

Working with us: Important information about your personal injury case



T THOMPSONS
SOLICITORS

THE MOST EXPERIENCED
PERSONAL INJURY FIRM IN THE UK

www.thompsons.law.co.uk

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About Thompsons

At Thompsons - the UK's most experienced personal injury law firm - we only work for the victims of accidents and injuries. We never represent companies or employers.

Every year we secure over £200 million in personal injury compensation for clients. And we have led the way in creating new law for working people by:

- Bringing the first group cases for asbestos
- Establishing that people who had been exposed to asbestos but who had not worked directly with it (known as “neighbour” cases) could bring claims
- Bringing the first ever successful cases for passive smoking

But we don't just deal with personal injury. We are also proud to help trade union members with issues such as pensions, dismissals, discrimination and equal pay through our specialist Employment Rights department.

To find out more about Thompsons, go to www.thompsons.law.co.uk or call **08000 224 224**.



Our aim

We strive at all times to provide a high quality service and a standard of care in which you can be completely confident. Our aim is to get the most compensation for you in the shortest possible time.

That means:

- Using plain language
- Keeping in regular touch
- Responding quickly
- Keeping you fully informed
- Giving independent advice

Our lawyers

All of Thompsons' lawyers receive extensive training in the law relating to personal injury. Your case will be allocated to an individual who will carry out the majority of work on your claim. The individual looking after your case will however work as part of a team. If you cannot get hold of them for some reason, you can speak in complete confidence to another team member who has the knowledge and experience to help you with your query.



If your lawyer wants to meet with you, rather than discuss the circumstances of your claim over the telephone, they will arrange an appointment to meet you at a time and a place to suit you. They will also make any adjustments necessary to accommodate any disability you may have.

Our offices

Our network of UK offices is open during normal office hours (Monday-Friday 9am - 5pm). If you need to contact your lawyer outside these hours, just ring and leave a message and they will call you back within 24 hours. Remember to tell us your case reference number - you will find this on the letters we send you.

Alternatively, we can be contacted by e mail if you would prefer this.

Our equality and diversity policy

As a trade union law firm, equality and diversity are at the heart of what we do. Thompsons is therefore committed to promoting equality and diversity in all our dealings with you and we would be happy to forward a copy of our policy if you would like to see it.

Our complaints system

If you feel unhappy with the way we have dealt with your case or with the billing arrangements, we will handle your concerns quickly and fairly. The best thing to do is to contact the person dealing with your matter first of all. If you still feel that your complaint has not been properly dealt with, you should get in touch with the Branch Manager of the office dealing with your case or the person named on the first letter we send you.

If you are not satisfied with our handling of your complaint you can ask the Legal Ombudsman to consider the complaint. Their contact details are: 0300 555 0333 www.legalombudsman.org.uk.

Normally, you will need to bring a complaint to the Legal Ombudsman within six months of receiving a final written response from us about your complaint.



Our respective responsibilities

We have certain responsibilities that we owe you. These include an obligation to:

- Review your case regularly
- Advise you of any changes in the law
- Advise you of any circumstances and risks that we know about that could affect your case

As our client, we need you to agree to:

- Tell us what you want us to do clearly, accurately and within reasonable time limits
- Provide us with all the necessary documentation we need within the time we need it
- Keep safe any documents that might be needed for a future court case
- Tell us of any change in your address or contact details straightaway



Compensation

To receive compensation, you have to prove that someone else was to blame for your injuries. So the first thing we have to decide is whether your case is one we can pursue.

We will do that as quickly as we can, but sometimes it can take time to get all the information (such as witness statements or medical evidence) we need. We will make sure that you receive a regular update so that you know what is going on.

If we decide that your accident or illness was someone else's fault (known as negligence), we can claim compensation for you. We will claim compensation by sending a letter to the defendant outlining how you were injured and stating why we believe that the defendant was to blame. The defendant normally has three months in which to confirm whether or not they admit liability. As part of the process, we will ask for compensation for your pain and suffering (both in the past and possibly the future), as well as any expenses that you incur because of the accident or illness. For instance, travelling expenses to see a doctor, cost of prescriptions and any loss of wages. So it's really important to keep all receipts.



Negotiations

We will always try to settle your claim by negotiation or mediation rather than by issuing court proceedings (which can be long and stressful). Mediation involves everyone coming together with a trained mediator to try and resolve your claim outside of the court process. Anything that is said in the mediation remains confidential.

Similarly, we may decide that it would be in your best interests to arrange to hold a joint settlement meeting with the defendant. Again, this would involve all parties attending a meeting with a view to discussing any outstanding issues and reaching a settlement. Both a mediation and a joint settlement meeting can take place either before or after court proceedings are issued.

If the defendant denies liability or fails to put forward a reasonable offer in settlement of your claim, so long as we think your claim has reasonable prospects of succeeding, we will recommend that court proceedings be started. If this happens we will keep you closely advised about all steps in the court process.

Whatever we do, it will be with your consent.



Bankruptcy

If you are considering declaring yourself bankrupt, are bankrupt or have in the past been declared bankrupt please advise us immediately to ensure that any court proceedings are issued or continued in the correct name, which is normally that of the Official Receiver.

Failure to issue or amend court proceedings in or to the correct name will result in any court proceedings being ineffective and your ability to continue the claim could be lost.



Claims

It is important to make your claim as soon as possible. That way, you are more likely to remember what happened as it will be fresh in your mind. And the sooner you tell us, the sooner we can get started on the job of gathering evidence and negotiating a settlement. In addition, the law states that an injured person should commence court proceedings within three years of the date of the accident or within three years of the date they knew or ought to have known that their symptoms were caused as a result of the negligence of someone else. If that three year time frame has expired, the injured person may be prevented by the court from bringing a claim for compensation.

If you have been the subject of an assault or other crime of violence, then a claim must be submitted to the Criminal Injuries Compensation Authority within two years of the date of the assault.

Reporting

It is important that you report the accident to the relevant person or authority. For instance, your employer (if it happened at work), the local council (if you tripped on a pavement) or the police (in a road accident or assault). Try to record as many details of how you were injured as you can.



Medical examinations

We may ask you to undergo a medical examination to show the cause and extent of your injuries and their effect on you. The doctor is very likely to be someone you have not seen before as it is important they are independent. This is nothing to be worried about and is a way of strengthening your case. The medical expert may wish to have sight of your medical records. If the expert does want to see them, we will send you forms of authority to sign for the release of your records from your GP or the hospital you attended.

If you are still experiencing symptoms as a result of the accident, we can arrange for you to have appropriate treatment to help you get better. This treatment is often referred to as 'rehabilitation'. For example, you may need physiotherapy after your accident or you may require counselling if the accident has caused you a psychological upset.



Disability

As a result of your accident or injury, you may be entitled to protection from disability discrimination (such as being passed over for a promotion or even being dismissed) by your employer under the Equality Act 2010.

This law defines disability as a physical or mental impairment which has a substantial and long term adverse effect on your ability to carry out normal day to day activities. Long term means at least twelve months.

If you think you have been discriminated against, tell your union representative immediately. This is important because there is a time limit of three months in which to make a Tribunal claim from the date of the discriminatory act.



Benefits

If you have an accident, are the victim of an assault, develop an industrial disease or are involved in a road traffic accident, you may be entitled to benefits from the Department for Work and Pensions (DWP).

It is important to report the accident or illness to your employer immediately and complete the appropriate forms. You should also report it to the regional Jobcentre Plus disablement office as soon as possible (a list is available on www.dwp.gov.uk/). It will then issue a declaration that you had an accident or illness which should help to reduce delays if you decide to claim benefits at a later date.

If you are in any doubt about what you may be eligible to claim, ask the person dealing with your case. You may have to repay any benefits you receive from your compensation package, but again we will explain all this to you.

Your union, the Citizens Advice Bureau or the DWP can help with processing any claims.

Statutory Sick Pay (SSP)

Your employer must pay you SSP once you have been off work for four consecutive working days, although they may ask you to produce medical evidence (such as a doctor's sickness certificate).



Employment And Support Allowance (ESA)

If you are still off work after 28 weeks, your employer will stop paying SSP and you should apply for ESA (the old Incapacity Benefit).

To get more information or to claim ESA, just phone 0800 055 6688 between 8.00 am to 6.00 pm Monday to Friday. If you have a speech or hearing impairment, you can use the textphone service on 0800 023 4888.

Industrial Injuries Disablement Benefit (IIDB)

If you have an injury at work, are the victim of an assault at work, suffer a work-related road traffic accident or have an occupational disease, you should claim IIDB. You can do this even if you are back at work, are earning full wages and are in receipt of SSP or ESA.

To make a claim, go to your local DWP office and ask for a claim pack for IIDB. You can also access the claim packs on the DWP website (www.dwp.gov.uk) or ring on 0800 055 66 88 between 8am to 6pm, Monday to Friday. If you have a speech or hearing impairment, you can use the textphone service on 0800 0 23 48 88.



Disability Living Allowance (DLA)

DLA is a tax free benefit for people who need help looking after themselves or help with household tasks such as cooking, as well as people who find it difficult to get about.

You can get Disability Living Allowance whether or not you work and it is not usually affected by any savings or income you may have

NHS Injury Benefits

The NHS Injury Benefit Scheme forms part of the terms and conditions of NHS employment. Two benefits are available to NHS employees who have suffered an injury attributable to their duties, Temporary Injury Allowance (TIA) and Permanent Injury Benefit (PIB).

If compensation is received for an injury this will be taken into consideration when the level of Injury Benefits award is assessed. This may mean that some or all of any NHS Injury Benefits (TIA and/or PIB) may need to be paid back from any compensation received. This is why it is important for you to tell us if you are receiving either of these benefits.

If you have queries about your entitlement to these benefits you should speak to your union representative or raise them with your human resources department.



Civil Service Pensions Injury Benefits Scheme

The CSPIBS scheme provides benefits to members who suffer reduced earning capacity as a result of injury at work suffered in the course of official duty.

It is a 'no fault' scheme and entitlement to benefits does not mean that a member necessarily has a personal injury compensation claim that is likely to succeed.

It should also be noted that if a member does successfully pursue a claim for compensation against the employer and is in receipt of these injury benefits, they will be taken into consideration and will probably have to be repaid upon settlement of the personal injury claim.

Claims may be made by surviving spouse or civil partner, children or parents in the event of death.

Members wishing to apply for these injury benefits are advised to contact their union and/or their department/agency's superannuation section in the first instance.



And finally

If you are satisfied with the way we handled your case, please recommend us to your family and friends.

And remember, if you are a union member, you and your family can receive free legal advice and assistance. Whether your accident is at work, on the road (as a driver, passenger or pedestrian) or for any other personal injury, Thompsons can help.

We can also help members of your family, with any non-work related accident injury claim, as well as offering “no win, no fee” terms to a friend if they get injured.



Useful contacts

Brake

A national road safety charity

01484 559909

www.brake.org.uk

Citizens Advice Bureau

Provides free advice to help people resolve legal and financial problems.

www.citizensadvice.org.uk

Criminal Injuries Compensation Authority

Compensates victims of violent crime in England, Scotland and Wales

0800 358 3601

www.cica.gov.uk

Department for Work and Pensions

For information about benefits

0800 882 200

Textphone 0800 243 355

www.dwp.gov.uk



Motor Insurers' Bureau

Compensates the victims of negligent uninsured and untraced motorists

0845 165 2800

www.mib.org.uk

Financial Ombudsman

The ombudsman will help with any complaints you may have about your motor insurer.

0845 080 1800 or 020 7964 0500

www.financial-ombudsman.org.uk

Health and Safety Executive

Protection of people's health and safety

0845 345 0055

www.hse.gov.uk

Royal Society for the Prevention of Accidents

Promotes safety and prevention of accidents in all areas of life

0121 248 2000

www.rospa.com



For more information contact us on:



08000 224 224



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The information contained in this booklet is not a substitute for legal advice. You should talk to a lawyer or adviser before making a decision about what to do.

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