

# Brain injury: A guide to compensation



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**MOORE BLATCH**  
solicitors



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## Introduction

Traumatic brain injuries can have a catastrophic and life changing effect for those people who have been involved in accidents and their families.

Claims for brain injury should only ever be dealt with by specialist serious injury solicitors with the necessary qualifications and experience to deal with the complex issues involved.

The brain is a complex organ and traumatic injuries can affect it in a number of ways. As a result, brain injury claims are complicated and it is important to have an experienced legal expert on your side.

At Moore Blatch our highly qualified, specialist solicitors have over 30 years of experience in dealing with claims for brain injury and will ensure that not only do you receive appropriate compensation for your injury but that you receive the necessary rehabilitation and treatment to help you return, as much as possible, to independent living.

Our advice will help you to win the right amount of compensation for your immediate requirements and your ongoing rehabilitation and support.

We work all over the UK and are happy to meet with you at your home, in hospital or wherever would be the most convenient place for you.

Over the years we have built up an extensive network of medical and care professionals who assist us in assessing your requirements including:

- care and rehabilitation;
- housing and housing adaptations;
- aids and equipment;
- mobility and transport.

To ensure that the most comprehensive evidence is obtained to support your claim, we work with leading national specialists including neurologists, neuropsychologists and rehabilitation consultants. We also work with the leading barristers who specialise in brain injury claims.

*We offer all clients a 100% compensation guarantee. This means that we will not deduct any money from any compensation that is awarded.*

## What is a brain injury?

The brain controls everything we feel, think and do. The brain itself is extremely fragile and is protected by the skull, therefore any injury to the head can ultimately result in brain damage.

A traumatic brain injury can cause many diverse physical and psychological difficulties. While the symptoms of brain injury can appear immediately, they might not be apparent for days, or even weeks, after an accident.

If you or a member of your family have been involved in a traumatic accident it is important to be vigilant for the signs of mild or severe brain injury. The sooner a problem can be detected, the more quickly it can be treated.

There are many circumstances where a brain injury can be sustained and we are experienced in dealing with and succeeding in claims resulting from:

- Road traffic accidents
- Bicycle or pedestrian accidents
- Motorcycle accident
- Falls from heights
- Industrial and construction accidents
- Sports accidents
- Neurological trauma due to medical negligence
- Assaults

An injury to the brain can have a devastating effect on your ability to manage your own life. A brain injury can affect your work and home life and your relationships with family and friends.

Some of the most common difficulties following a brain injury are:

- Poor memory
- Personality changes
- Loss of physical sensation
- Poor concentration
- Inappropriate behaviour
- Fatigue
- Poor planning
- Impairment of movement
- Lack of insight

It can be difficult for people around you to understand the full consequences of a brain injury. There can be hidden disabilities arising from a brain injury and it is often not easy for others to understand how you are feeling. We understand that you require just as much support with this aspect of your injury.

“I'd like to thank Damian and James for all you have done for me. From the beginning you took great care to take the stress out of what would otherwise have been an unbelievably traumatic time for us.”

## How much compensation will I receive?

If your claim is successful you will be awarded compensation. The aim of compensation is to put you in the same financial position you would have been in if your accident had not occurred.

Compensation falls into two parts:

- **General damages** – compensation for your injury
- **Special damages** – this represents actual financial losses you may have sustained from the date of the injury (past losses) and those likely to arise in the future (future losses).

### General damages

The starting point for assessing the value of your injuries in monetary terms is medical evidence. We will arrange for an independent

medical examination to be carried out by a specialist medical expert who will have access to your medical records and will see you with a view to providing a detailed report. The report will document precisely what injury you have sustained and will provide details of any recommended treatment and/or recommendations for further examinations with other medical experts.

When the medical evidence is complete it will be possible to advise you as to the likely value of your claim for your injuries.





### Special damages – past losses

You are entitled to claim for any financial expenses that you have incurred as a result of the accident. This could include the following:

- Loss of earnings;
- Travel expenses incurred attending appointments at the hospital or GP surgery;
- Medical expenses;
- Care provided by a friend or family member on a gratuitous basis;
- Personal belongings and clothing damaged in the accident; and
- Additional heating costs.

These are just a few examples. When you start a claim for personal injury it is a good idea to keep hold of any receipts or invoices for items purchased as a result of your injuries. It is also a good idea to keep a diary with details of any care provided by a friend or family member.

### Special damages – future losses

You can also claim for any future financial losses that you are likely to incur as a result of the accident. This could include the following:

- Future loss of earnings
- Loss of pension rights
- Care costs
- The cost of aids and equipment
- The cost of private medical treatment
- Accommodation costs

These are just a few examples. Throughout your claim we may be able to obtain interim payments for you on account of damages subject receiving an admission of liability. These interim payments can be used to meet financial expenses while your claim is being settled.

In brain injury cases where future losses are likely to be significant, the future losses may be paid in the form of annual or other periodic payments rather than a single lump sum to ensure the money does not run out and is there for life.

## Medical care and rehabilitation

If you sustain a severe brain injury you will initially be hospitalised for observation. This is the acute phase of your injury. Once your medical condition is stable you will usually be referred for rehabilitation either as an in-patient or as an out-patient.

From the beginning of your claim we will work closely with you and your medical team to bring about the earliest possible access to rehabilitation. We believe that early access to rehabilitation is one of the most important aspects of your recovery.

At Moore Blatch we have vast experience of working with rehabilitation units throughout the country both in the NHS and in the private sector to ensure the continuity of your care.

Our aim is to help you to rebuild your life and we can do this by obtaining interim payments of compensation to assist with:

- Rehabilitation
- Re-education
- Training
- Housing
- Aids and equipment
- Care support
- Therapeutic services
- Case management



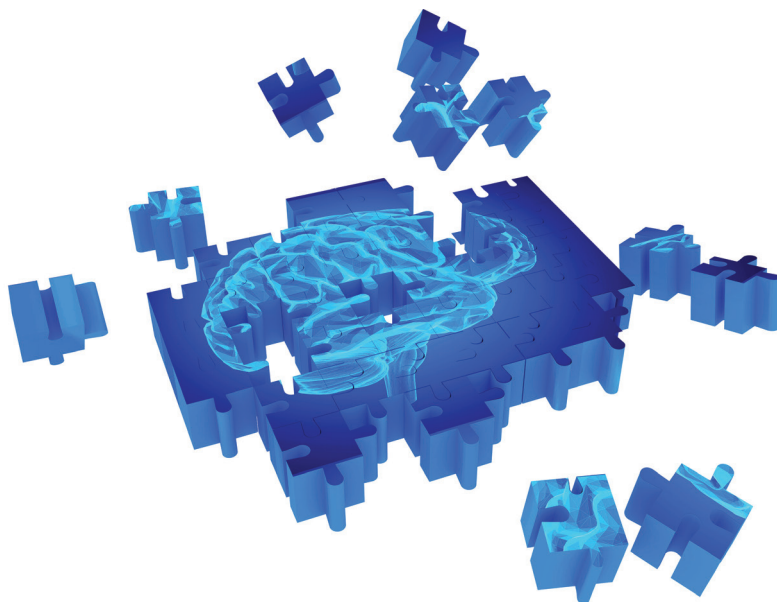


## Funding your claim

Many clients have concerns about how their claim will be funded. At the outset of your claim we will discuss the various methods of funding with you and agree a method of funding that does not expose you to any financial risk or worry.

### Conditional fee agreements (CFAs)

You may have heard of these referred to as “no win no fee agreements” and they are used to fund the majority of personal injury claims. At Moore Blatch we offer a 100% compensation guarantee which means that you will receive 100% of your damages. If your claim is unsuccessful, you will not be charged for anything.



“Thank you so much for the care you have taken on my behalf. You handled my case most professionally and I am very pleased with the outcome.”

## Court of protection and financial advice

Managing the finances and welfare of a loved one can be stressful.

If a loved one has lost mental capacity and is unable to manage their own affairs it will be necessary for a relative, friend or professional advisor to apply to the court of protection for the appointment of a Deputy. A Deputy is a person appointed by the court of protection to deal with the financial affairs and welfare of a person when they are unable to do so.

You may wish to instruct a professional Deputy to take care of the financial issues. We are experienced in undertaking this kind of work and would be happy to discuss the possibility of acting on your behalf as a professional Deputy.

We can also provide specialist advice in relation to personal injury trusts. Personal injury trusts can help clients who receive means tested state benefits to retain their benefits after receiving an award of damages.

In addition we specialise in drawing up more complex trust arrangements, drafting powers of attorney, statutory wills and arranging for property conveyancing.

As many of the cases we deal with often result in multi-million pound settlements we are also able to introduce you to advisors who can assist you with your financial affairs. Our aim is to ensure that your financial affairs are managed for the long term provision of any care and support that may be required.



## When should I contact a solicitor?

It is important that you or a family member contact an experienced brain injury solicitor to receive the best legal advice as soon as possible.



If you are unsure whether you have a claim or you are unsure whether the accident was your fault or partly your fault then contact us and one of our expert solicitors will be happy to guide you through the initial process and advise as to whether you have a claim.

Our immediate aim will be to arrange rehabilitation for you and to start work on the initial stages of your case.

In addition we can advise you on your right to state benefits, liaise with the police to keep you up to date with any criminal prosecutions arising from the accident and also advise you

on dealing with debts that may arise due to being off work.

Even if you have been told by another firm of solicitors that you do not have a claim, we would be happy to give you a second opinion free of charge.

If you have already appointed another solicitor but are not happy with the level of service that you are being provided, the way your case is being handled or the amount of compensation that has been obtained on your behalf, please call us.

“Ciaran, thank you so much for finalising my claim and the energy and determination you showed in negotiating such an excellent settlement. You have been brilliant throughout, obtaining private rehabilitation for me and then substantial interim payments.”

## Helping you now and in the future

Many people who sustain brain injuries will require support for the rest of their lives.

We will be with you every step of the way throughout the legal process and beyond.

Our priority is to maximise your compensation award in the shortest time possible. However we are aware that money alone will not help with the new challenges you will face. Our aim is to enable you to achieve an independent and fulfilling life.

We have a wide range of contacts within organisations that can assist you. These include:

- Case managers who will assist and organise any support and care you may need;
- Support workers who will visit you on a regular basis to provide you with support and help; and
- Community rehabilitation such as neuro physiotherapy and occupational therapy.

We will help with the immediate issues you will face in the days and weeks after your accident, as well as assisting with any future legal or other requirements you may have.

### Immediate assistance

- Dealing with immediate and urgent financial issues
- Speaking to your mortgage provider
- Dealing with your employer

- Checking your existing insurance policies
- Advice regarding the involvement of the court of protection
- Advice on funding your case

### Short term assistance

- Interim payments
- Equipment and aids
- Rehabilitation
- Education
- Housing/housing adaptations

### Long term assistance

- Investment of your compensation award
- Periodic payments
- Advice regarding disability discrimination
- Holiday support
- Other legal services including personal injury trusts, financial planning, wills advice and power of attorney.

We will also put you in touch with support groups such as Headway who are dedicated to helping people adjust to life with a brain injury.

## Meet our team

If you, or someone you know, has suffered a brain injury please do not hesitate to contact one of our brain injury specialists.



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## Who we work with

In recent years we have been acknowledged and recommended by leading legal directories The Legal 500, an annual directory of “the best” of the legal profession and Chambers UK as leading brain injury specialists. We are recognised by the Legal 500 as a first tier personal injury firm.

We are active supporters of Headway, the Brain Injury Association which provides free advice, support and services to people who have sustained a brain injury throughout the UK.

We also work with other groups including the Child Brain Injury Trust to raise awareness and help with their fundraising activities.

We are very proud that in 2010 we helped establish the South of England Acquired Brain Injury Forum (SEABIF) which is the regional group of the national brain injury charity the United Kingdom Acquired Brain Injury Forum (UKABIF).





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Please note that the information contained in this booklet is provided for guidance only and should not be relied upon as a replacement for legal advice. You should talk to a qualified solicitor about your specific circumstances.

The information in this leaflet is correct as at March 2015.

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