

# RMT Personal Injury Legal Services

SOUTH WEST REGION Autumn/Winter 2013



Legal Helpline 0800 587 7516

## Unsafe station environment

**BRISTOL WOMAN Helen Abbott was walking along a platform at Bristol Temple Meads station to catch her train when she slipped on a wet floor caused by a roof leak and suffered a broken ankle that required surgery and a period in hospital.**

Although not a union member, Mrs Abbott was referred to Thompsons Solicitors by the RMT due to its friends and family service. Investigations showed that a roof leak in the station had been reported but not repaired. This made the marble platform surface extremely slippery.

While she has recovered and returned to work, the injury means that Mrs Abbott has an increased risk of developing arthritis that may require surgery in the future.

The station operator admitted failure to maintain a safe environment and Thompsons secured comp-

ensation of £27,500 for Mrs Abbott. This case highlights the RMT's extended friends and family service and Thompsons' policy of awarding 100 per cent of compensation to the claimant.

### Slippery substance

At the same station, Rebecca Shepherd-Dixon slipped and fell backwards down a flight of stairs. A slippery substance had collected on the shiny marble floor that made it dangerous.

Ms Shepherd-Dixon suffered a jarring injury to her lower back, which exacerbated a pre-existing condition. The effects of the injury are expected to last for between 12 and 18 months.

The RMT instructed Thompsons Solicitors to advise their member who then was awarded £3,500 from the train station operator, First Greater Western.

## Member injured by chair collapse

**AN RMT member from Penzance suffered soft tissue injuries to his neck and back and a laceration to his back when a chair he was sitting in at a chemist collapsed.**

Richard Moon was referred to Thompsons by his union and received £3,500 in compensation from the defendant who had failed to ensure that the chairs provided for customers were safe to use.

## Negligence causes permanent knee injury

**BUS DRIVER Carole-Anne Wescott from Exeter, suffered a swollen knee after driving a bus with a stiff accelerator.**

It required excessive force to use the pedal and, although the RMT member reported the fault, her employers, Stagecoach Devon Limited, asked her to continue with her journey.

By the time she returned to the depot, Ms Wescott was in pain and her knee had swollen significantly.

Due to the faulty pedal, Ms Wescott had to undergo surgery to her right knee and continues to experience ongoing permanent residual symptoms that cause difficulty for her when bending her knee and climbing stairs.

This condition has meant she had to leave her job as a driver and instead take alternative employment on less pay and shorter hours.

The RMT instructed Thompsons Solicitors who secured compensation of over £21,000. If Stagecoach Devon Limited had provided the member with an alternative bus once the problem had been raised, Ms Wescott would only have suffered minor aching for a few hours.

If you need advice about an accident that has happened at or away from work or an illness or disease which you believe is related to your work, or caused by another person's negligence contact your Branch

Secretary or telephone the RMT helpline on

**0800 587 7516**

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## Slip caused by a dimly lit working environment

**IN DIMLY lit conditions, bus driver Stephen Negus slipped on an unexpected sloping section of a platform, fell and suffered two broken fingers.**

Stephen, from Hayle in Cornwall, had parked his bus on a raised parking bay at the depot of his

employer, First Devon and Cornwall Limited.

Instructed by the RMT, Thompsons secured £9,000 from Mr Negus' employer due to their failure to properly light the depot and warn of the slope with appropriate signage.

## Faulty door caused bus driver arm injury

**FALMOUTH RMT member, Julie Diamond, received £4,500 in compensation from her employer, First Devon and Cornwall Ltd, after her arm became trapped in a faulty door.**

The bus she was driving had a faulty door that had to be opened manually.

It closed with great force on her arm.

She suffered a soft tissue strain to her elbow and forearm, that was eventually resolved after physiotherapy.

Thompsons worked to secure Ms Diamond compensation on the basis that the defendant had failed to properly maintain the bus.

### As an RMT member you receive:

Free legal advice and representation on:

- Personal injury at work (including assaults)
- Personal injury away from work
- Road traffic accident injury
- Holiday injury
- Slips and trips
- Industrial disease or illness
- Employment law accessed through your RMT branch

Free legal advice for:

- Any non-work issues such as landlord disputes, neighbourhood disputes, matrimonial and consumer issues
- Free wills
- Criminal law representation (for work-related matters)

### For RMT members and their families we offer:

Free legal advice and representation on:

- Personal injury away from work
- Road traffic accident injury
- Holiday injury
- Slips and trips away from work
- Industrial disease or illness incurred away from work

Special terms for clinical negligence cases

Reduced rates for conveyancing and wills

**CONTACT RMT LEGAL HELPLINE ON 0800 587 7516 FOR ADVICE**

## Struck by loose contact shoe

**COLIN BROMLEY, an RMT member, required two knee operations and lost his job after he was struck by part of a train while carrying out his duties.**

He was working as a site supervisor when a train approached.

He instructed his team to stand back from the track for their safety.

As the train approached, one member of Mr Bromley's team saw smoke and ballast being thrown out from underneath the train.

As the train passed, a contact shoe, which conducts electricity from the rail, came off the train and struck Mr Bromley on the leg.

Mr Bromley's employment was terminated on grounds of capability.

Claims were made against both his employers and the train operating company. Both denied any fault so Thompsons issued court proceedings and the employer eventually admitted liability.

The matter was listed for trial but a settlement of £135,000 was accepted by Mr Bromley.

## Damages for road accident victim

**MRS SMITH, the wife of an RMT member, suffered injuries in a road traffic accident.**

A claim was brought on her behalf by Thompsons via the RMT family scheme. This scheme enables family members to get legal assistance for non-work-related accidents.

The other driver did not accept fault for the accident, court proceedings were issued and Mrs Smith received damages of nearly £8,500.



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# Deafness caused by work exposure

**NICHOLAS GARDNER** from Bath won compensation after developing noise-induced deafness from two periods of work in the 1970s and 1980s.

Mr Gardner was employed by Stothert & Pitt as an apprentice electrician from 1972 to 1977 where he was exposed to noise created by a range of machinery in the company's foundry, fitting shop and machine shop.

From 1979 to 1984, the RMT

member was employed by Isis Plant as a fabricator and welder, a role that required the use of sledgehammers, grinders and welding equipment, and involved frequent engine noise.

Both employers failed to provide appropriate hearing protection and to reduce the level of noise exposure.

Despite neither of Mr Gardner's employers still trading, Thompsons Solicitors was able to secure nearly £7,000 in compensation.

## South West Clinical Negligence Team

The Thompsons Clinical Negligence Unit assists union members and their families who have suffered injury arising from care received from medical or dental professionals.

The NHS is wonderful and allows all of us free access to some of the best medical care in the world. However things do go wrong. We can also help when things go wrong with private treatment.

This team brings together specialist clinical negligence lawyers to fight for compensation for those injured through no fault of their own. We work closely with the South West Serious Injury Unit, another specialist unit dealing with complex and life-changing injuries.

Medical treatment involving injuries such as amputations, birth injuries and surgical errors can change lives forever for members and their families.

Just as with personal injury claims, the link between the union and its members can be vital in ensuring that members are helped after an injury and to ensure that they are aware that they can get access to a specialist clinical negligence lawyer.

Our specialist lawyers will investigate a claim and will advise if a claim has reasonable prospects of success. Should liability be admitted, they can endeavour to obtain interim payments to assist the client with the immediate financial difficulties they may face.

In the South West, the Clinical Negligence Unit advises and supports union members and their families who have suffered injuries

such as:

- Birthing injuries
- Cerebral Palsy
- Delayed diagnoses
- Amputations
- Undiagnosed fractures
- Gynaecological/urological injuries

As with personal injury claims, the union can help their members and/or their family:

- Serious medical injuries are often known about by colleagues/friends at work or publicised in the media
- A proactive approach to contacting the member or their family can ensure that your member gets advice from Thompsons
- Done sensitively this can relieve the worry from a family member. They know where to turn to when they are ready.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into force on 1 April 2013. This Act allows deductions by solicitors from compensation. It is crucial that those affected by clinical negligence use their union membership so they secure beneficial terms through Thompsons.

We are able to offer union members a deduction of up to a cap of 10 per cent of their general and past losses only. Other firms are applying up to 25 per cent of their general and past loss damages. Union membership is therefore very beneficial for your members and offers them access to legal advice at better rates than other solicitors.

## Whiplash injuries

**LONDON UNDERGROUND** worker Ricky Long, from Illford, was a passenger in a works vehicle that was slowing before traffic lights when it was hit from the rear by another vehicle.

Instructed by the RMT, Thompsons' Bristol branch represented Mr Long and secured over £8,000 in compensation for the whiplash injuries he suffered.

In a similar incident, a Network Rail worker from London, Francis Lukeman, was a front seat passenger when a van drove over a bollard causing it to become so stuck the bollard had to be manually removed.

Mr Lukeman suffered whiplash to his neck and back and, after instruction from the RMT, Thompsons settled the case on his behalf for nearly £4,000.

## About Thompsons

Thompsons Solicitors is the largest national specialist personal injury practice in the country with over 1000 staff in a network of offices nationwide.

We secure over £150m in compensation each year for people who have been injured and suffered loss as a result of accidents caused by the carelessness of others.

Thompsons only works for injured people, never for insurance companies or employers.

Please email [newsletters@thompsons.law.co.uk](mailto:newsletters@thompsons.law.co.uk) to let us know if this newsletter was helpful and what topics you would like covered in future.

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If you would like more information about the work of the Clinical Negligence Unit in the South West please contact Madeleine Pinschof at [Madeleinepinschof@thompsons.law.co.uk](mailto:Madeleinepinschof@thompsons.law.co.uk) or on 0117 304 2459.