

## Children – Integrated Legal Services

A unique approach



“When my sons were involved  
in a serious car accident we,  
**as a family, found it very hard**  
to cope with the shock,  
grief and practical issues we faced;  
**things like sickness benefits,**  
legal problems and dealing with medical procedures and jargon  
- we had never faced anything quite like it before.  
**We found that the help and advice**  
offered by Irwin Mitchell has been vitally important  
at a time when  
**we all really needed support.**  
It has been accurate and professional but,  
above all, shown a genuine understanding  
**and concern for our feelings**  
**during a very difficult time**  
and has enabled us, as a family,  
**to cope so much better**  
than we could have done on our own”.

Helen  
Irwin Mitchell Client

This guide has been prepared to introduce parents, guardians and other responsible adults to the concept of integrated legal services for children, the benefits such services bring and how to access them.



## A difficult time

As a parent, looking after the health and well-being of your children is your number one priority. When something happens to upset their lives, whether it is an accident, illness or other event, it is bound to place a great deal of stress and strain on you and your family.

If your child has suffered an injury, the priority is to ensure that their treatment and care is focussed on optimising recovery so as to enjoy the best possible quality of life.

The journey may not be easy and will require patience, determination and emotional strength. Together with the help of your family and friends – who will also be feeling the emotional strain of the situation – you will have to face difficult decisions and consider many choices.

One issue that you should deal with as soon as possible is to obtain advice on how the law can be used to help your child.

Forming part of your extended support network, Irwin Mitchell is unique in being able to offer an integrated approach to helping parents who need legal advice and action for their children.

Taking a personal as well as professional interest in your child's case, we see it as our responsibility to guide you through the legal process in clear and easy to follow stages. Whatever your concerns, we will put your mind at ease, conduct your child's case smoothly and ensure your family receive all the advice, care and ongoing assistance you are entitled to.

The law can help children who suffer from all kinds of incidents that lead to illness or injury and it is vital that you take legal advice as soon as possible to consider the range of options available.

Our initial consultation is free and will give you an informed basis on which to make your decisions.

**Unfortunately we can't turn back the clock, but we can often make a major contribution towards a child's recovery.**

## The Irwin Mitchell difference

Irwin Mitchell offers an integrated approach to children's legal services. Where cases require, we can bring together expertise from a wide range of legal disciplines including Personal Injury, Education Law, Community Care, Welfare Benefits and Trusts and Investment Services. This approach enables us to provide highly effective, dedicated and focused services for children, whose special legal needs are often very different to those of adults.

Irwin Mitchell places maximum emphasis on the best interests and long term security of the child. We look at all the opportunities and possible outcomes - we demonstrate vision which extends far beyond litigation and compensation to provide a broad and seamless service of benefit to the child and to the family.

With an unrivalled reputation at the forefront of Personal Injury law, Irwin Mitchell is sensitive to the individual needs of all its clients. We look at every case on its merits and aim our advice and actions at delivering results that work in the real world.



## Compensation for injured children

When children suffer injury as a result of a car crash or any other type of accident, they may need to claim compensation to help pay for the costs of rehabilitation or ongoing special needs. Irwin Mitchell are experts in cases involving children and have recovered substantial compensation in hundreds of cases including:

- Accidents on the roads - where children are hit by cars or knocked off cycles;
- Car crashes in which children have been passengers;
- Tripping and falling accidents;
- Accidents on other people's property, sometime even when trespassing.

Children's cases have special distinguishing features and it is important for a solicitor dealing with the compensation claim to understand them. When assessing whether a child has a viable compensation claim, the standards applied are different to those of adults.

A child may be able to succeed in making a claim in circumstances where an adult might not.

Frequently parents are told that their child may not be able to make a claim, because, for example, they have run out into the road.

However in our experience detailed investigation of the facts often reveals evidence that will support a successful claim.



Your solicitor will be with you  
every step of the way,  
and will be on hand to  
**help and support**  
you through this difficult time.

## Making a claim

At Irwin Mitchell our road crash experts will carry out a comprehensive investigation of the circumstances of the incident. This will include the preparation of plans, photographs and witness statements; sometimes video recordings and computerised simulation, all collated to produce an accident reconstruction report. This evidence preparation work will be done at no cost to the family.

There is only one chance to get it right. If the injuries are likely to have lifelong implications, it is vital that the child is properly compensated and receives the right level of support throughout life. The timescales will only be lengthy if a delay is essential to ensure a proper assessment of long term needs to enable the claim to be settled on the right terms.

Whilst pursuing the claim, Irwin Mitchell will usually seek interim payments of compensation in advance of the final settlement. This money might be used to help the family move into more suitable accommodation, buy equipment, pay for therapy, or to obtain personal care support.

In serious injury cases the child might benefit from the appointment of an independent case manager. A case manager will liaise with professionals from the healthcare sector, social services and education and ensure integrated services are delivered for the benefit of the child and family. Irwin Mitchell will often facilitate this.

## Victims of violence

Tragically there are children in our society who are subjected to cruelty and violent abuse and as a result suffer physical and mental injury.

In such cases, it may be possible to pursue a claim on behalf of a child against the person or organisation responsible for inflicting harm this way. Alternatively, it may be possible to recover compensation from the Criminal Injuries Compensation Authority.

Irwin Mitchell has extensive experiences in cases of violence against children and can advise and pursue claims on behalf of abused children.

## When a solicitor lets you down

Unfortunately, some lawyers who act for children fail to appreciate the full extent of the child's problems or simply do not investigate the legal aspects of the case sufficiently. As a result, children sometimes receive lower awards than they should and this can have serious implications as the child grows older and wants independence.

If you feel that this may be the position on your child's case then always seek a second opinion from a children's legal specialist.

These cases are known as Professional Negligence cases and can be particularly daunting for a parent or responsible adult to undertake. At Irwin Mitchell, we have a specialist Professional Negligence team who will put your mind at ease and explain what will happen. We will only pursue a claim of this nature where we feel you have been represented badly and did not get the full award your child deserved. It is your right to obtain proper compensation for your child and we will help you get it.



## Special educational needs

Education plays a vital part in any child's life. If your child is injured in an accident, or suffers from disabilities due to other causes, they will often need support to ensure any Special Educational Needs are provided for. Irwin Mitchell has a team which specialises in dealing with Education Law, providing essential legal services to enable parents by:

- Ensuring that a Local Education Authority (LEA) provides a Statement which identifies the child's Special Educational Needs.
- Obtaining independent expert reports to identify the support required for a child with such needs.
- Preparing appeals and representing the child and their parents at the Special Educational Needs and Disability Tribunal.
- Taking further action if the child's Special Educational Needs are not provided for.

### **Exclusions**

Where the school or LEA has excluded your child, Irwin Mitchell can negotiate for reinstatement and if necessary assist and represent parents in appealing against the decision.

### **Admissions**

Irwin Mitchell can help appeal against an LEA's decision in order to secure a place for a child in a particular school.

### **Claims against LEAs**

Where your child has been bullied at school or, for example, has dyslexia and the school fails to take appropriate action; indeed wherever a school is deemed to have failed your child, it might be possible to pursue a claim against the LEA.

## Community care

The law in respect of community care for children is complex and may involve detailed consultation with both the Local Authority and the NHS. In such cases it is vital that you choose a solicitor who not only understands the legal issues but has experience and expertise in managing a multi-agency relationship.

Community care may involve a wide range of statutory services including:-

- Re-housing
- Adaptations in the home
- Specialist therapy
- Enabling help
- Day care placement
- Respite care for parents.

As part of our integrated approach, Irwin Mitchell aims to ensure that your child receives all the services essential for providing the best quality of life. If negotiations with the relevant authorities are not successful, Irwin Mitchell can take legal action to remedy the situation. This might include Court proceedings if the dispute cannot be resolved amicably.

If the situation demands, we are also able to provide an emergency response aimed at immediate resolution. Typically this kind of intervention may be needed if a child is discharged from hospital without an appropriate care plan and support services in place.

## Welfare benefits

The Welfare Benefits system is not straightforward and can cause frustration and anxiety. Here to offer a helping hand, look at the options and complete application forms, Irwin Mitchell will help ensure you and your child obtain the right level of benefits as quickly as possible.

Where there is some argument, we will also provide help getting you through the appeals process.



## Safeguarding compensation

Through many years of representing children, Irwin Mitchell understands how important it is to protect their long term financial interests. There are many aspects to consider in safeguarding compensation and it is vital that you take legal and financial advice.

If not handled in the right way this can create financial penalties and the loss of state benefits.

Where appropriate, Irwin Mitchell can set up a private trust, advising you of the benefits, handling all arrangements and even providing a professional trustee service if required.

When a child is not likely to be capable of managing their own financial affairs at 18, the Court of Protection will become involved as a matter of law. The Court will appoint a Receiver to deal with the child's affairs on a day to day basis. Whether the Receiver is a member of the family or a professional, Irwin Mitchell will provide for your child's needs and your own needs where family support is required as a result of their injuries.

### **Investing for the future**

As well as safeguarding any compensation awarded, it is important

that the money is made to "work" for your child.

Whilst capital needs to be protected for the long term, there is also a need to deliver income to support your child's day to day needs.

As well as deciding on how much compensation should be paid, the court will also have an input as to how the compensation should be paid.

Traditionally, compensation awarded for injury and related financial losses has always been awarded on a lump sum once and only basis. However the court can now order the payment of the award by a series of future payments - yearly quarterly or monthly - these are called periodical payments. Your solicitor should discuss this with you in more detail to ensure that the correct payment structure is in place to provide your child and family with the financial support needed.

Irwin Mitchell Asset Management Limited can provide expert financial analysis, and will consider all relevant factors, taking the whole family's circumstances into account before recommending the best way forward.

## Legal costs

Irwin Mitchell understands you may be worried about legal costs. Please be reassured, Irwin Mitchell will provide free legal advice for you either over the phone or at an initial meeting.

### Pursuing a claim

In all accident claims, Irwin Mitchell will represent your child in a claim for compensation completely free of costs to you or your child. The essential features of this special service are:

- If the claim arises out of a road traffic crash, Irwin Mitchell will provide free accident investigation and a reconstruction report.
- Full investigation into any other claim for compensation.
- Funding for the cost of obtaining expert medical reports and other evidence in support of a claim.
- No charge whatsoever if the claim is unsuccessful.
- Your child will keep 100% of compensation awarded .

Legal Aid no longer exists for accident claims, but there are other options we can offer for you:

### Irwin Mitchell's 'No Cost to You' scheme.

This is now the option of choice for most clients injured in accidents including children. The scheme basically means:

- If you win you keep 100% of your compensation.
- If you lose, you pay nothing.
- Irwin Mitchell will purchase insurance to protect you against any award of costs against you.

It's simple, straightforward and means that you are under no extra financial pressure.

### Legal expenses insurance.

We will check if you have any insurance policies that would cover your legal costs.

If any of this sounds confusing, don't worry, we'll go through all the options with you and help you work out which one will be the best for you.

### Financial support for families

In a situation where your family needs to consider buying special aids, equipment, transport or IT, or if you need to move to more suitable accommodation due to your child's injuries, and there is a viable case for a compensation claim, Irwin Mitchell may be able to secure the finance to do this.

In many cases the court is able to award an interim payment - this is a sum of money to help you before the case has been finally settled.

If there is no realistic prospect of pursuing a compensation claim, Irwin Mitchell will offer to explore other ways of helping you and your child through a range of legal services such as educational support and community care.

## Dedicated to you and your children

Irwin Mitchell is committed to providing families with access to high quality specialist legal services, dedicated to children who need help and parents who need advice.

Our specialist teams of experienced lawyers will carefully consider the whole situation and examine all the options before recommending a course of action designed to secure the most favourable outcome in the best long term interests of your child.

## Appendix - useful organisations

Irwin Mitchell has links with many professional organisations and individuals whose specialist skills and expertise can be called upon.

The following is a list of useful organisations:-

### **Advisory Centre for Education**

1c Aberdeen Studios  
22 Highbury Grove  
London  
N5 2DQ  
Tel: General Advice Line: 0808 800 5793 (Monday - Friday 10.00am - 5.00pm)  
Fax: 020 7354 9069  
Email: [enquiries@ace-ed.org.uk](mailto:enquiries@ace-ed.org.uk)  
Web: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

### **AvMA (Action Against Medical Accidents)**

44 High Street  
Croydon  
Surrey  
CR0 1YB  
Tel: 0845 123 23 52  
Fax: 020 8667 9065  
E-mail: [advice@avma.org.uk](mailto:advice@avma.org.uk)  
Web: [www.avma.org.uk](http://www.avma.org.uk)

### **BRAKE - The Road Safety Charity**

PO Box 548  
Huddersfield  
HD1 2XZ  
Tel: 01484 559909  
Fax: 01484 559983  
Email: [brake@brake.org.uk](mailto:brake@brake.org.uk)  
Web: [www.brake.org.uk](http://www.brake.org.uk)

### **British Institute for Brain Injured Children (BIBIC)**

Knowle Hall  
Bridgwater  
Somerset  
TA7 8PJ  
Tel: 01278 684060  
Fax: 01278 685573  
Email: [info@bibic.org.uk](mailto:info@bibic.org.uk)  
Web: [www.bibic.org.uk](http://www.bibic.org.uk)

**Cerebra**

Second Floor Offices  
The Lyric Building  
King Street  
Carmarthen  
SA31 1BD  
Wales  
Tel: 01267 244200  
Fax: 01267 244201  
Web: [www.cerebra.org.uk](http://www.cerebra.org.uk)

**Child Accident Prevention Trust**

4th Floor, Cloister Court  
22-26 Farringdon Lane  
London  
EC1R 3AJ  
United Kingdom  
Tel: 020 7608 3828  
Fax: 020 7608 3674  
Email: [safe@capt.org.uk](mailto:safe@capt.org.uk)  
Web: [www.capt.org.uk](http://www.capt.org.uk)

**Child Brain Injury Trust (CBIT)**

Unit 1  
The Great Barn  
Baynards Green  
Nr Bicester  
Oxfordshire  
OX27 7SG  
Tel: 01869 341075  
Helpline: 0845 601 4939 (Monday -  
Wednesday, Friday 10.00am - 1.00pm)  
Email: [info@cbituk.org](mailto:info@cbituk.org)  
Web: [www.cbituk.org](http://www.cbituk.org)

**Headway – the brain injury  
association**

4 King Edward Court  
King Edward Street  
Nottingham  
NG1 1EW  
United Kingdom  
Tel: 0115 924 0800  
Helpline: 0808 800 2244  
Fax: 0115 958 4446  
Email: Use online enquiry form  
Web: [www.headway.org.uk](http://www.headway.org.uk)

**Rainbow House**

Langton Brow  
Ecclestone  
Chorley  
Lancashire  
PR7 5PB  
Tel: 01257 452511  
Email: [info@rainbow-house.com](mailto:info@rainbow-house.com)  
Web: [www.rainbow-house.com](http://www.rainbow-house.com)

**RoadPeace**

PO Box 2579  
London  
NW10 3PW  
Tel: 020 8838 5102  
Fax: 020 8838 5103  
Email: [info@roadpeace.org](mailto:info@roadpeace.org)  
Web: [www.roadpeace.org](http://www.roadpeace.org)

**ROSPA**

Edgbaston Park  
353 Bristol Road  
Edgbaston  
Birmingham  
B5 7ST  
Tel: 0121 248 2000  
Fax: 0121 248 2001  
Email: [help@rospa.com](mailto:help@rospa.com)  
Web: [www.rospa.com](http://www.rospa.com)

**Spinal Injuries Association**

SIA House  
2 Trueman Place  
Oldbrook  
Milton Keynes  
MK6 2HH  
Tel: 0845 678 6633  
Helpline: 0800 980 0501  
Fax: 0845 070 6911  
Email: [sia@spinal.co.uk](mailto:sia@spinal.co.uk)  
Web: [www.spinal.co.uk](http://www.spinal.co.uk)





telephone

0870 1500 300

[irwinmitchell.com/personalinjury](http://irwinmitchell.com/personalinjury)

Text CLAIM to 61993 and someone will call you back

#### **Irwin Mitchell**

Imperial House  
31 Temple Street  
**Birmingham** B2 5DB  
United Kingdom

Stewart House  
123 Elderslie Street  
**Glasgow** G3 7AR  
United Kingdom

21 Queen Street  
**Leeds** LS1 2TW  
United Kingdom

40 Holborn Viaduct  
**London** EC1N 2PZ  
United Kingdom

Bauhaus  
Rossetti Place  
27 Quay Street  
**Manchester** M3 4AW  
United Kingdom

St James Building  
79 Oxford Street  
**Manchester** M1 6FQ  
United Kingdom

Gainsborough House  
34-40 Grey Street  
**Newcastle upon Tyne** NE1 6AE  
United Kingdom

Riverside East  
2 Millsands  
**Sheffield** S3 8DT  
United Kingdom

#### **Irwin Mitchell Abogados**

C/Alberto Aguilera, 62  
28015  
**Madrid**  
Spain

Calle Puerta del Mar 15  
29005  
**Málaga**  
Spain