

A close-up photograph of a person's hands holding an orange dumbbell. The person is wearing a blue t-shirt. A large, semi-transparent purple speech bubble is overlaid on the image, containing the text 'Your simple guide to personal injury claims'.

**Your simple
guide to
personal
injury claims**

You have our best - every time

Barcan+Kirby

Personal injury, your questions answered.

We all hope we're fortunate enough not to suffer a serious or traumatic injury. Accidents *do* happen and when they do, they can have profound, long-term consequences for both the victim and their families



Thank you very much for your help over the last three years. I recall the outrage I felt at the indifference of the driver and the police to the original incident. This brings closure to the case and wouldn't have happened without you. Thank you!

Personal Injury client



Making it easier for you

If you've been seriously injured in an accident that wasn't your fault, you may have the right to make a compensation claim. Choosing a lawyer to assist you with this isn't easy; there are numerous Personal Injury solicitors to pick from and that's why it's important to find one that has the knowledge and expertise in investigating claims like yours.

Each and every client we deal with would rather be fit and healthy than going through the compensation process. Our personal injury solicitors can guide you through every step of the claims process, ensuring that wherever there is an opportunity to successfully conclude your claim at an early stage without compromising your interests, we will do so.

Should your claim go to court, we have the expertise and experience to ensure you have the very best possible representation to help you achieve a fair outcome.

Starting a compensation claim can seem like a complicated and expensive process. A wealth of information is available online, but much of it is complex or even contradictory. That's why we've published this straightforward guide to personal injury claims, which keeps the key points and principles in one place.

Personal injury, the basics.

Our personal injury solicitors act for clients throughout the UK on a wide range of personal injury compensation claims. Our expertise can be applied across a broad range of areas, including car, cycling and accidents at work, as well as more complex cases involving amputations, traumatic brain damage and fatal injuries.

Our Personal Injury team has a top ranking for their expertise and quality of their work by Chambers and Partners UK, and a top ranking for the South West by Legal 500.

The team are also included in the Headway Head Injury Solicitors Directory and listed in the Spinal Injuries Association Guide to choosing a specialist Personal Injury Solicitor.

One thing many people find reassuring is that the majority of personal injury claims can be resolved without the need for you to go to court. This is because many claims are resolved via a pre-trial settlement. This means you can usually secure compensation faster, at lower cost and with significantly less stress.

Our personal injury solicitors can guide you through every step of the claims process, ensuring that wherever there is an opportunity to successfully conclude your claim at an early stage without compromising your interests, we will do so. However, where your claim does go to court, we have the expertise and experience to ensure you have the very best possible representation to help you achieve a fair outcome.

We offer a no obligation 'no-win, no-fee' consultation with a member of our specialist personal injury team to talk about your options and how best to fund your claim.

'No win, no fee' explained

No win, no fee is also known as a 'conditional fee agreement' (or CFA). As part of your CFA, we'll take out insurance on your behalf - this covers the cost of any legal fees (including ours) if you lose your case.

If you're successful in your claim, the CFA lets us claim most of the legal fees back from the defendants.

Compensation

the process.

When you first speak to our Personal Injury team, we will talk through the incident that occurred and the impact on you. We will then give an honest appraisal of whether we think your claim merits further investigation, as well as discussing the various options for funding your claim.

Notifying the wrongdoer of legal action

Once you and our team are happy to proceed with the claim we will notify the wrongdoer, setting out the details of your claim and what we allege they did wrong.

The defendant's response

The defendant is required to respond to your claim. This can take up to four months but in some cases, may be as quick as 15 working days from the date of notification. We can take action to ensure they respond in a timely fashion to keep your claim on track. The defendant will usually either admit full or partial liability, or deny responsibility for any wrongdoing. Whatever their response, we will talk you through your options and advise you on how best to proceed.

Building your case

This may involve various steps, such as gathering witness statements. We need to be able to prove the facts of the case, including exactly what happened, how this negatively impacted you and the full consequences for your life.

The amount of compensation will take into account how the injuries affect you now and in the future. The claim is valued on the basis of two elements: General Damages (the injury element of the claim) and Special Damages (the financial loss element).

General damages are based upon medical evidence, so we would obtain a medical expert's report to consider and assess the injuries suffered as a result of the accident. Special damages are designed to put you back in the financial position you would be in if the accident had never occurred. It's important to keep receipts and invoices wherever possible to prove these losses.

Court proceedings

If further action is required, we can start court proceedings by issuing your claim and submitting 'Particulars of Claim' setting out the details of your case to the court. The defendant has 28 days to respond, after which the court will set the timetable for the litigation including a trial date for a judge to hear your case. This is typically around 18 months from when the defendant responds to your claim.

It is important to note, however, that it's rare for claims to reach this stage as they can usually be resolved earlier through pre-trial negotiations.

Going to trial

If we are not able to reach an out-of-court settlement, we will ensure you have the very best possible representation for your hearing. Our experience in court hearings ensures your case is effectively built and presented, and that no potential angle is overlooked.

Personal injury claim hearings are heard in front of a judge without a jury and give both sides the opportunity to present their arguments and supporting evidence. The judge will then make a final decision.

Funding your claim.

If you're thinking about making a personal injury compensation claim, it's only natural to be concerned about funding the cost of your legal action. If you've been involved in a serious accident, your personal injury claim is your one opportunity to be properly compensated for your injuries and financial losses.

That's why it's so important that you don't let worries about money stop you seeking specialist, professional advice as soon as possible.

You have four funding options:

Conditional Fee Agreements (CFAs)

Often referred to as a 'no win no fee', a conditional fee agreement means that if you lose your injury claim, you won't be liable for our time and costs. As part of this option, we can also arrange insurance that protects you against paying the defendant's costs and our out-of-pocket expenses.

If you win your case, your opponent will pay the bulk of your legal costs and expenses, with any unrecoverable costs being deducted from your final compensation award.

Legal Expenses Insurance

Legal expenses insurance is often included as a benefit or optional add-on to an insurance policy, such as home or vehicle insurance. It often covers personal injury claims, normally providing indemnity cover to a certain limit for your legal fees and expenses, regardless of whether you win or lose your case.

Please let us know if you want us to check your policy to see whether you have cover in place. Alternatively we can arrange 'after-the-event' insurance for you, whereby there are no upfront costs and the premium is only payable if you win at the end of your claim.

Trade Union funding

If you're a member of a trade union or you're entitled to their benefits, it's possible that the union will cover some or all of your legal costs for a personal injury claim.

You should be aware that trade unions often have a preferred panel of solicitors they refer to, therefore we'll need to talk to them before we can represent you.

Private funding

If your case doesn't initially appear strong enough for a 'no win no fee' agreement, we can undertake a preliminary investigation for you on a private funding basis. We'll provide an estimate of our fees in advance.

If the results of this are positive, we may then be able to take on your case on a conditional fee arrangement basis.

Your questions answered.

How long does it take to claim compensation?

It's difficult to put an exact date on each case, as every claim is different. Some simple cases can take 12 to 18 months, whilst more complex claims can take significantly longer.

Is there a time limit for making a claim?

Yes, your claim should usually be issued with three years of the date of the accident, or if the accident happened before your 18th birthday you have until your 21st birthday to issue the claim.

In either case we recommend speaking to one of our personal injury lawyers as soon as possible about whether your claim can be made within an appropriate time frame.

How much will it cost to make a claim?

It depends entirely on the nature and complexity of your personal claim. If you have a suitable basis for a claim, we can normally offer a 'no win, no fee' arrangement. You may even have an existing insurance policy that will cover the cost of your claim.

Speak to our personal injury solicitors who will advise you of your options and the best way to fund your claim.

What if the defendant denies accountability?

We will assess why the Defendant denies fault and discuss with you ways to overcome and challenge their denial.

Can I make a claim against an uninsured driver?

Yes, you can still make a claim if you've been injured by an uninsured driver, however your claim is likely to involve the Motors Insurance Bureau in addition to the uninsured driver.

Our personal injury solicitors in Bristol have successfully represented clients in this situation and can talk to you about your options.

Can I be sacked for making a personal injury claim against my employer?

No, your employer can't take action against you for this reason. It's worth bearing in mind that compensation claims for workplace accidents are normally dealt with by your employer's insurance company and not by your employer themselves.

If you *have* been sacked then our colleagues in the **Employment Law team** may be able to assist.

Our Personal Injury team members are accredited by the Law Society Personal Injury Accreditation Scheme

What happens next?

We know that the effects of personal injury cases last long after you've received compensation. You can claim compensation for losses you've already incurred, as well as for any help you'll need in the future.

We can act as your advocate whilst we work on your claim; this may involve you seeing a specialist or securing interim payments from the defendant in order to access rehabilitative medical treatment.

Get in touch

One thing we know is that all personal injury claims are different and you probably have specific questions about your own case. A personal injury specialist will help you understand whether you can make a claim. We promise to treat you with respect, empathy and understanding.

We won't pressure you into making a claim and speaking to us over the phone doesn't mean you're obliged to instruct us if you want to go ahead. Most importantly, all conversations about personal injury claims are conducted in strict confidence and have no upfront costs.

Although we're based in Bristol, we act for clients across the UK. And if you can't get to our offices, we'll visit you at home.

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