



THOMPSONS
SOLICITORS

STANDING UP FOR YOU

Working with us:
Important information about
your personal injury case

Our pledge to you

Thompsons Solicitors has been standing up for the injured and mistreated since Harry Thompson founded the firm in 1921. We have fought for millions of people, won countless landmark cases and secured key legal reforms.

We have more experience of winning personal injury and employment claims than any other firm – and we use that experience solely for the injured and mistreated.

Thompsons will stand up for you by:

Staying true to our principles – regardless of how difficult our job is made by government, employers or the insurance industry

Remaining committed to the trade union movement, working closely with them and with professional associations for the benefit of working people everywhere

Thompsons pledge that we will:

Work solely for the injured or mistreated

Refuse to represent insurance companies and employers

Invest our specialist expertise in each and every case

Fight for the maximum compensation in the shortest possible time

Be open and transparent about fees and costs

standing up for you

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The Spirit of Brotherhood
by Bernard Meadows

About Thompsons

At Thompsons – the UK’s most experienced personal injury law firm – we only work for the victims of accidents and injuries. We never represent companies or employers.

Every year we secure over £200 million in personal injury compensation for clients. And we have led the way in creating new law for working people by:

- Bringing the first group cases for asbestos
- Establishing that people who had been exposed to asbestos but who had not worked directly with it (known as “neighbour” cases) could bring claims
- Bringing the first ever successful cases for passive smoking

But we don't just deal with personal injury. We are also proud to help trade union members with issues such as pensions, dismissals, discrimination and equal pay through our specialist Employment Rights department.

To find out more about Thompsons, go to www.thompsons.law.co.uk or call **0800 0 224 224**.



Our aim

We strive at all times to provide a high quality service and a standard of care in which you can be completely confident. Our aim is to get the most compensation for you in the shortest possible time.

That means:

- Using plain language
- Keeping in regular touch
- Responding quickly
- Keeping you fully informed
- Giving independent advice

Our lawyers

All of Thompsons' lawyers receive extensive training in the law relating to personal injury. Your case will be allocated to an individual who will carry out the majority of work on your claim.

The individual looking after your case will however work as part of a team. If you cannot get hold of them for some reason, you can speak in complete confidence to another team member who has the knowledge and experience to help you with your query.

If your lawyer wants to meet with you, rather than discuss the circumstances of your claim over the telephone, they will arrange an appointment to meet you at a time and a place to suit you. They will also make any adjustments necessary to accommodate any disability you may have.

Our offices

Our network of UK offices is open during normal office hours (Monday-Friday 9am – 5pm).

If you need to contact your lawyer outside these hours, just ring and leave a message and they will call you back within 24 hours. Remember to tell us your case reference number – you will find this on the letters we send you.

Alternatively, we can be contacted by e-mail if you would prefer this.

Our equality and diversity policy

As a trade union law firm, equality and diversity are at the heart of what we do.

Thompsons is therefore committed to promoting equality and diversity in all our dealings with you and we would be happy to forward a copy of our policy if you would like to see it.



Standing up for you



Our complaints system

If you feel unhappy with the way we have dealt with your case, we will handle your concerns quickly and fairly.

The best thing to do is to contact the person dealing with your matter first of all. If you still feel that your complaint has not been properly dealt with, you should get in touch with the Branch Manager of the office dealing with your case or the person named on the first letter we send you.

If you are not satisfied with our handling of your complaint you can ask the Legal Ombudsman to consider the complaint. Their contact details are: **0300 555 0333** www.legalombudsman.org.uk.

Normally, you will need to bring a complaint to the Legal Ombudsman within six months of receiving a final written response from us about your complaint.

Our respective responsibilities

We have certain responsibilities that we owe you.

These include an obligation to:

- Review your case regularly
- Advise you of any changes in the law
- Advise you of any circumstances and risks that we know about that could affect your case

As our client, we need you to agree to:

- Tell us what you want us to do clearly, accurately and within reasonable time limits
- Provide us with all the necessary documentation we need within the time we need it
- Keep safe any documents that might be needed for a future court case
- Tell us of any change in your address or contact details straightaway

Compensation

To receive compensation, you have to prove that someone else was to blame for your injuries. So the first thing we have to decide is whether your case is one we can pursue.

We will write to you with details of next steps at the outset of your claim. These might include obtaining appropriate medical evidence and gathering information from witnesses to support your claim.

In cases where estimated damages are £25,000 or less, the Government has introduced a new claims process which aims to reduce the length of time it takes to recover compensation however much still depends on whether or not the other side admits liability.

In cases that do not settle under the new process, but which do have a reasonable prospect of succeeding, we will lodge an official claim with the defendant.

The defendant normally has three months from when they receive the claim in which to confirm whether or not they admit liability. As part of the process, we will ask for compensation for your pain and suffering (both in the past and possibly the future), as well as any expenses that you incur because of the accident or illness. For instance, traveling expenses to see a doctor; cost of prescriptions and any loss of wages. So it's really important to keep all receipts.

Negotiations

We will always try to settle your claim by negotiation or mediation rather than by issuing court proceedings.

Mediation involves everyone coming together with a trained mediator to try and resolve your claim outside of the court process. Anything that is said in the mediation remains confidential.

Similarly, we may decide that it would be in your best interests to arrange to hold a joint settlement meeting with the defendant. Again, this would involve all parties attending a meeting with a view to discussing any outstanding issues and reaching a settlement. Both a mediation and a joint settlement meeting can take place either before or after court proceedings are issued.

If the defendant denies liability or fails to put forward a reasonable offer in settlement of your claim, so long as we think your claim has reasonable prospects of succeeding, we will recommend that court proceedings be started. If this happens we will keep you closely advised about all steps in the court process.

Whatever we do, it will be with your consent.

Bankruptcy

If you are considering declaring yourself bankrupt, are bankrupt or have in the past been declared bankrupt please advise us immediately to ensure that any court proceedings are issued or continued in the correct name, which is normally that of the Official Receiver.

Failure to issue or amend court proceedings in or to the correct name will result in any court proceedings being ineffective and your ability to continue the claim could be lost.

Bringing your claim

It is important to make your claim as soon as possible. That way, you are more likely to remember what happened as it will be fresh in your mind.

And the sooner you tell us, the sooner we can get started on the job of gathering evidence and negotiating a settlement. In addition, the law states that an injured person should commence court proceedings **within three years** of the date of the accident or **within three years** of the date they knew or ought to have known that their symptoms were caused as a result of the negligence of someone else. If that three year time frame has expired, the injured person may be prevented by the court from bringing a claim for compensation.

If you have been the subject of an assault or other crime of violence, then a claim must be submitted to the Criminal Injuries Compensation Authority **within two years** of the date of the assault.

Reporting

It is important that you report the accident to the relevant person or authority. For instance, your employer (if it happened at work), the local council (if you tripped on a pavement) or the police (in a road accident or assault).

Try to record as many details of how you were injured as you can.

Medical examinations

We may ask you to undergo a medical examination to show the cause and extent of your injuries and their effect on you. The doctor is very likely to be someone you have not seen before as it is important they are independent.

This is nothing to be worried about and is a way of strengthening your case. The medical expert may wish to have sight of your medical records. If the expert does want to see them, we will send you forms of authority to sign for the release of your records from your GP or the hospital you attended.

If you are still experiencing symptoms as a result of the accident, we can arrange for you to have appropriate treatment to help you get better; This treatment is often referred to as 'rehabilitation'. For example, you may need physiotherapy after your accident or you may require counselling if the accident has caused you a psychological upset.

Disability

As a result of your accident or injury, you may be entitled to protection from disability discrimination (such as being passed over for a promotion or even being dismissed) by your employer under the Equality Act 2010.

This law defines disability as a physical or mental impairment which has a substantial and long term adverse effect on your ability to carry out normal day to day activities. Long term means at least twelve months.

If you think you have been discriminated against, tell your union representative immediately. This is important because there is a time limit of three months in which to make a Tribunal claim from the date of the discriminatory act.

Benefits

If you have an accident, are the victim of an assault, develop an industrial disease or are involved in a road traffic accident, you may be entitled to benefits from the Department for Work and Pensions (DWP).

It is important to report the accident or illness to your employer immediately and complete the appropriate forms. You should also report it to the regional Jobcentre Plus disablement office as soon as possible (a list is available on www.gov.uk/dwp). It will then issue a declaration that you had an accident or illness which should help to reduce delays if you decide to claim benefits at a later date.

If you are in any doubt about what you may be eligible to claim, ask the person dealing with your case. You may have to repay any benefits you receive from your compensation package, but again we will explain all this to you.

Your union, the Citizens Advice Bureau or the DWP can help with processing any claims.

Benefits cap

Please note that there is a limit on the total amount of benefit that most people aged 16-24 can receive. Details are available at www.gov.uk/benefitcap



Statutory Sick Pay

Statutory Sick Pay (SSP) is paid to employees by their employer for up to 28 weeks if they are off sick from work.

To qualify for SSP you must be incapable of work for 4 or more days. A GP's fit note is normally required after 7 days absence.

It is important to tell your employer you are sick before their deadline or within 7 days if they do not have one.

SSP is payable at a fixed rate and is treated like other earnings. It is therefore subject to Tax and National Insurance but it is not means tested nor is it dependent on National Insurance contributions.

However, your earnings must at least equal the Lower Earnings Limit, which changes every year. Up-to-date rates can be found at www.gov.uk/topic/business-tax/pay

Your contract of employment may provide for payment of occupational sick pay over and above SSP, so it's worth checking whether it does.

Agency workers are entitled to SSP providing the above criteria are met.

Employment and Support Allowance

Employment and Support Allowance (ESA) is paid to anyone whose incapacity means they have to be off work for longer than 28 weeks.

ESA is made up of contributory and means-tested parts. To receive the contributory element of ESA the applicant must have paid sufficient National Insurance contributions or have sufficient credits, such as women who have stayed at home to look after children.

To receive the means-tested element of ESA an applicant is assessed financially and their level of savings and household income looked at. This element is payable even if an applicant does not have sufficient contributions or credits.

Applicants can receive either the contributory element or the means-tested element or both depending upon their contribution record, income and capital.

Applicants must have a Work Capacity Assessment while the claim is being processed.

Applicants will be expected to take appropriate steps to help prepare for work, including attending a series of work-focused interviews with a personal advisor.

Applicants with an illness or disability that is too severe to undertake any form of work related activity will get increased financial support and will not be expected to prepare for return to work.

Applicants with a terminal illness will have claims fast-tracked and will not be expected to participate in work focused health-related assessments.

The benefit is payable by Job Centre Plus and a claim can be made by telephoning – 0800 055 6688 (Textphone: 0800 023 4888).

Other Benefit Payments

Working Tax Credit

This is paid to low paid workers, with or without children, who are in full time paid work. Full time paid work is:

1. At least 16 hours per week if you or your partner are responsible for a child or qualifying young person (or 24 hours between a couple with one of you working at least 16 hours)
2. At least 16 hours per week if you have a physical or mental disability which puts you at a disadvantage in getting a job and you qualify for a disability element
3. At least 16 hours per week if you or your partner are at least 50 and qualify for a 50+ element
4. At least 30 hours per week if you are aged 25 to 59.

Child Tax Credit

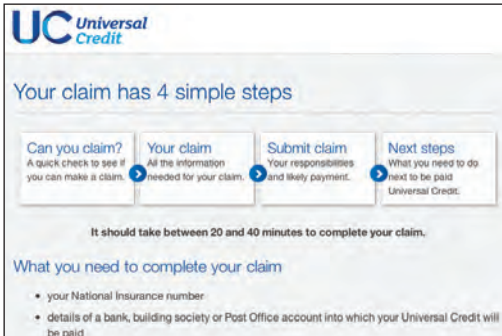
This benefit is paid to families with children, whether they are in paid work or not. You do not have to have paid National Insurance contributions to qualify. This is a means-tested benefit.

You cannot claim tax credits and Universal Credit at the same time.

Universal Credit

This benefit is being introduced in stages across the country. Universal Credit will replace Jobseeker's Allowance, Housing Benefit, Working Tax Credit, Child Tax Credit, Employment Support Allowance and Income Support.

Applicants have to accept a "Claimant Commitment" if they wish to get Universal Credit, and this is an agreement that the applicant will complete certain tasks.



The screenshot shows the Universal Credit logo at the top left. Below it, the heading reads "Your claim has 4 simple steps". There are four numbered boxes representing the steps:

1. **Can you claim?**
A quick check to see if you can make a claim.
2. **Your claim**
All the information needed for your claim.
3. **Submit claim**
Your responsibilities and likely payment.
4. **Next steps**
What you need to do next to be paid Universal Credit.

Below the steps, it states: "It should take between 20 and 40 minutes to complete your claim." Underneath, there is a section titled "What you need to complete your claim" with a bulleted list:

- your National Insurance number
- details of a bank, building society or Post Office account into which your Universal Credit will be paid

Further information can be obtained from the Universal Credit Helpline: 0345 600 0723 (Textphone: 0345 600 0743).

Industrial Injuries Disablement Benefit

Industrial Injuries Disablement Benefit (IIDB) is payable if you are disabled as a result of an accident at work or a disease caused by a job.

To qualify you must (generally) establish:

1. You were employed
2. You suffered a personal injury in an industrial accident or are suffering from a prescribed industrial disease
3. As a consequence are 'disabled' and are defined as having at least 14% disablement

Disablement is assessed by comparison to a person of the same age and sex as yourself whose physical and mental condition is normal.

Jobcentre Plus has a list of diseases known to have a link to particular occupations and these are known as 'prescribed industrial diseases'.

IIDB is not means-tested, nor is it subject to National Insurance contributions. It does not affect any other national insurance benefit such as Incapacity Benefit or Retirement Pension. However, IIDB will affect income-related benefits that you or your partner receive such as Income Support, Housing Benefit and Council Tax Benefit.

Do not delay in claiming because IIDB cannot be paid for a period of 3 months before the date of your claim. However, you are not able to obtain the benefit for the first 90 days (not including Sundays) after your accident and you should therefore consider claiming 2 months after the accident.

The Jobcentre Plus medical will assess the percentage disablement. No payment will be made if the disability is less than 14%. Over 14%, the amount of benefit payable will depend upon the percentage disability.

If the assessment is less than 14%, providing it is registered at the time of assessment, it can be added to subsequent assessments in respect of further industrial accidents or disease. Even if each assessment is less than 14%, a payment of benefit will be triggered if, when added together, the assessments exceed 14%.

Awards of benefit are made for the period you are expected to continue to suffer from the relevant loss of faculty and can be made for an indefinite period.

Personal Independence Payment

This benefit is currently payable to those aged 16 to 64 who have a long-term health condition or disability and difficulties with activities related to daily living or mobility.

To be eligible you must have had the difficulties for 3 months and you must expect them to last at least 9 months (unless you are terminally ill and you don't expect to live more than 6 months).

Daily living and mobility are each made up of two components: standard and enhanced. It depends on how your condition affects you as to whether you get one or both of these components.

Claims can be made by telephoning 0800 917 2222 (Textphone: 0800 917 7777).

There are special rules which apply if you were born after 8 April 1948, are aged over 65 and were previously receiving Disability Living Allowance; you will be invited to apply for Personal Independence Payment. You do not need to do anything until you are contacted by the Department of Work and Pensions.

NHS Injury Benefits

The NHS Injury Benefit Scheme forms part of the terms and conditions of NHS employment. Benefits are available to NHS employees who have suffered an injury attributable to their duties.

Where the accident, disease or other health condition was sustained before 31 March 2013, an application can be made for Temporary Injury Allowance (TIA) or Permanent Injury Benefit (PIB).

Where the accident, disease or other health condition occurred after 31 March 2013 the application will be for Injury Allowance. The Injury Allowance scheme is administered by employers.

If compensation is received for an injury this will be taken into consideration when the level of Injury Benefit award is assessed. This may mean that some or all of any NHS Injury Benefit may need to be paid back from any compensation received. This is why it is important for you to tell us if you are receiving any of these benefits.

If you have queries about your entitlement to these benefits you should speak to your union representative or raise them with your human resources department.

Civil Service Pensions Injury Benefits Scheme (CSPIBS)

The CSPIBS scheme provides benefits to members who suffer reduced earning capacity as a result of injury at work suffered in the course of official duty.

It is a 'no fault' scheme and entitlement to benefits does not mean that a member necessarily has a personal injury compensation claim that is likely to succeed.

It should also be noted that if a member does successfully pursue a claim for compensation

against the employer and is in receipt of these injury benefits, they will be taken into consideration and will probably have to be repaid upon settlement of the personal injury claim. Claims may be made by a surviving spouse or civil partner; children or parents in the event of death.

Members wishing to apply for these injury benefits are advised to contact their union and/or their department/agency's superannuation section in the first instance.

And finally

If you are satisfied with the way we handled your case, please recommend us to your family and friends.

And remember, if you are a union member, you and your family can receive free legal advice and assistance. Whether your accident is at work, on the road (as a driver, passenger or pedestrian) or for any other personal injury, Thompsons can help.

We can also help members of your family, with any non-work related accident injury claim, as well as offering "no win, no fee" terms to a friend if they get injured.

“*Could not have had a better service than I received with Thompsons solicitors. The solicitor that represented me was the most thoughtful and helpful person in regard to my claim, he returned my calls promptly and kept me informed on a regular basis. My thanks to my solicitor and my thanks to Thompsons.*”

David

“*The level of professionalism from beginning to end made me feel comfortable and secure in our judgement. I have nothing but praise to you and your firm. I would definitely recommend you to anyone else.*”

Robert

Useful contacts & information

Brake

A national road safety charity

01484 559909

www.brake.org.uk

Citizens Advice Bureau

Provides free advice to help people resolve legal and financial problems.

www.citizensadvice.org.uk

Criminal Injuries Compensation Authority

Compensates victims of violent crime in England, Scotland and Wales

0800 358 3601

www.cica.gov.uk

Department for Work and Pensions

For information about benefits

0800 882 200

Textphone 0800 243 355

www.gov.uk/dwp

Motor Insurers' Bureau

Compensates the victims of negligent uninsured and untraced motorists

0845 165 2800

www.mib.org.uk

Financial Ombudsman

The ombudsman will help with any complaints you may have about your motor insurer:

0845 080 1800 or 020 7964 0500

www.financial-ombudsman.org.uk

Health and Safety Executive

Protection of people's health and safety

0845 345 0055

www.hse.gov.uk

Royal Society for the Prevention of Accidents

Promotes safety and prevention of accidents in all areas of life

0121 248 2000

www.rosipa.com

0800 0 224 224

For more information visit:

www.thompsons.law.co.uk



@thompsons injury

The information contained in this booklet is not a substitute for legal advice. You should talk to a lawyer or adviser before making a decision about what to do. Thompsons Solicitors is a trading name of Thompsons Solicitors LLP and is regulated by the Solicitors Regulation Authority.

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