



# Supporting you through a head injury

**IM**, irwinmitchell



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If you or a loved one has suffered a head injury, 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 find out who 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 head injury, and help you live an independent and fulfilling life.

“

Faultless from start to finish. Undoubtedly the best service I've received from a solicitor. Consistently clear, precise and informative with every communication.

**Christopher**  
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





## Your team of experts

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 clients with a head injury 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 service**

Our highly specialised team will put you at the focus of everything we do, we'll approach your case with care and consideration to ensure the best possible outcome for you.

#### **Our promises to you:**

Access to our Court of Protection team if you or a loved one needs assistance with managing your finances or property and affairs

An early investigation of who is accountable for your injuries

Early compensation payments where possible to pay for the best medical care and rehabilitation, and ensure you're financially secure

Expert advice on state benefits, employment rights and other financial issues

Help from our specialists in other areas of law, such as financial planning, Personal Injury Trusts, Wills advice, Power of Attorney, education and social care needs advice

We'll see you at a place convenient to you.



# Sophie's Story

In July 2020, Sophie was being driven back from an evening out when the car veered off the road and crashed into a tree at speed.

The force of the collision caused the car roof to fall in on Sophie.

In the ambulance, Sophie was already showing signs of a brain injury. She spent two weeks in a coma while the doctors tended to her physical injuries.

Sophie woke up with no memory of what had happened to her. It very quickly became clear that her injuries had affected her mental abilities, and that she had a challenging recovery ahead of her. Her injuries affected her hearing,



vision, memory, and communication abilities. The biggest challenges for Sophie were the loss of hearing in her ear, and how quickly she got tired after activities that used to be no problem at all.

After the initial shock of her daughter's injury, Sophie's mother contacted us to find out if we could help her. She instructed our expert serious injury solicitor Ruth Johnson to make a compensation claim on Sophie's behalf. The early weeks and months after Sophie's brain injury were very challenging and she felt very confused. She needed people around her who she could rely on and trust.

Ruth walked Sophie through the support she'd likely need, advising her on the best way forward. She also helped Sophie get a case manager in place who could make recommendations for rehabilitation. We've been helping Sophie fund her music therapy, neuropsychology, occupational therapy and a personal trainer to help her enjoy her hobbies again. This is all coordinated by her case manager.

While her case is ongoing, we continue to make sure Sophie can access all the support she needs to achieve her goals. Sophie continues to be very keen to regain her independence and trial living independently on her own.



I'm not working currently, so the financial support has been crucial. My future's looking bright.

**Sophie**  
Our client



## Additional support

With years of experience and recognition from independent legal directories\*, you're in safe hands with us.

We're pioneers for improvements in head and brain injury treatment. Our close relationships with case managers, rehabilitation providers and therapists mean we can help you with much more than just securing your finances for the future.

Many of our solicitors volunteer with brain injury charities and support groups.

### We're proud to work with:

Headway – The Brain Injury Association

UK Acquired Brain Injury Forum (UKABIF)

Brain Injury Group

Brain Injury Social Work Group (BISWG)

Brain & Spine Foundation

\*Recognised by The Legal 500 and Chambers & Partners legal directories.







## When can I make a claim?

Claims usually need to be made within three years of the accident or incident that caused the injury.

### **Variations**

For children, the time limit doesn't start until their 18th birthday. In cases involving people with very severe brain injuries, a court can decide that the normal time limits don't apply.

Where the injuries are caused by criminal assault, the time limit for making a claim may also be different, and is usually two years from the date of your injury. No special exceptions are normally made for children after a criminal injury. If your injury has been caused during a road traffic collision outside of England and Wales, time limits may vary and are often shorter. Likewise, schemes like the Untraced/Uninsured Driver Agreements may have different time limits.

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



## Do I have a case?

All cases are unique, and we won't know your chances of securing compensation until we look into your circumstances.

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.

### **What are my chances of winning?**

We have a long track record of winning compensation cases where people initially thought they didn't have a claim.

When you contact us, we'll give you realistic advice on the chances of winning based on the information you provide. Although it's not possible to give a definitive answer on any one case, the more information we have, the more accurate an assessment we can make.

### **Can you take over from my current solicitors?**

We're frequently asked to take over cases for clients who haven't received the level of service they expected.

A lack of experience of dealing with specialist cases can lead to significant delays, a failure to obtain important interim payments, and the possibility that cases are undervalued or unsuccessful. This can mean that you miss out on the opportunity to take advantage of targeted rehabilitation and fail to receive all of the care, therapy and equipment you need. It's okay to seek a second opinion from another solicitor, and we'll assess your case without any obligation.





## How much will it cost?

Don't worry about legal costs. Contacting us for initial advice on your claim will cost you nothing. If we advise you to pursue a claim with us, we'll review all the options for funding it.

### Options for funding your claim:

**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.

If you don't have access to legal expenses insurance or trade union assistance, your best option is to consider a 'No Win No Fee' agreement. Even if you have access to other funding options, a 'No Win No Fee' agreement may still be the best option for you.

### Legislation

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

\* To make a No Win No Fee claim, you need to enter into an agreement that’s linked to a suitable insurance policy. We’ll explain this in more detail before we start your claim.



## How much compensation will I get?

The amount of compensation you receive will depend on the seriousness of your injury, 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 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 to get access to the best medical care and rehabilitation.





## What happens when I claim?

Once you have instructed us to claim on your behalf, we'll investigate your case thoroughly by gathering witness statements and other relevant details about your injury and ongoing 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. This can go one of two ways: either they decide to meet your claim or they don't.

Don't worry if an insurance company turns down your claim at first. This often happens, but it doesn't mean your claim will fail.

### **Assessments**

Our specialists will assess your rehabilitation needs. Some clients may warrant other expert assessments such as care needs. You and your family will be fully consulted before any assessments take place.

### **Court settlements**

The vast majority of cases are settled before they go to court. If your case is one of the few is to be decided by a judge, don't worry. This is perfectly normal, and we'll be there to help you every step of the way.





## What else can we help you with?

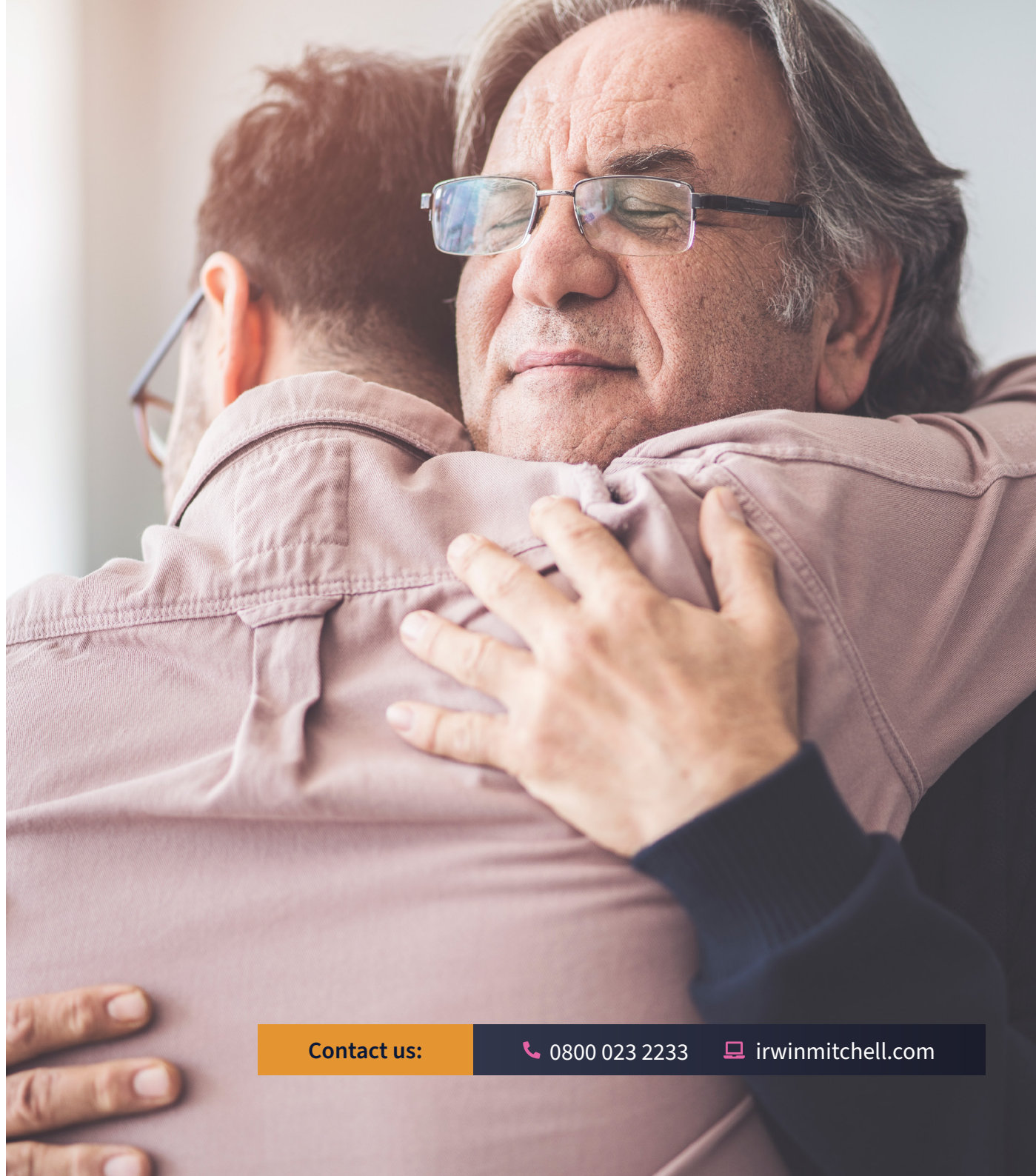
Whether it's business or personal we understand that everyone's situation is different.

If you need legal advice or support with financial planning, we're here to offer expert advice tailored to your circumstances, so you can 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.

### Brain and Spine Foundation

Exists to provide information, answer questions, reduce anxiety and inform choices.

Brain & Spine Helpline  
Fourth Floor  
Canopi  
7-14 Great Dover Street  
London  
SE1 4YR

☎ 0808 8081 000  
✉ [helpline@brainandspine.org.uk](mailto:helpline@brainandspine.org.uk)  
🌐 [brainandspine.org.uk](http://brainandspine.org.uk)

### Brain Injury Group

Supports individuals and families affected by brain injury, and the health and social care professionals working in this specialist field.

PO Box 632  
Chatham  
ME4 9FL

☎ 0800 612 9660  
✉ [info.services@braininjurygroup.co.uk](mailto:info.services@braininjurygroup.co.uk)  
🌐 [braininjurygroup.co.uk](http://braininjurygroup.co.uk)

### Brain Injury Rehabilitation Trust (BIRT)

Offering a range of specialist residential, hospital and community-based services for individuals with acquired brain injury.

3 Westgate Court  
Silkwood Park  
Wakefield  
WF5 9TJ

☎ 0192 4266 344  
✉ [info@thedtgroup.org](mailto:info@thedtgroup.org)  
🌐 [thedtgroup.org/brain-injury](http://thedtgroup.org/brain-injury)

### Brake – The Road Safety Charity

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)



**British Association of Brain Injury  
Case Managers (BABICM)**

Professional body for case managers and other professionals working with individuals who have a brain injury.

318 Warth Business Centre  
Warth Road  
Bury  
BL9 9TB

☎ 0161 7626 440  
✉ [secretary@babicm.org](mailto:secretary@babicm.org)  
🌐 [babicm.org](http://babicm.org)

**Child Brain Injury Trust**

Researches and provides information regarding the effects of 'traumatic' injury on a child's developing brain, and helps families affected by childhood acquired brain injury across the UK.

Unit 1  
The Great Barn  
Baynards Green Farm  
Nr Bicester  
Oxfordshire  
OX27 7SG

☎ 01869 341075  
🌐 [childbraininjurytrust.org.uk](http://childbraininjurytrust.org.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)


**Same You**


Working to develop better recovery treatment for survivors of brain injury and stroke.

10 Queen Street Place  
London  
EC4R 1BE

🌐 [sameyou.org](http://sameyou.org)



 0800 023 2233

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