



## Supporting You After A Road Traffic Collision



If you or a loved one has suffered an injury due to a road traffic collision, the emotional and physical impact can be life-changing. We'll fight tirelessly to get you access to the best medical care, rehabilitation and support.

We'll investigate your case to understand if anyone was at fault, and work to get you the justice you deserve. We'll also assess the impact of your injury to understand what support you'll need now and in the future. Early compensation payments may be available if you're out of work, need immediate treatment or adjustments to your home.

We have close relationships with organisations and charities that will help you come to terms with your injury, and live an independent and fulfilling life.

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My solicitor had an approachable and friendly manner providing thorough and caring feedback at all times. I would highly recommend you.

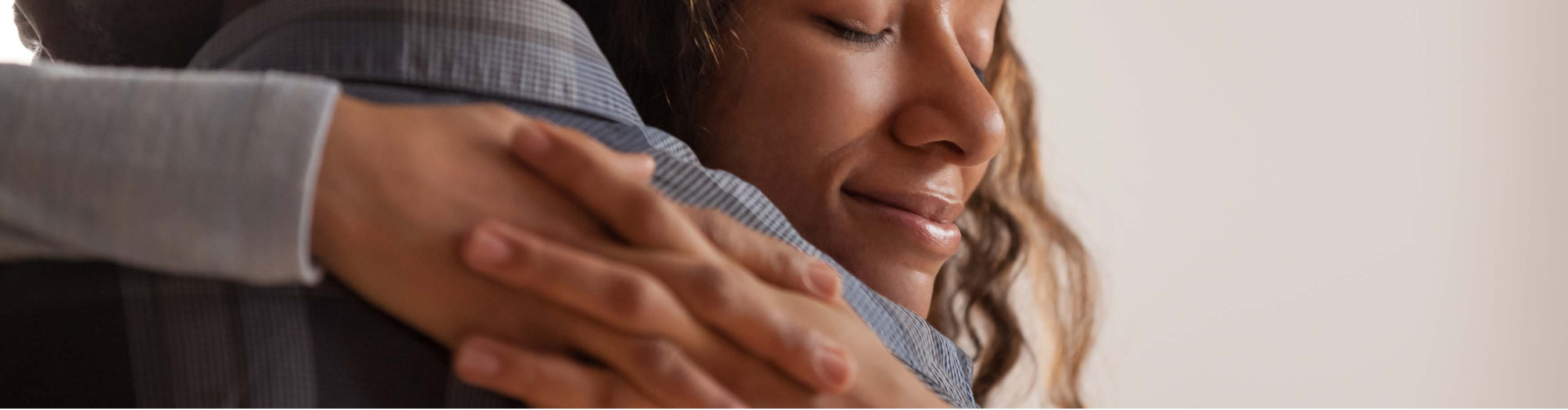
**Ruth**

5\* Trustpilot review



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.

0800 023 2233



## Expertise and Sensitivity

By building a relationship based on openness, trust and honesty, we're better placed to provide the expert advice you need.

Our reputation for helping those clients who've suffered a road traffic collision and their families is second to none. Every year we help many people who've been injured in this way get access to the best rehabilitation, medical care and support.

### Our solicitors have experience in a wide range of incidents including:

Claims for whiplash

Cycling

Fatal road traffic collisions

Head, brain and spinal injuries

Incidents involving uninsured and hit and run drivers

Motorcycling

Multi-vehicle

Public transport (including buses, trams and taxis)

## Campaigning for Safety

The effects of a road traffic collision can be devastating. That's why we're dedicated to improving conditions for road users and pedestrians to help prevent accidents from happening.

We have a long history of campaigning for improvements in road traffic management, as well as improving the quality of life and levels of compensation for people who've been injured.

In addition, we're sponsors and fundraisers for several leading road safety charities and support groups. A large number of our team volunteer their skills at a national, local and individual level.

As corporate members of Brake, the leading road safety charity, we're often asked to comment on road safety issues in national and regional media. We also deliver training to Police Family Liaison Officers, and are accredited by the Association of Personal Injury Lawyers (APIL).



It was so hard coming to terms with my injury, but rowing has assisted with my recovery and opened me up to a whole new world of possibilities.

**Ainsley Sinckler**

Our client

## Ainsley's Story

Ainsley was a university student, just months into his architecture and property development degree, when he was involved in a road traffic collision.

Ainsley suffered a serious spinal cord injury, which meant he'd require the use of a wheelchair for the rest of his life. The reality that he'd no longer be able to walk was very hard to take, especially for a young man who loved being active and playing sport.

Ainsley and his family instructed our specialist serious injury solicitors to help him access the care and therapies needed to support his recovery and future needs, as well as adapted accommodation and transport.

### Being active again

As part of Ainsley's rehabilitation, he participated in the Inter Spinal Unit Games, an event which gives people with a spinal injury a chance to socialise and sample a range of different sports.

The tournament enabled Ainsley to be active again, and his competitive nature was there for all to see. He was victorious in the archery competition and also highly recognised for his abilities in swimming and athletics.

But perhaps the most important moment was when he tried adaptive rowing at his local club. Taking part and getting out on the water has given him the opportunity to experience an element of freedom and independence he'd not enjoyed since his injury.

Gearing up to compete in his first event, Ainsley loves the opportunity that rowing gives him to display his inner strength. He remains determined to try his hand at even more inclusive sports.

Away from the water, he's moved into an adapted house with his girlfriend and resumed his studies at university, allowing him to look towards a positive and active future.



Ainsley has faced a difficult few years but sport has allowed him to regain both independence and confidence.

**Cathy Leech**

Serious injury expert

## When Can I Make a Claim?

Road traffic collision claims usually need to be made within three years of the incident.

### Variations

A court can decide if normal time limits don't apply if your injury is severe or life-changing.

Time limits are different, and may be shorter, if your injury was caused by criminal assault or if the incident happened outside of England and Wales.

Time limits for cases involving children don't start until after their 18<sup>th</sup> birthday.

The sooner you contact us to begin work on your case, the greater our chances will be of reaching a successful outcome.

### Do I have a case?

During a free initial consultation, we'll meet with you or a family member to discuss the events leading up to your injury and how it's affecting your life. We'll then tell you what we think your chances of securing compensation are, and you can tell us if you want to go ahead.

### Can you take over from my current solicitor?

If you're concerned about the way your case is being handled, you're perfectly entitled to consider a second opinion from another law firm.

If your current solicitor does not have the experience to deal with a road traffic collision case, it could lead to significant delays, a failure to obtain important interim payments and the possibility that your case is undervalued or not successful.

This can mean that you miss out on the opportunity to take advantage of rehabilitation, and fail to receive all of the care, therapy and equipment that you need in order to obtain the best quality of life possible post-injury.

If you decide to move your case to us, the process is very simple, and we'll speak to your current solicitor on your behalf.

### What are my chances of winning?

Many people come to us who originally didn't think they had a claim, but we've gone on to secure them rehabilitation and financial security for the future.

We're realistic in our assessments, so when you contact us we'll give you honest, straightforward advice on your chances of winning based on the information you've provided.

It's not possible to give a definitive answer on any case, but the more information we have, the more accurate an assessment we can make.

## How Much Will It Cost?

By building a relationship based on openness, trust and honesty, we're better placed to provide the expert advice you need.

### Funding your case:

**Conditional fee agreement** – commonly known as a 'No Win No Fee' agreement\*

**Legal expenses insurance** – as part of your household or car insurance, you may have legal expenses cover to help with any legal costs

**Trade union** – if you're a member of a trade union, they may provide assistance for some legal issues.

Even if you do have access to legal expenses insurance or trade union assistance, your best option may still be a 'No Win No Fee' agreement.

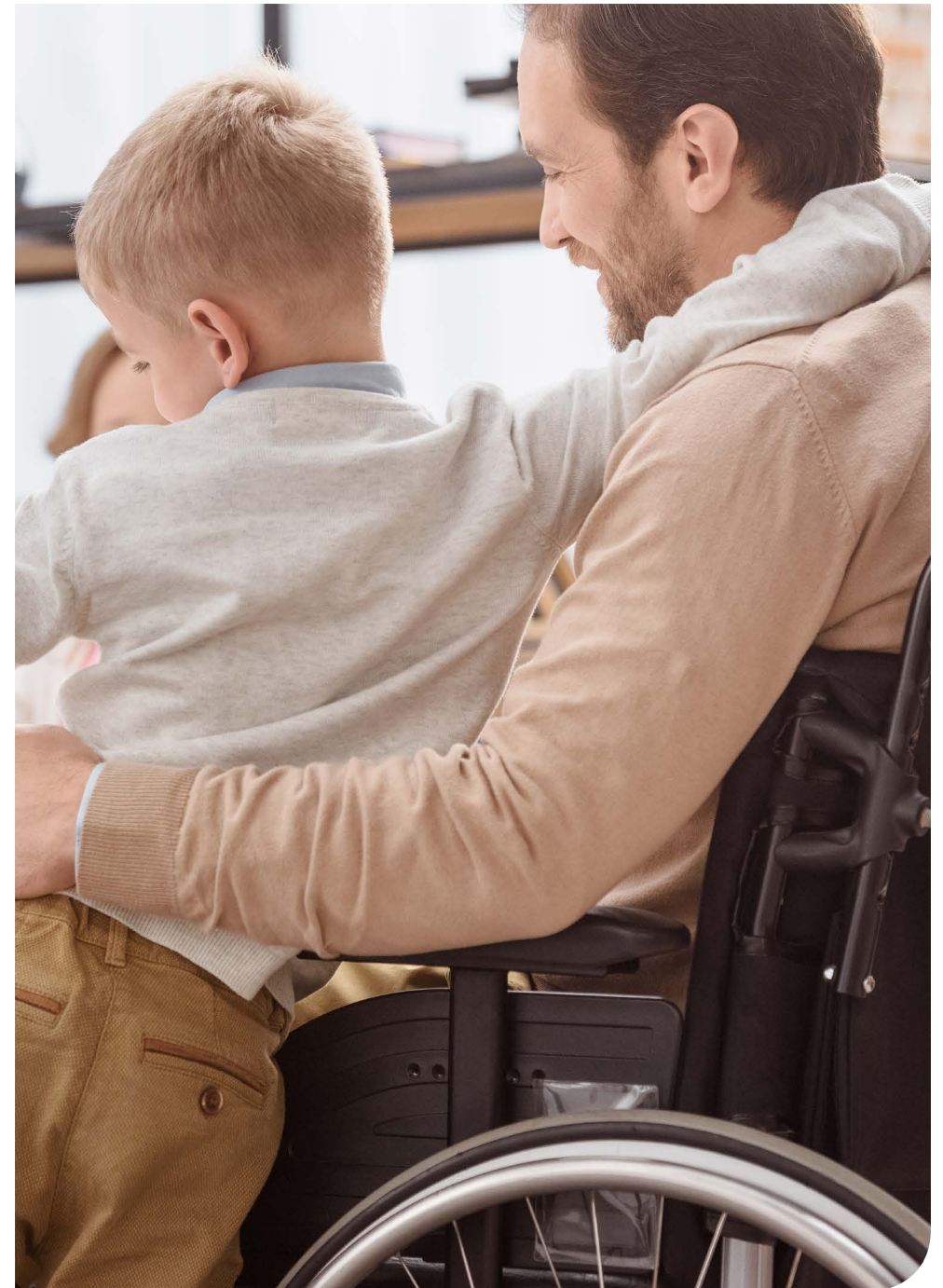
When we discuss your claim in more detail, we'll also be able to look at the funding options available to you.

### Legislation

The government introduced some changes to how legal costs and funding for personal injury claims will work from April 2013.

These changes mean you can no longer recover all of your legal costs from your opponent. It's likely that you'll still recover your basic legal costs.

\* Subject to entering into a 'No Win No Fee' agreement in conjunction with our Allianz Litigate insurance policy and complying with your responsibilities under its terms.



## 'No Win No Fee' Agreements

If we recommend that a 'No Win No Fee' agreement\* is your best option, you can be assured that there is no financial risk to you if you're unsuccessful.

### If you win:

Your opponent will pay the majority of our basic legal costs and disbursements (e.g. court fees, medical reports)

Any costs not payable by your opponent will include:

- The premium for your insurance policy to protect you fully against any risk of legal costs
- Some of your basic legal costs which cannot be recovered from your opponent
- A 'success fee' which compensates us for the risk that we wouldn't recover any legal fees at all if it was unsuccessful

You won't have to pay a penny out of your own pocket until your claim has successfully come to an end and then any of the costs not paid by your opponent will be deducted from any compensation awarded to you

If any disbursements can't be recovered from your opponent these will be covered by your insurance policy

To help you with your legal costs, the government has provided a 10% increase in the amount awarded to you for your pain, suffering and loss of amenity.

### If you lose:

We can promise you, there's no financial risk to you if your claim is unsuccessful\*

There will be no charge to you

You'll be fully covered by your insurance policy for any disbursements

You'll be fully protected by your insurance policy from any of your opponent's legal costs.

We'll do everything we can to protect and support you to proceed with your claim and we'll keep you updated at all times. Remember, there's absolutely no financial risk to you or your family if you're unsuccessful.

\* Subject to entering into a 'No Win No Fee' agreement in conjunction with our Allianz Litigate insurance policy and complying with your responsibilities under its terms.

## How Much Compensation Will I Get?

The amount of compensation you receive will depend on the severity of your injury, and how it has affected your life, how much money you've lost or will lose as a consequence and whether you'll need extra support in the future.

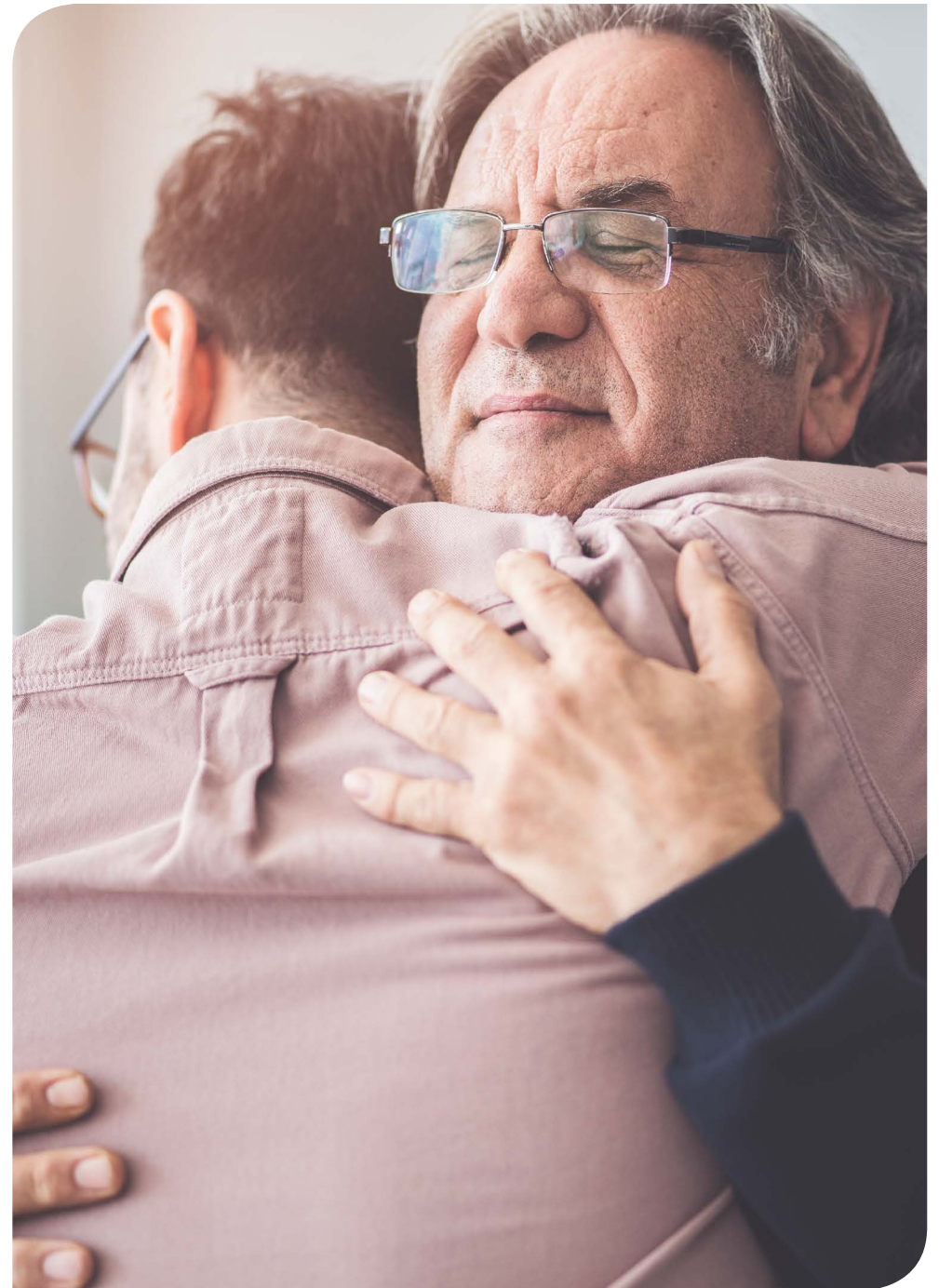
### **Individually assessed**

We'll advise you at the outset on how your opponent's insurers and the courts approach the assessment of compensation, and how that will apply to your case. It's important to bear in mind that everyone is different, and the consequences of the same injury will vary from person to person.

### **Keeping you informed**

As we learn more about you and your circumstances, we'll be able to provide you with a more accurate idea of the financial value of your claim. We'll do everything we can to recover the maximum amount of compensation available to you. We'll also advise on the best payment terms to suit your immediate and ongoing needs.

As well as securing financial compensation, we'll help you and your family with the practical issues and day-to-day impact of your injury, as well as helping you get access to the best medical care and rehabilitation.





## How Will My Claim Be Progressed?

Once you've instructed us, we'll investigate your case thoroughly by gathering witness statements and other relevant details about your injury and on going requirements.

### **Opponent's insurance**

Once we have all the details of your case, a claim will be made against your opponent's insurance company, and we'll await a response. The insurance company should then respond, and they can decide to meet your claim or not. If they turn down your claim at first, it doesn't mean that your claim will fail.

Also, if the relevant person or company doesn't have insurance there are schemes that mean you can claim against uninsured or untraced drivers.

### **Court settlements**

The vast majority of cases are settled before they go to court. If your case is one of the few to be decided by a judge, it's perfectly normal and we'll be there to help you every step of the way.

## Fatal Collisions

### **Inquest**

If a loved one has died as a result of a road traffic collision, an inquest will be held to establish where this happened, when it happened and the cause of death.

An inquest may be opened and adjourned immediately if the police are investigating the collision. Any criminal proceedings that follow may also have an impact on whether the inquest resumes or not.

It's advisable to ask a solicitor to attend the inquest with you, so they're able to help explain what's happening and ask questions on your behalf.

### **Compensation**

If a family member, spouse or partner you live with passes away in a road traffic collision, we can fight to get your loved one the justice they deserve and ensure your future is financially secure. We're here to advise you on your entitlements and support you throughout the process.

### **Bereavement compensation**

There's a set amount of compensation provided by the government of £12,980 if you've been bereaved in this way. We're campaigning to increase levels of compensation in cases of this nature. In addition, funeral and other associated costs may be covered.



## Frequently Asked Questions

### If the police didn't prosecute can there still be a compensation claim?

There are many circumstances where there's insufficient evidence for the police to prosecute for a criminal offence, but there's sufficient evidence to bring a civil claim for compensation. These issues are dealt with in different courts, and there are different thresholds for proving the claim.

### If the driver involved in the road traffic collision didn't stop and they have been untraceable, what can be done?

The Motor Insurers' Bureau (MIB) has the Untraced Driver's Agreement, which allows you to pursue a claim against an untraced driver. It's slightly more limited than the Uninsured Driver's Agreement and while compensation can be awarded, there are limits on the amount of costs that can be recovered.

### There are normally three possibilities for pursuing a claim:

If the driver is insured, a claim can be brought against them and will be dealt with by their insurance company

If the driver is uninsured but there's a valid policy of insurance for the vehicle that was involved in the collision, that insurance company has to deal with any claim brought by another person as if the driver was insured

If neither the driver nor the vehicle has any valid insurance, a claim has to be brought against the MIB under the Uninsured Driver's Agreement. The MIB will appoint an insurance company to deal with the claim as if they were the insurers of the driver at the time of the collision.

**If the car was being driven by a family member, can I still bring a claim against them?**

The relationship you have with the driver is irrelevant. If they're responsible for the collision and drove negligently, there's no legal reason why you cannot pursue a claim. An insurance company will deal with the claim in exactly the same way as if you were injured by a stranger. Any restrictions are therefore from an emotional point of view rather than a legal one.

**I wasn't wearing a seat belt. What does this mean for my claim?**

Not wearing a seat belt can mean you're considered to have contributed towards your own injuries during a road traffic collision. But if the incident wasn't your fault, you'll still be awarded compensation.

In many cases, failure to wear a seat belt will result in more serious injuries. If this is the case, you could lose up to 25% of the compensation you would've received if you'd been wearing a seat belt. If it's determined that failing to wear a seat belt had no relevance to the severity of your injuries, nothing should be lost from the value of your claim.

**I was aware the driver was drunk or under the influence of drugs at the time of the road traffic collision. What does this mean for my claim?**

Your knowledge of the capabilities of your driver at the time of the collision is something the courts will consider. But there are many occasions when even in circumstances where a driver has taken alcohol or drugs, a claim can still be pursued. It's strongly advised to seek legal advice in this instance, and our team will offer you an honest, straightforward opinion.

**The driver involved is foreign and was insured through a foreign insurance company/the collision occurred abroad.**

**How do I progress a claim?**

Whilst it can be more complicated to pursue a claim against a foreign driver or for an accident that happened abroad, it is possible. Early legal advice is recommended in these circumstances, given that different countries have different timescales within which to bring forward a claim.

**A solicitor previously advised me that I don't have a claim, but I disagree. What can I do about this?**

You should always check that your solicitor has the necessary experience and expertise to advise you properly. This is even more important in circumstances where you or a loved one has been seriously injured.

Make sure that you make a full enquiry about the expertise of the solicitor that you intend to proceed with, and remember that you can take a second opinion.

If you're no longer able to pursue a claim that was valid because of the advice that you received from a solicitor, you can make a claim against that solicitor and recover compensation that would otherwise have been awarded following the road traffic collision. Solicitors are required by their professional body to carry insurance to cover such claims. Making a claim against a solicitor is a specialist area, and you should ensure that you go to an appropriate expert who has knowledge in professional negligence claims. We can help you in these circumstances.

## What Else Can We Help You With?

Whether it's business or personal we understand that everyone's situation is different.

If you need legal advice or support with financial planning, we're here to offer *an expert hand with a human touch*, so you're able to focus on what really matters.

### We're here to help you with:

- Buying or selling a house
- Court of Protection
- Divorce, children and family matters
- Planning disputes
- Financial planning and wealth management\*
- Support with your business and employment issues
- Social, education and healthcare provisions
- Tax and trusts
- Welfare and healthcare matters
- Wills

\* Financial planning and wealth management services are provided by IM Asset Management Limited which is authorised and regulated by the Financial Conduct Authority. Its Financial Services Register Firm Reference Number is 402770.



Contact us:

☎ 0800 023 2233

💻 [irwinmitchell.com](https://www.irwinmitchell.com)




## Useful Contacts

We have close relationships with organisations and charities that can provide extra support when you need it most.

### Brake

Road safety charity working with communities and organisations across the UK to stop the tragedy of road deaths and injuries, make streets and communities safer, and support people bereaved and seriously injured on roads.

PO Box 548  
Huddersfield  
HD1 2XZ

 0808 8000 401  
 [helpline@brake.org.uk](mailto:helpline@brake.org.uk)  
 [brake.org.uk](http://brake.org.uk)

### Cruse Bereavement Care

Cruse Bereavement Care's vision is that everyone has somewhere to turn to when a loved one passes away. With over 5,000 volunteers, they offer face-to-face, telephone and online support to anyone who needs it.

PO Box 800  
Richmond  
Surrey  
TW9 1RG

 0808 8081 677  
 [info@cruse.org.uk](mailto:info@cruse.org.uk)  
 [cruse.org.uk](http://cruse.org.uk)

### Department for Transport

The government body for improving transport infrastructure to ensure safety on all UK roads.

Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

 0300 3303 000  
 [dft.gov.uk](http://dft.gov.uk)

### Headway – The Brain Injury Association

Working to improve life after brain injury by providing support, services and information to brain injury survivors, their families and carers.

Bradbury House  
190 Bagnall Road  
Old Basford  
Nottingham  
NG6 8SF

 0808 8002 244  
 [helpline@headway.org.uk](mailto:helpline@headway.org.uk)  
 [headway.org.uk](http://headway.org.uk)

### Motability



Enables disabled people to get mobile by exchanging their mobility allowance to lease a new car, scooter or powered wheelchair.

 [motability.co.uk](http://motability.co.uk)

### RoadPeace

National charity providing information and support services to people bereaved or seriously injured in road traffic collisions, campaigning for justice and reducing danger on the roads.

Unit F6  
Shakespeare Business Centre  
245a Coldharbour Lane  
London  
SW9 8RR

 0845 4500 355  
 [roadpeace.org](http://roadpeace.org)

## Useful Contacts

### **The Royal Society for the Prevention of Accidents - RoSPA**

RoSPA campaigns for a life free from serious accidental injury by exchanging life-enhancing skills and knowledge with experts, individuals affected by accidents and multinational corporations.

RoSPA House  
28 Calthorpe Road  
Edgbaston  
Birmingham  
B15 1RP

☎ 0121 2482 000  
✉ [help@rospa.com](mailto:help@rospa.com)  
🌐 [rospa.com](http://rospa.com)

### **Spinal Injuries Association (SIA)**

Spinal Injuries Association supports anyone who has been touched by spinal cord injury. They work to enable people to live a fulfilled life after injury.

SIA House  
2 Trueman Place  
Oldbrook  
Milton Keynes  
MK6 2HH

☎ 0800 9800 501  
✉ [advice@spinal.co.uk](mailto:advice@spinal.co.uk)  
🌐 [spinal.co.uk](http://spinal.co.uk)



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