

PERSONAL INJURY

Claiming Compensation



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If you are injured because someone was negligent, (they did something they shouldn't, or didn't do something they should have done), you may be able to get compensation. This leaflet explains your legal rights, and how you should go about getting compensation if you've been injured in this way.

What is a Personal injury?

Any injury you suffer is of course 'personal', but you can claim compensation only if a person, a company or some other organisation is at least partly to blame for your injuries. The person or organisation must have been careless about the way something was done; not done when it should have been; or made or repaired. The person or organisation that was careless ('negligent') may have to pay you compensation for your injuries.

A personal injury can happen, for example at work; in a road accident; because of a faulty product; because of a mistake during medical treatment; or because you tripped on a paving stone or slipped on a wet floor in a shop.

An injury may be psychological as well as physical, so you may be able to get compensation for distress or upset after an accident as well as for the physical injury.

What you should do first

If you have been hurt, you will first need to deal with the pain, shock and distress you may be feeling. After that, you may want to think about claiming compensation and getting practical, personal or financial support to deal with the injury and its after-effects. Even if you haven't yet decided whether to claim compensation, you should consider whether you can make a claim based on the circumstances of your accident.

What action can you take?

There are several things you can do, depending on what you want to achieve. Your options can be discussed with you. However, you may want compensation and reimbursement for money you've had to pay (or money you've lost) because of your injury, including any psychological injury (if you now suffer from depression, for example). Depending on your case, you may be able to get some money paid to you before your claim has been dealt with fully.

How long do you have to make a claim?

If you are thinking about making a claim for compensation, it is important to get legal advice as soon as you can. This is because there are time limits for starting a personal injury claim. The time limits are different for different types of claim. If you delay seeking legal advice you may lose your right to seek what you are entitled to.

If you want to claim compensation

If you want to claim compensation for a personal injury, you can ask **Knight Polson** to make your claim for you. Consulting a solicitor does not necessarily mean you will be taking action in court. Most personal injury claims are settled through negotiation without a court hearing. Unlike other types of legal action, you cannot normally get public funding (legal aid) to help pay the legal costs of a personal injury case. However, there are other ways of helping to pay for your case. **Knight Polson** will discuss these funding options with you free of charge with no obligation or commitment necessary.

Legal expenses insurance

Check your credit card conditions and house contents and car insurance policies to see if they include legal expenses cover for the type of personal injury claim you want to bring. However, you may need to consult a solicitor to find out whether the cover offered will be enough for your case.

No Win No Fee (Conditional Fee Agreements)

These agreements officially called 'Conditional Fee Agreements' are very common. They mean that you do not have to pay your solicitor's fees if you lose your case. You will probably need to take out insurance (called 'after-the-event' insurance) to protect you against the possibility of having to pay the other side's costs if you lose. **Knight Polson** can help you with this.

Interested?

If you would like to learn more about bringing a Personal Injury Claim and the service **Knight Polson** can offer, please contact:

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Christiane is a member of the Association of Personal Injury Lawyers (APIL), Law Society Personal injury Panel as well as Head of the Civil Litigation Team at Knight Polson.

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This leaflet gives you an outline of your legal rights. It is not a complete guide to the law and is not intended to be a guide to how the law will apply to you or to any specific situation. You should speak to a professional about your particular problem.