



PERSONAL INJURY CLAIMS

If you have been injured as a result of an accident, whether it was an accident on the roads, at work, on holiday, in a public place or elsewhere, you may be entitled to make a claim for compensation.

This information sheet aims to help you identify whether you have a claim, what to do if you have, and what you might claim. It also gives you information on the assistance that the specialist personal injury team at Penningtons Manches can provide in bringing your claim.

NEGLIGENCE

Generally, to succeed with a claim you will have to prove that the accident was someone else's fault – ie that they were negligent and in breach of a legal 'duty of care'. A duty of care is a duty that the law places on someone to take care not to injure others. For example, car drivers have a duty of care towards all other road users, employers have a duty of care to their employees and householders have a duty of care towards visitors to their premises.

Here are some examples of negligence:

- A car driver drives too fast, loses control and causes an accident
- An employer fails to provide or safely maintain appropriate safety equipment for employees
- A fellow employee operates a piece of machinery without following safety instructions
- The owner of a building fails to repair a dangerously decaying wall

CAUSATION

To claim, you must also prove that the injuries were caused by the negligence and would not have happened otherwise. In most cases this is simple – you would not have broken your leg if you had not been hit by a car, for example. In other cases this can be more complicated, such as where existing back pain has been made worse by an accident. You will only be compensated for the effects caused by the accident.

DAMAGES

'General damages' can be claimed for pain and suffering caused by the accident and for the impact of the injury on your day to day life. The value of this aspect of the claim is assessed mainly on evidence obtained from an independent medical expert about the nature and impact of your injuries and your future prognosis.

'Special damages' can be claimed for financial losses incurred because of the accident – such as loss of earnings, the cost of care, travel expenses and medical expenses. Special damages cover the financial losses sustained already and also any likely future financial losses – and part of our role is to investigate any future losses which you may sustain so that you can be compensated for them.

LIMITATION

Any Court proceedings for personal injury must usually be issued within three years of the accident. This limit does not apply to those who lack capacity to conduct litigation. For children, the three year period does not start to run until their 18th birthday.

FUNDING THE CLAIM

There are two main options available for pursuing a personal injury claim:

- **Legal Expenses Insurance.** This may be provided as part of a motor or household contents insurance policy, or by a credit card company or union and we can advise you on this.
- **Conditional Fee Agreement.** Sometimes called 'no win, no fee', this is an agreement by us not to charge you if you do not win your case. In return, you agree to pay us a 'success fee' if you do win the case. This arrangement operates with an after the event insurance policy which protects you against any liability for things such as experts' fees and against any liability for the other side's costs. If you win your case, you will recover the majority of your costs from the other side but will pay some out of your damages. If you do not succeed for any reason then you will be protected against any liability for costs.



EXPERTISE OF PENNINGTONS MANCHES' PERSONAL INJURY TEAM

We operate as a team across our offices but have clients all around the country.

Members of the team are on the Law Society recommended Personal Injury solicitors panel and are Senior Accredited Litigators with the Association of Personal Injury Lawyers (APIL). The team is accredited by APIL.

We are rated as specialists in personal injury work by the legal directories *Chambers UK* and *The Legal 500* and are on the recommended solicitors list for Headway and the Spinal Injuries Association. Our particular expertise is in serious injury cases – brain and spinal injury and fatal accidents.

FIND OUT MORE

For further information or to discuss your potential claim with an experienced solicitor, please contact:

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