

## Essential Information Leaflet: PERSONAL INJURY YOUR COMPENSATION CLAIM

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### Do I have a valid claim?

It may be difficult to know whether you have a valid compensation claim. That is why we are always happy to discuss matters with you on a no obligation basis.

### What can I claim for?

Compensation is awarded under two main categories. The first is for pain and suffering and loss of amenity and is often referred to as general damages. The second area is for your financial losses and expenses (both those which you have already incurred and those which you may incur in the future) and these are usually referred to as special damages.

### General Damages

There is no fixed amount for general damages and it should reflect the effect that the accident has had on you as an individual. We can give you an early indication of what this figure may be worth but it will depend on the duration of your symptoms and whether there will be any long term implications for you. Therefore it is not always possible to give accurate advice until your injuries have received treatment and been given a chance to heal.

### Special damages.

These may include loss of earnings, travel expenses, cost of medication and compensation for the time that friends or family have spent looking after you if you have been unable to do things for yourself.

### What about Rehabilitation?

Instructing Ellisons to act on your behalf is not just about getting a cheque at the end of your claim. We can help secure the right kind of medical treatment and help by-pass lengthy NHS delays.

For example in recent months we have been successful in getting insurers to pay for private physiotherapy, MRI scans, x-rays, counselling and private operations. We have worked with a number of rehabilitation providers who can also assist an injured party to return to work or where necessary to retrain for work that is more suited to them following their accident.

### How does a claim progress?

We will write to the other side to see if they are willing to accept responsibility for your injuries without going to court. We are obliged to allow the other side 3 months to investigate matters before they must let us know their position. If the other side dispute liability we can discuss the issues with you and issue court proceedings against them if your claim has reasonable prospects of success.

We will need to obtain a medical report dealing with the nature of your injuries, how they have affected you and providing a prognosis. If you have multiple injuries it is sometimes necessary for us to obtain more than one report. We have an extensive database of appropriate Doctors who are often leaders in their field.

Once medical evidence has been finalised we would look to negotiate a settlement for you with the other side. If that cannot be agreed then we may need to ask the court to award you an appropriate level of compensation. Statistically 95% of cases settle without the need for a full court hearing.

### **How long will it take?**

You can only get compensation once and therefore it is important you don't settle your claim without getting proper advice and knowing what long term effects you may have as a result of your accident.

The most serious claims can take several years before they are finally concluded. This is because people may need several operations or other ongoing treatment before a prognosis is known. However most routine claims settle within 6-12 months.

### **I am out of pocket now as a result of the accident. Can you help?**

Although it may take more than a year to finally settle your claim we can usually obtain interim payments from the other side to reimburse you for losses already incurred. This may be particularly helpful if you are off work and not being paid but your bills of course continue to arrive on the door step.

### **What will it cost to bring a claim?**

We are usually happy to act on a no win no fee basis but there are a variety of funding options which we would need to discuss with you to make sure you are proceeding with the best option for you.

### **What should I do now?**

It is important you chose the right person to act for you. Don't phone the first number that you see on television. You may want to talk to several solicitors to make sure that you are instructing someone you can get on with and who will act in your best interests.

You are bound to have more questions that we have been able to answer in this guide and we would be happy to discuss matters with you by telephone or in person.

*Please contact Edward Powell who is our Partner who specialises in personal injury claims. He is a member of the Association of Personal Injury Lawyers.*

*The information given herein is not a comprehensive guide to the law and is intended to be a brief and non-exhaustive summary only. Specific legal advice should be sought for actual cases.*

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