

FACTSHEET

Medical Negligence



Interim payments – a quick guide

The process of making a medical negligence claim can take some time. Even if liability is admitted early, the negotiations involved in complex cases can take years to conclude, especially if your injury or condition is severe.

Any type of negligence that results in injury is devastating. The effects of your injury may be long-term and the financial and emotional impact upon you and your family can be huge.

However it's possible to request what is known as an 'interim payment'. This is a partial payment of your likely compensation award which is paid in advance of your claim settlement.

How do I apply for a payment?

If the other party admits liability for your condition, we will request an interim payment from them on your behalf.

If our request is refused, we can apply to the court. They have the power to order an interim payment, subject to certain criteria.

You can normally request a 'reasonable percentage' of what is likely to be awarded to you as part of your compensation claim. Any interim payment made is deducted from the final amount awarded at the end of your case.

How can I use an interim payment?

The purpose of an interim payment is to ease the financial pressure caused by your injury. It can be particularly useful if you're unable to work, are self-employed or you're only earning statutory sick pay.

However you don't need to prove financial hardship to request an interim payment. It can also be used to aid your recovery by paying for access to specialist care and therapy, or for transport, equipment or any aids you need.

Will a payment affect my benefits?

You can protect your access to means-tested benefits by placing your interim payment into a compensation trust.

Compensation trusts were set up by the government to protect compensation payments made to victims of medical negligence. Placing your interim payment in a compensation trust will ensure that it is disregarded when assessing you for benefits.

If you're requesting an interim payment, you should consider setting up a compensation trust as soon as possible so that you're fully covered from the start.

See our factsheet on compensation trusts for further help and guidance. Otherwise contact us on **0117 325 2929** to speak to our team.

www.barcankirby.co.uk

Example

You've suffered a serious spinal injury as a result of negligence and you're unable to return to work. You need access to specialist rehabilitation and may have to adapt your home for wheelchair access.

Your interim payment can pay for the specialist care you need and to make adjustments to your property. You can also use it for general costs, such as paying bills.

