggest that you use their

own recommended solicitor. You are not then obliged to use that solicitor though who will be unlikely to be based locally. You do have a right to use a solicitor of your choice and we can advise you upon your options.

The first meeting

Hegarty solicitors offer a free initial appointment to discuss the merits of your case. We will provide you with an honest opinion on the prospects of success in relation to your claim. That discussion can take place on the telephone, in person or via Skype®. If you are unable to travel, one of our solicitors can make an appointment to come and see you at home or in hospital.

What will we need from you?

In order to advise you properly we will need:-

- Details of the accident including the date and location, and how the incident occurred
- Copies of any correspondence you may have received from any insurers or other body investigating the accident such as the Health and Safety Executive.
- The names and addresses of any witnesses to the incident
- A summary of the injury that you sustained along with details of the treatment that you received as a consequence of the injury
- Details of any financial losses that you have incurred as a consequence of the accident. That might include loss of earnings, medication costs, travelling expenses etc.

Our advice

Once you have explained the accident circumstances we shall give you an opinion in relation to the prospects of success. If we believe that your claim is likely to succeed we shall then provide you with further advice regarding the process for bringing a claim and discuss with you how the claim can be funded.

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What you are entitled to

There are two main types of compensation. There are general damages and special damages. General damages reflect your pain, suffering and inability to do what you would like to do. This is based primarily upon the medical evidence and any statement that we would prepare for you. Special damages reflect your expenses. Typical expenses include loss of earnings, treatment costs, medication costs, travelling expenses, damage to possessions and care. We can provide full guidance on items that you can and cannot recover from an insurer and will help maximise the value of your claim. The insurers will not assist you in this regard. A good example of this concerns a road traffic accident involving a child sat in a child seat. The Royal Society for the Prevention of Accidents confirm that child seats should be replaced in this scenario. This is a cost which the insurer would have to meet but is not something they would, in our experience, volunteer to pay for without being prompted.

Costs

If you have the benefit of legal expenses insurance we will write to your insurer to see if they are happy for us to deal with the matter on your behalf. If the legal expense insurer is only able to instruct a solicitor on their panel we can provide advice on your options.

If you do not have legal expenses cover but a strong case we may still be able to present a claim for you under an agreement commonly referred to as a "no win – no fee agreement".

The process

We will then progress the claim for you. In many cases now it will be necessary to submit an application electronically to the insurers of the person/company responsible for your injury. We will need to complete a compensation application form for the insurers. We will make sure that you are happy with the form which will then be submitted to the insurer who will then have to investigate the circumstances surrounding the accident. There are different time limits depending upon the type of accident claim you wish to present which we can confirm to you. In high value claims it may be necessary to prepare a detailed letter for the insurers to commence the claim.

Evidence gathering

It will be necessary for us to arrange for you to see a specialist medical expert. The type of expert will be determined by the type of injury you have sustained and we can provide advice regarding the appropriate expert and instruct that expert for you. It may be necessary to obtain copies of your medical records and to make them available to the medical expert to prepare the report. You would then see the medical expert on a pre-arranged date and explain what you have been through as a consequence of the accident. The expert will then prepare a report and send a copy to us. We shall send you a copy of that report and seek your instructions.

Offers to settle

We can advise you on the value of the claim once we have medical expert evidence and details regarding your expenses. We can advise you on an appropriate offer to be made to the insurers to settle your case. We can also advise you on the merits of any offer put forward by the insurers. On occasion an insurance company will put forward an offer to you which may put you at some risk regarding costs. We will of course provide you with full advice regarding that if such an offer is made.

What if we cannot agree a settlement?

Our solicitors are vastly experienced and are able to negotiate an appropriate settlement in the vast majority of cases but if a settlement cannot be reached (either due to a dispute on liability or a failure to agree an appropriate award) Court proceedings may be necessary and we can advise you upon the Court process and costs implications of bringing a claim to Court.

The settlement

The settlement cheque is normally available 2 to 3 weeks after an agreement has been reached. You

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may wish to set up a Personal Injury Trust which has the advantage of preserving any benefits you might have following the accident. We can assist in the preparation of such a Trust should it be appropriate.

The advantages of using a solicitor

- Personal injury claims can be complex and require specialist knowledge of legislation and Court rules. The insurers dealing with your claim will have a specialist team with experience of the law and you will therefore be at a considerable disadvantage dealing with the claim on your own.
- The Financial Services Authority have reported that clients who utilise the services of solicitors recover, on average, 2 to 3 times more compensation than those who represent themselves.
- We have a duty to act in your best interests. The insurers do not.
- We will investigate the need for rehabilitation post accident and will press the insurers to pay for whatever treatment is required on a private basis.
- Where appropriate we will press the insurers to make an interim payment to you which is not something the insurers will volunteer.
- The Personal Injury Team at Hegarty LLP will guide you all the way through the process and fight to ensure you receive proper compensation for what you have been through.

Why use Hegarty Solicitors?

For more than 35 years Hegarty Solicitors has provided high quality legal services to a wide range of business

and individual clients. The firm has a strong regional presence as well as a growing national reputation in key areas of law. The firm holds the Lexcel Practice Management Standard and ISO 9001:2008 - your independent verification that the firm is reputable and client focused.

Solicitors who work in our personal injury team are all experienced in this area. They are experts in their field and pride themselves in providing a friendly, professional service.

For a free, no obligation meeting do not hesitate to contact one of our personal injury specialists.

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