

Expenses

You must provide evidence of any financial losses claimed:

- Keep receipts for expenses incurred
- Keep a record of all expenses incurred as a result of the incident including travel expenses, medication costs, damaged items, and loss of earnings

Medical Evidence

You should seek medical advice from a hospital or GP as appropriate, depending upon the injury sustained.

Medical evidence is required to support your claim. Depending on the nature of the injury, you may be required to be examined by an independent doctor for the purpose of obtaining a report.

The medical report will provide details of the injury sustained, the effects of the injury on you and how long your recovery will take.

The report will also provide information about any future medical complications or problems that you may have as a result of the incident.

Medical evidence is extremely important. It is not possible to accurately assess the value of most personal injury claims without medical evidence.

Choosing a solicitor

If you want to take legal action over a personal injury you should consult a solicitor who is a member of the Law Society's personal injury accreditation scheme. The Law Society can give details of solicitors on these accreditation schemes and can be contacted at:

Email: findasolicitor@LawSociety.org.uk

Website: www.lawsociety.org.uk

The Association of Personal Injury Lawyers (APIL) is a not-for-profit association of solicitors, barristers and academics who specialise in personal injuries work. Many lawyers belonging to APIL are part of an accreditation scheme. They may be useful in helping you find a solicitor who can deal with your case. You can find out more about APIL at:

Email: mail@apil.org.uk

Website: www.apil.org.uk

We are committed to being accessible to everyone. If you require this document in an alternative format or translation, please call Finance on Telephone 01635 519174.

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Making a Personal Injury Claim

What happens next?



Making a Personal Injury Claim

We understand that this can be a worrying time and if you haven't made a claim before, you may not know what to expect.

This leaflet will explain what you may need to do.

Your claim will be dealt with by the Council's insurer and their handling agent, Gallagher Bassett who will contact you directly.

Time Limits

There are different time limits within which you must begin a personal injury claim.

The most common claims in personal injury cases are breach of statutory duty and negligence – the time limit for this is 3 years. This means that your claim (and any subsequent court proceedings if necessary) must be issued within 3 years of you first being aware that you have suffered an injury.

Claims involving a minor

If the injured person is a minor, then a claim can be made on their behalf by their parent or legal guardian. If no claim is made, the minor has the right to make a claim in their own name when they reach the age of 18 years. They then have a period of 3 years in which to make the claim, i.e. until they reach the age of 21 years.

Compensation

To claim compensation, you must prove that the incident or injury was caused by the negligent actions of the Council or that the Council was in breach of its statutory duty.

If you have caused the incident yourself, or no-one is to blame, it will not usually be possible to make a personal injury claim.

Information Required

You will need to provide details about the incident. It is important that you keep a record of the details including:

- What happened? You will need to provide a detailed record of how the incident occurred.
- When did the incident happen? The incident date and time will be required.
- Where did it happen? The exact incident location will be required.
- How were you injured? What injuries did you sustain? What medical treatment did you require?
- Who was involved? Names and addresses of anyone involved in the incident will be required.
- Are there witnesses? Make a note of the contact details for any witnesses
- Registration numbers of any vehicles involved

Photographs

Photographs and video can be very helpful to support your claim. If possible, you should try to take photographs of:

- The incident location
- The cause of the incident, e.g. a raised footpath, pothole, spillage or defect
- Damage to any property or vehicles
- Visible injuries such as bruising

Measurements

Measurements and photographs are particularly important in personal injury incidents.

If you have tripped on a pothole or footpath for example, it is helpful if you can measure and photograph the defect. This should only be done in areas where it is safe to do so.

Maps and sketch plans showing the incident location can also be helpful.

Reporting the Incident

The incident should be reported to the Council as soon as possible so that any necessary remedial action can be carried out.

www.westberks.gov.uk/reportaproblem