

# Your guide to making a personal injury claim



The Law Society

## Claiming compensation

Over three million people are injured in accidents each year - at home, in their cars, at work, or outdoors. In many cases, someone else or something else is at fault and the accident victims have a right to compensation.

Although personal injury law is complicated, with the help of a solicitor the process of making a claim can be quite straightforward. Many solicitors offer a free initial consultation and will be able to tell you if you have a justifiable claim.

## Finding a solicitor

If you don't already have a solicitor, visit our website at [www.lawsociety.org.uk/findasolicitor](http://www.lawsociety.org.uk/findasolicitor) and search under 'Personal Injury' to find a solicitor in your area. You may want to instruct a member of the Solicitors Regulation Authority's personal injury accreditation scheme. The Solicitors Regulation Authority is the independent regulator (set up by the Law Society) which sets the rules that all solicitors must follow. You can find details about this scheme on the website, or you can call 0870 606 2555. If you have legal expenses insurance (often included in home or motor insurance policies) or you are a member of a trade union, you should contact the insurance company or trade union before choosing your own solicitor. They may prefer to choose a solicitor to act for you.

## What your solicitor needs from you

To establish the details of your case, a solicitor will need to know:

- the date of the accident and where and how it happened;
- the contact details for any witnesses;
- the details of your injuries, medical diagnosis and treatment; and
- whether you are a member of a trade union, as this may entitle you to free or reduced-cost legal representation.

The solicitor may also need to see:

- proof of your loss of earnings and other financial expenses which are the result of your injury;
- documents relating to any insurance policies you have (such as household or motor insurance) to check whether these will cover the legal costs of your claim; and
- any documents that can be used to support your claim, including documents from before your accident or any evidence of previous accidents in similar circumstances.

## How your solicitor can help

Once you have explained the circumstances of your injury in detail, your solicitor will be able to judge:

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- how likely your case is to succeed; and
- how much you might be able to claim in compensation.

They will also explain to you the legal processes involved in taking your claim further. And they will discuss with you exactly how you will fund your case. Don't be afraid to take notes, and make sure you ask your solicitor to send you a letter summarising the advice they have given you. This letter should confirm:

- that the solicitor is happy to take your case on;
- the name and status of the solicitor or other person in the firm who will be your main day-to-day contact;
- how long the process is likely to take and arrangements for progress reports;
- how you are funding the case, an estimate of your costs and any agreed spending limits;
- when you might have to pay the solicitor's costs and when you might have to pay the defendant's costs (see 'Costs');
- details of any more information you need to provide; and
- what you should do if, for any reason, you are not happy about the way your case is progressing.

## Making your claim

The first step your solicitor will take is to send a claim letter to the defendant. This sets out the details of your injury and the circumstances in which it took place. If you need an expert opinion to support your claim - from a doctor, for example - your solicitor will suggest a relevant specialist.

The person you are holding responsible for your accident (the 'defendant') then has to investigate and reply to the letter within a fixed period - usually no more than three months. In their reply they must say whether they accept or deny liability for your injury. If they accept liability, your solicitor will try to settle the matter out of court.

## Making an offer

Your solicitor will tell you what they think the value of your claim is. They may also ask you to give an indication of the level of compensation you are prepared to accept, and whether you want to make an 'offer to settle' for that amount. This is known as a 'Part 36 offer'. Your solicitor will tell you whether you should make a Part 36 offer and how this would affect you.

If the respondent 'responds reasonably' to this offer and a figure is agreed, the matter can be settled without going to court. In some situations, the respondent may reply with their own Part 36 offer. If this happens, your solicitor will advise you what to do.



