

Military Injuries

Expertise and understanding

Military injuries advice from Irwin Mitchell

This booklet provides some guidance about the nature of military personal injury claims, the support systems available and the legal rights of those who have suffered.

Introduction

Suffering an injury on or off duty can be a difficult and distressing experience. As well as physical distress, injured members of the Armed Forces frequently have concerns about their future health, fitness, career and the impact it will have on their family.

"I would like to thank you personally for your hard work, which was at times beyond the call of duty, Irwin Mitchell as a company have been outstanding, as was the whole legal team that worked on this case".

- Jason

However, depending on the circumstances of your injury there may be numerous parties responsible for the consequences of your injury.

At Irwin Mitchell we fight fearlessly to achieve the best outcome for your claim. Irwin Mitchell recognise the huge commitment and sacrifice members of the Armed Forces and their families make. We passionately believe that injured Service personnel deserve the best support, medical care, rehabilitation and compensation.

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

Our lawyers offer the highest level of professionalism and expertise, combined with dedication and sensitivity.


Above all, we put you first.

Talk to a specialist advisor today

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

The Armed Forces

The three principal services that make up the Armed Forces, the Royal Navy, the Army and the Royal Air Force all fall under the control of the single government department, the Ministry of Defence (MoD).



The MoD is like any other employer - it is ultimately responsible for your health, safety and welfare whilst you are engaged in service whether at work, at home or abroad. This includes both Armed Forces personnel and civilians.

The MoD is legally responsible if any of its personnel are injured or suffer illness at work as a result of their negligence. They are also responsible for claims of clinical negligence against its medical staff and for claims made by members of the public following incidents involving either MoD personnel or its property. In the most unfortunate of cases where a loved one has been killed, their family may also be able to make a claim.

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

Military Injury Claims

All military compensation claims are handled by our specialist Armed Forces Team, who have the expert knowledge and experience to deal with the MoD, their claims handling insurers and solicitors. Our specialism and experience allows us to understand the unique demands of Service life.

In addition to accident/injury cases, we also handle claims in the following areas:

- Armed Forces Claims involving serious head and spinal injuries
- Criminal injury compensation for military personnel
- Illness & diseases contracted by military personnel
- Medical negligence for military personnel
- Military accidents at work
- Military Fatal Accident Claims, Boards of Inquiry and Inquests
- Military personnel in road traffic accidents
- Private security companies & close protection services accidents at work

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Proven Expertise

We know that as a member of the Armed Forces making a claim and talking to a solicitor can be frowned upon. However, you can be assured that our advice is independent and strictly confidential. We're here to listen and help you and your family in what can be a very difficult time.

Specialist team

Irwin Mitchell is one of the largest and most experienced personal injury law firms in the country.

Our team includes many of the country's finest personal injury lawyers. They operate in highly specialised teams, offering the highest level of legal expertise in military injuries claims.

Whether you're injured on or off duty, it's always worth seeking specialist legal advice. In the past, our Armed Forces Team have successfully fought military injury claims for injured Service personnel involved in accidents as a result of:

- Aviation
- Equipment failures
- Fast-roping
- Fires/explosives
- Mountaineering
- Parachuting
- Road traffic collisions
- Sports and adventure training
- Training exercises
- Vehicles
- Weapons

PAX Personal Accident Insurance

Irwin Mitchell is also the appointed Legal Representative under PAX Personal Accident Insurance (Legal Expenses) for personal injury claims. We can ensure that you not only get the right legal advice, but where appropriate, the right welfare support and guidance.

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Dedicated Commitment

Irwin Mitchell's first
commitment is to you,
and to achieving the best
outcome for your claim.

"Whilst I appreciated your legal services enormously, it is the manner in which you delivered that help that has made all the difference. Knowing that you have always been on hand to talk to me, patiently and always sensitive to what i was going through, no doubt helped sustain me and elevate my spirits during what has been a terribly difficult period of my life. There are no certainties in life, however thanks to you i now have at least the opportunity to progress personally and professionally - something that had been taken from me by the accident".

- Sean

Campaign for improvements

We also have a long history of campaigning and working with leading organisations in the Armed Forces welfare field. These include the SSAFA, Combat Stress, BLESMA, Defence Medical Welfare Services, Sickness Absent Management Teams, Army Welfare Service and a number of the Regimental Associations.

Together with those organisations we seek improvements in health and safety, prevent accident and injury where possible, and improve the quality of life and levels of compensation for Service personnel who have suffered injury or been involved in fatal accidents.

Our Armed Forces Claims Team is at the forefront of many leading legal cases, which have included obtaining fairer compensation for members of the Armed Forces severely injured on Operational Tours.

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When can I make a claim?

In many cases, there are strict time limits in personal injury claims within which you must have started court proceedings in your claim. For this reason it's important that you seek advice promptly.

Time limits

Armed Forces personnel are not able to make a claim against the MoD for accidents or illnesses caused by events or circumstances before May 1987. Claims after this date can be made whether you are still serving, have left the Armed Forces or are about to be medically discharged.

Under English law, in most cases that time limit is 3 years from the date of accident or incident giving rise to your injury. However, that limit varies (and may be shorter) depending on the type of claim, where it happened, and the facts of your case.

When you contact Irwin Mitchell, we will give you clear advice about the time limits that apply to your claim. Contacting us promptly also enables us to begin our investigations into the circumstances of your injury. This is crucial to securing the evidence and documents needed to give your claim the best chance of success.

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Do I have a case?

If you can prove that either the MoD or someone else was at fault and you can prove that your injuries and illness are related to work, you can make a claim for compensation.

Even if you're unsure whether you have a claim - or you think you may be at fault – it's always worth calling us. We'll assess your case absolutely free; then you can decide if you want to proceed.

Track Record

We have a long track record of winning cases where our clients initially thought they did not have a case, or that the law did not protect them.

What are my chances of winning?

When you contact us we will give you the best advice on the chances of winning your case based on the information you provide. However in many cases it is not possible to give clear advice until further information or evidence is available.

We'll always give you an honest, straightforward answer.

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What will it cost me?

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

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

At Irwin Mitchell we offer a 'No Cost to You' scheme which under a 'no win no fee' agreement means that:

- You'll receive 100% of compensation awarded*
- If you lose, you pay nothing**
- There are no hidden costs.

When we speak to you we will advise you as to whether the 'No Cost to You' scheme is available for your case, or whether we need to look at other funding options.

You may for example be able to fund your case via:

- PAX – this is legal expenses insurance offered as part of PAX Personal Accident Insurance
- Legal Expenses Insurance.
- Public Funding (only available in exceptional circumstances.)

We will advise you clearly and impartially on the best options

*Does not apply to 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 a 'No Win, No Fee' agreement with us and complying with its terms.

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How much compensation will I receive?

The amount of compensation you receive will depend on how seriously you have been injured, and how that injury has affected your life. It will also depend on how much money you have lost or will lose as a consequence - and whether you will need extra support in the future.

Individually assessed

We will advise you at the outset on how courts approach the assessment of compensation, and how that will apply to your case. However, we are all different - and the consequences of the same injury will vary from person to person.

If your claim is progressed under Irwin Mitchell's 'No Cost to You' scheme, you will receive 100% of any compensation awarded to you *

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 assess more accurately how much a court is likely to award you.

You can be assured that we will do everything we can to recover the maximum amount of compensation available to you.

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Armed Forces Compensation Scheme

The Armed Forces Compensation Scheme (AFCS) is a compensation scheme for members of the Armed Forces who have suffered injury or illness caused by military service from 6th April, 2005.

The scheme replaces the War Pensions Scheme and is designed to provide compensation no matter who was at fault for their injuries or illness. The AFCS does not prevent you from making a personal injury claim for compensation if the MoD has been negligent and making a claim may lead to a higher amount of compensation being awarded to you.

We will be able to advise you further about this scheme once we have more information about your injury.

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Guidance with strength and sensitivity

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

"May I thank you for the way my accident claim has been handled, after my accident my confidence was very low indeed but the sympathetic handling of my case restored my confidence".

- John

At Irwin Mitchell we understand the real impact of an injury as a member of the Armed Forces. 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.

At Irwin Mitchell we will fight fearlessly to give you the greatest chance of winning your case, with the best possible outcome, and we will support you every step of the way.

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Useful contacts

Army Families Federation

UK Central Office
Trenchard Lines
Upavon
Pewsey
Wiltshire
SN9 6BE

Telephone: 01980 615525

Website: www.aff.org.uk

Email: us@aff.org.uk

Army Benevolent Fund

Head Office
Mountbarrow House
6-20 Elizabeth Street
London
SW1W 9RB

Telephone: 0845 241 4820

Website: www.armybenfund.org

Email: enquiries@armybenfund.org

Army Welfare Information Service

HQ Land Forces
Louisburg Block
Erskine Barracks
Wilton
Salisbury
SP2 0AG

Telephone: 01722 436569

Website: <http://www.army.mod.uk/welfare-support/welfare-support.aspx>

Email: awis@hqland.army.mod.uk

British Limbless Ex-Serviceman's Association (BLESMA)

185-187 High Road
Chadwell Heath
Romford
Essex
RM6 6NA

Telephone: 0208 590 1124
Website: www.blesma.org
Email: headquarters@blesma.org

Combat Stress

Tyrwhitt House
Oaklawn Road
Leatherhead
Surrey
KT22 0BX

Telephone: 01372 841600
Website: www.combatstress.org.uk
Email: contactus@combatstress.org.uk

Royal Naval Benevolent Trust

The RNBT Headquarters
Castaway House,
311 Twyford Avenue,
Portsmouth
PO2 8RN

Telephone: 023 9269 0112
Website: www.rnbt.org.uk
Email: rnbt@rnbt.org.uk

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Useful contacts

RAF Association

117 Loughborough Rd
Leicester
LE4 5ND

Telephone: 0116 266 5224
Website: www.rafa.org.uk

St Dunstons

London Office
St Dunstan's
12-14 Harcourt Street
London
W1H 4HD

Telephone: 020 7723 5021
Website: www.st-dunstons.org.uk
Email: enquiries@st-dunstons.org.uk

SSAFA

19 Queen Elizabeth Street
London
SE1 2LP

Telephone: 0845 1300 975
Website: www.ssafa.org.uk
Email: info@ssafa.org.uk

The Veterans Agency

Norcross
Thornton Cleveleys
Lancashire
FY5 3WP

Telephone: Freephone 0800 169 22 77

Website: www.veterans-uk.info

Email: veterans.help@spva.gsi.gov.uk

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Notes

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

Sheffield Riverside East, 2 Millsands, S3 8DT

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