

Head Injuries

Expertise and Understanding

Legal advice from Irwin Mitchell

This booklet provides some guidance about head injuries and the legal rights of those who have suffered injury.

This information relates to the law and procedures in England and Wales. Please contact us if you need advice about the law and procedure in other legal jurisdictions.

Choosing to pursue a personal injury claim following a head injury is an important decision. What you need is expert advice from professionals who believe in fighting for what is best for you – from your initial enquiry right through to a successful outcome.

Head and brain injuries have a dramatic and life changing impact for the person injured and those who are close to them. At Irwin Mitchell we believe that our clients deserve the best possible medical care, rehabilitation and specialised support following a head injury.

Our dedicated team will fight fearlessly to achieve the best outcome for you and your claim. We are renowned for our understanding of the issues affecting you and your family due to head and brain injury, and we know what positive action to take to make a difference.

We will deliver the highest level of professional advice and expertise combined with dedication and sensitivity.

Above all, we put you first.

"Whilst I appreciated your legal services enormously, it is the manner in which you delivered that help that has made all the difference."

- Sean

Talk to a specialist advisor today

Freephone **08000 23 22 33** or visit
www.irwinmitchell.com

If you have suffered a head or brain injury as a result of an accident that wasn't your fault, Irwin Mitchell can help you get the compensation you need and deserve.

Accident or incident

Head injuries can occur due to many reasons including:

- Violent assault
- Road traffic collisions
- Workplace accidents
- Falls
- Recreational and leisure accidents

A complete service

We not only provide effective and practical legal advice, but also assist with your rehabilitation and return to everyday life.

The service we provide is about much more than securing compensation. We can help with all manner of health, social and financial issues, from arranging and purchasing specialist equipment and accommodation, to education, employment and income provision through various types of investment.

Planning for your future wellbeing is central to what we do.

Talk to a specialist advisor today

Text claim to **61993** and someone will call you back

Irwin Mitchell is one of the largest and most experienced personal injury law firms in the country. Our reputation for head and brain injury work is second to none and every year we recover many millions of pounds in compensation for people injured in this way.

Specialist team

We will handle your claim with strength and sensitivity to ensure the best possible outcome.

From gathering evidence to identifying the subtle personality changes of some injuries, we work tirelessly, introducing forward thinking and creative new ways to present your case and improve the quality of your life.

Our service

As we learn more about you and your injury, we will be able to tailor our service completely to your needs. We believe in putting the client first and at the centre of everything we do. By building a relationship based on openness, trust and honesty we are better placed to provide the expert advice and support you need. We are all different and the impact of an injury can vary from person to person therefore we will work with you and your family in a way which suits you.

Our service includes:

- Immediate investigations to determine who was at fault.
- Interim payments wherever possible to help fund private healthcare, rehabilitation and financial security.
- Taking into account any worries you may have such as financial needs, state benefits and your employment or other rights.
- Expert support for you to access rehabilitation and employment opportunities.
- Regular updates and contact with you to let you know how the claim is progressing.
- Meeting you at a place convenient for you i.e. at home or in hospital.
- Specialist in-house services such as Personal Injury Trust advice, financial planning, Wills, Powers of Attorney and periodical payments.

Court of Protection

If you or a loved one has suffered a very serious brain injury and require assistance in managing financial and official affairs, the Court of Protection may become involved. In these cases, our Trust Team will work closely with the Court to ensure that the right decisions about your finances and well being are made quickly and with minimum fuss.

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Irwin Mitchell is committed to you and achieving the best outcome for your claim. We'll ensure that you are well cared for throughout the process and do everything we can to secure the compensation to which you are entitled.

Campaign for improvements

At Irwin Mitchell we have a long history of campaigning with leading organisations who care about brain injury and reducing the impact. Together with these groups we seek improvements in health and safety to prevent accidents wherever possible, and to improve the quality of life and levels of compensation for those who have suffered injury.

Recognition

Our ground-breaking support for clients with serious injury has been recognised many times, and we have recently been presented with the claimant's solicitors Rehabilitation First award. A further indication of our good work in this area is our commitment to involve brain injury Case Managers, rehabilitation providers and other professional therapists at every opportunity.

Over and above

Irwin Mitchell has long been considered a leader in developing new and innovative services for head and brain injury clients. We strive to help those whose circumstances may not allow a claim as much as those who can. We are sponsors and fund raisers for several leading brain injury charities and support groups - and many members of our team get involved in voluntary work at national, local and at an individual level.

Sharing the care

We know that it is important to recognise the huge commitment and sacrifice of family members and carers who help individuals with brain injury. We have always taken care to offer our full assistance to those providing immediate support to the injured and seek to promote the value of this help through awareness and fund raising.

The main charities and groups we work within this area are:

- Headway – the brain injury association
- Brain and Spine Foundation
- UK Acquired Brain Injury Forum
- Child Brain Injury Trust

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If you have suffered a head or brain injury it is important to seek legal advice as soon as possible. Even if you don't know whether you are entitled to make a claim or not, you should speak to one of our specialist advisors right away.

You can talk to a specialist advisor today on **08000 23 22 33**

Free advice

The sooner you contact us the better your chances of making a successful claim. To find out if your circumstances could lead to a claim contact us on the number above or visit our website and complete the online claims form.

Once you have made contact, we will give you free advice on whether we think you could make a claim. It is then up to you to decide to proceed. Should you wish to go ahead, we will make an appointment to see you at a convenient time and place.

"I want to thank you for all your hard work. I still cannot for the life of me understand why i chose to go to a local solicitor in the first instance and why I found it so hard to change when I could see that the claim was too big for them to handle. I should certainly be recommending you to anyone I meet who may have a head injury claim."

- Stephanie

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In many personal injury cases there are strict time limits on when you have to start court proceedings for your claim. For this reason it is vital that you seek advice from one of our specialist advisors immediately.

Time limits

In English law and in most cases, the time limit for starting a personal injury claim is three (3) years from the date of the accident or incident giving rise to your injury. However, that limit can vary and may be shorter or extended depending on the circumstances of your case.

Head Injury

In the vast majority of accidents resulting in a head injury, the time limit for claims will be three (3) years from the date of the injury. In some very limited cases, such as where children under the age of 18 are injured and for people with very severe injuries, the Court can decide that the normal time limits will not apply.

Even in those cases it is vital to take early advice and check the time limits which apply.

Shorter time limits

In the case of accidents outside England and Wales time limits may be less and in some cases where the injuries are caused by criminal assault, the time limit for making a claim may also be different.

The sooner you contact us the better we are able to prepare your claim, but in any case, we will give you clear advice about the time limits that apply to your particular circumstances.

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If you are unsure whether you have a claim, or even if you think the accident might have been your fault, you must always call us to talk it over. We'll assess your case free of charge, tell you what we think and then you can decide if you want to go ahead.

"I just want to thank you for all your support and patience in dealing with the complexities of my claim... your positive approach and reassurance kept me going at the times when I just felt like running away from it all... I am sure others are now benefitting from your expertise and caring manner."

- Marianne

Track record

At Irwin Mitchell, we have a long track record of winning compensation cases where our client initially thought that they did not have a claim, or that the law did not protect them.

We are also able to take cases over from other lawyers. We have helped many clients who have been dissatisfied with the advice or service they have received from their lawyers. You should not be concerned about seeking a second opinion so that you can make an informed choice about whether to move your case to another law firm, especially if you do not feel that your solicitors are specialists in head injury claims. Clients who have decided to move their case to Irwin Mitchell have been impressed by our responsive and positive approach and they have gone on to achieve the best possible outcome taking into account all aspects of their claim including access to medical care, rehabilitation and compensation.

What are my chances of winning?

When you contact us, we will give you realistic advice on the chances of winning based on the information you provide. We have to check the merits of each case carefully, however, the more information we have the more accurate an assessment we can make.

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If you are worried about legal costs, don't be.

Contacting us for initial advice on your claim will cost you nothing. If we advise you to pursue a claim with us, we will review all the options for funding it.

At Irwin Mitchell our preferred option is our "No Cost To You" scheme which, under a "no win no fee" agreement, means that:

- If you win you keep 100% of your compensation.*
- If you lose, you pay nothing.**
- There are no hidden costs

When we discuss your claim in more detail we will tell you if the "No Cost To You" option is available or if we need to look at other funding options.

You may for example be able to fund your case through trade union membership or legal expenses insurance.

* Does not apply to criminal injury claims, group actions or accidents and illnesses outside England and Wales and is subject to compliance with the terms of your funding arrangements.

** Subject to entering into a 'No Win No Fee' agreement with us and complying with its terms.

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The amount of compensation you receive will depend on many factors, including how seriously you have been injured, how the injury has affected your life, how much money you have lost and will lose as a consequence and, the extra support you will need in the future.

Individually assessed

From the outset, our team will advise you on how the Courts approach the assessment of compensation and how this fits with your circumstances. The fact is though that we are all different and the consequences of a similar injury will vary from person to person. The Courts will always assess your claim on an individual basis and award compensation according to its findings.

Keeping you informed

As we learn more about you and your injury, and obtain further evidence such as medical reports, we will be able to provide a more accurate idea of what the Court is likely to award to you. You can be assured that we will do everything we can to recover the maximum amount of compensation available to you and organise payment terms to suit your immediate and ongoing needs.

We will investigate your case thoroughly by gathering witness statements, accident reports and other relevant details about your accident, injuries and ongoing requirements. All this information will be collated and presented to the Courts.

Insurance

A claim will be made against the relevant person or body, and it is likely that their insurance company will get involved. We will then wait for a response from the insurance company you are claiming against. This can go one of two ways; either they will decide to meet your claim or they will not.

Don't panic if an insurance company turns down your claim at first as this often happens - it does not mean that your claim will fail.

Out of Court

The vast majority of cases are settled before they go to Court, however, some will end up going this far. It can take a lot of time to prepare a case for Court but we will help plan ahead for this. Don't worry, this is normal and we will keep you informed all the way through.

We know this is a lot to take in but we will be with you every step of the way making your claim as easy and stress-free as possible.

Scheme claims

Some claims do not involve insurers or the Court but instead involve applications to special schemes such as the Criminal Injury Scheme or the Motor Insurer's Bureau. If this applies to your claim, we will carefully explain what this involves and how you can expect your case to progress.

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We understand that contacting a lawyer might seem like a big step, especially if you haven't done so before.

"We would like to thank you for all your help and advice throughout the case. Apart from your extremely professional advice may I say on a personal note that the way you treated both Mavis and myself in such a friendly and close relationship was really helpful and appreciative. I felt I could ring you with any problem that I might have had and nothing was too much trouble to you. Once again we would both like to thank you for your friendship and help."

- Ron

At Irwin Mitchell we understand the real impact of a head or brain injury. Our team of specialists have the skills and experience to guide you through the process.

We're renowned for our understanding of the issues affecting you and your family, and we know what positive action to take to make a difference.

Talk to a specialist advisor

Freephone

08000 23 22 33

Text 'CLAIM' to 61993
and someone will call you back

or visit www.irwinmitchell.com

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www.irwinmitchell.com

We have outlined a number of useful contacts below but there are many more. Details can be found at our head injury specialist website www.theheadinjury.com

Headway – the brain injury association

Bradbury House
190 Bagnall Road
Old Basford
Nottingham
NG6 8SF

Telephone: 0115 924 0800
Email: Use online enquiry form
Website: www.headway.org.uk



BABICM (British Association of Brain Injury Case Managers)

PO Box 199
Bury
B18 9EJ

Telephone: 07002 222 426
Website: www.babicm.org/
Email: babicmsecretary@hotmail.com

BIRT (Brain Injury Rehabilitation Trust)

60 Queen Street
Normanton
Wakefield
WF6 2BU

Telephone: 01924 896100
Website: www.birt.co.uk
Email: director@birt.co.uk

BASIC (Brain and Spinal Injury Centre)

554 Eccles New Road
Salford
M5 5AP

Telephone: National Helpline 0870 750 0000
Website: www.basiccharity.org.uk

Brake – the road safety charity

PO Box 548
Huddersfield
HD1 2XZ

Telephone: 01484 559909
Telephone: BrakeCare helpline for road crash victims
0845 603 8570
Website: www.brake.org.uk
Email: brake@brake.org.uk

Brain and Spine Foundation

7 Winchester House
Cranmer Road
Kennington Park
London
SW9 6EJ

Telephone: 020 7793 5900
Telephone Helpline: 0808 808 1000
Website: www.brainandspine.org.uk
Email: helpline@brainandspine.org.uk

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Epilepsy Action

New Anstey House
Gateway Drive
Yeadon
Leeds
LS19 7XY

Telephone: 0113 210 8800
Website: www.epilepsy.org.uk
Email: epilsp@epilepsy.org.uk

Carers UK

20 Great Dover Street
London
SE1 4LX

Telephone: 020 7378 4909
Carers Line: 0808 808 7777
Website: www.carersuk.org
Email: info@carersuk.org

Child Accident Prevention Trust

Canterbury Court
1-3 Brixton Road
London
SW9 6DE

Telephone: 020 7608 3828
Website: www.capt.org.uk
Email: safe@capt.org.uk

Child Brain Injury Trust

Unit 1
The Great Barn
Baynards Green
Nr Bicester
Oxfordshire
OX27 7SG
Telephone: 01869 341075
Telephone Helpline: 0845 601 4939
Website: www.childbraininjurytrust.org.uk
Email: helpline@cbituk.org



Crossroads Care

A full list of all the crossroads local support groups can be found on their website

Telephone: 0845 450 0350
Website: www.crossroads.org.uk
Email: use online enquiry form

Disability Living Foundation

380-384 Harrow Road
London
W9 2HU

Telephone: 020 7289 6111
Telephone Helpline: 0845 130 9177
Website: www.dlf.org.uk
Email: advice@dlf.org.uk

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Disability Sport England

Disability Sports Events
Belle Vue Centre
Pink Bank Lane
Manchester
M12 5GL

Telephone: 0161 953 2499
Website: www.disabilitysport.org.uk
Email: info@dse.org.uk

Independent Living Funds

PO Box 7525
Nottingham
NG2 4ZT

Telephone: 0845 601 8815
Website: www.ilf.org.uk
Email: funds@ifl.org.uk

Leonard Cheshire (Central Office)

66 South Lambeth Road
London
SW8 1RL

Telephone: 020 7802 8200
Website: www.leonard-cheshire.org
Email: info@lcdisability.org

Mobilise

Ashwellthorpe
Norwich
NR16 1EX

Telephone: 01508 489449
Website: www.mobilise.info
Email: enquiries@mobilise.info

Motability

Motability Operations
City Gate House
22 Southwark Bridge Road
London
SE1 9HB

Telephone: 0845 456 4566
Minicom: 0845 675 0009
Website: www.motability.co.uk
Email: Use the online enquiry form

Rehab UK - North East Centre

Melbourne House
Melbourne Street
Newcastle upon Tyne
NE1 2JQ

Telephone: 0191 232 0234
Website: www.rehabuk.org

Rehab UK - Birmingham Centre

Birmingham Brain Injury Unit
Borough Buildings
58-72 John Bright Street
Birmingham
B1 1BN

Telephone: 0121 616 3900

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Relate

Central Office
Herbert Gray College
Little Church Street
Rugby
Warwickshire
CV21 3AP

Telephone: 0300 100 1234
Website: www.relate.org.uk
Email: enquiries@relate.org.uk

Royal Association for Disability and Rehabilitation

12 City Forum
250 City Road
London
EC1V 8AF

Telephone: 020 7250 3222
Minicom: 020 7250 0212
Website: www.radar.org.uk
Email: radar@radar.org.uk

Speakability

1 Royal Street
London
SE1 7LL

Telephone: 020 7261 9572
Telephone Helpline: 0808 808 9572
Website: www.speakability.org.uk
Email: speakability@speakability.org.uk

The Mobility Information Services

20 Burton Close
Dawley
Telford
TF4 2BX

Telephone: 01743 340 269
Website: www.mis.org.uk
Email: mis@nmcuk.freemove.co.uk

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Irwin Mitchell

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London 40 Holborn Viaduct, EC1N 2PZ

Manchester Bauhaus, Rossetti Place, 27 Quay Street, M3 4AW

Newcastle upon Tyne Gainsborough House, 34-40 Grey Street, NE1 6AE

Sheffield Riverside East, 2 Millsands, S3 8DT

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† Consultations are by appointment only.

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