THOMAS DUNTON
SOLICITORS

"I couldn't have asked for a better service. Very friendly. Thank you very much."

PERSONAL INJURY NEWSLETTER

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Welcome

NO ONE wants to have an accident, even a minor one can have an impact on our lives. When the accident is not our fault, this can be even more upsetting. Luckily the law is there to protect people when this happens. At Thomas Dunton, we have helped people navigate the personal injury landscape for decades; we always try to achieve the highest compensation award and rehabilitation costs for our clients.

It can be tempting to use a national personal injury company to process your claim, but a generic helpline cannot compete with the expertise offered by a solicitor who spends time listening to your case and providing a personal service. It helps them understand the impact the accident has had on your life.

This is why we always offer a free, one-hour consultation with one of our personal injury solicitors.

We've been standing up for people's legal rights for over 40 years.

If you need us, we're here.

The Thomas Dunton Team



The impact of the coronavirus

2020 will be remembered in history as the year that we were all affected by the global pandemic that is the coronavirus. No one could have predicted the impact that the virus would have on our lives and how we live them. The repercussions of it could sadly stay with us for a very long time.

Through your work or social interaction, the virus may well have adversely impacted your physical or mental health.

If you think that you, or someone you love, have been put at risk by an employer or organisation, and this has subsequently affected your health, then we may be able to help.



As it is still early days to fully appreciate the impact this may have on people's health, you have three years to bring a personal injury claim.

Our team are here to help, so call us if you are unsure if you have a case.

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"The service I received was efficient and professional. I felt valued as a client. Everything was dealt with efficiently and satisfactorily."



Clinical Negligence: when things go wrong

THE term clinical negligence (also known as medical negligence) is referred to a lot; but what does it actually mean? In simple terms it relates to an injury that has occurred because of the fault of a healthcare provider.

This can be through a misdiagnosis, a mistake during a procedure or operation, wrongful administration of a medication, misinformation about the risks involved or not obtaining informed consent for treatment. It doesn't just relate to the NHS or a private hospital, but also to defective products and equipment, and can also include how a hospital is managed. If any of these things have caused you an injury, then you may have a compensation case.

For a successful claim of clinical negligence, negligence and causation need to be proven. In plain English this means that the medical attention that you received fell below an expected level and that this negligence **directly** led to your injury.

You can also bring a case for your next of kin if they have passed away, or lack capacity to represent themselves. Clinical negligence cases are often complicated and can take a long time to resolve, so it is advisable to get specialist legal help as soon as possible. You must start your legal claim within three years of the incident. For children this is longer and is normally up until their 21st birthday.

Recent experience of the Thomas Dunton Personal Injury dept

- Obtaining recompense for an individual injured on a construction site
- Obtaining compensation for negligent failure in clinical treatment
- Securing damages for factory worker suffering RSI
- Securing damages for worker injured at sea
- Recovering damages for claimant resident in Australia
- Recovering monetary sum for a client injured by defective consumer product

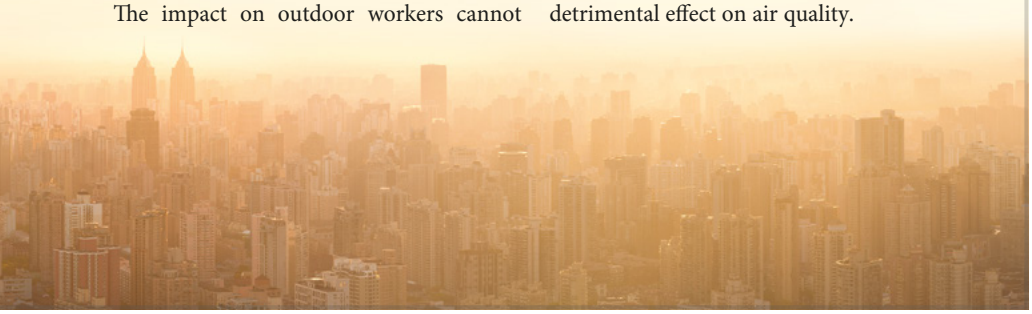
What's in the air that we breathe?

WE don't always give much thought to the air that we breathe, but maybe we should.

The British Safety Council has called for air pollution to be recognised as an occupational health hazard following research which has linked it with up to 36,000 early deaths a year in the UK. Research from King's College London suggests that more than 9,400 people die prematurely due to poor air quality in London alone. Ambient air pollution is linked to cancer, lung and heart disease, type-2 diabetes, infertility, and early dementia.

The impact on outdoor workers cannot be underestimated. The British Safety Council launched a *Time to Breathe* campaign in 2019, to gain insights into air pollution and how to reduce its exposure for workers. Through their app, they are able to deduce that the levels of air pollution are in excess of the World Health Organisation guidelines.

It's not only outdoor workers that are affected by air pollution. We are all exposed to it. Air pollution can be found in both man-made and natural sources. Exhaust fumes, transport, industrial processes, farming, energy generation and domestic heating can all potentially have a detrimental effect on air quality.



Why choose us?

- We've been standing up for people's legal rights for over 40 years
- When you speak to us you will be talking to a qualified lawyer, not a legal advisor at a call centre
- We offer a free one-hour no obligation interview to assess the impact of your injuries
- We offer a no win, no fee pay structure
- We are able to visit you at home or in hospital
- The same solicitor will deal with your case from beginning to end
- We are accredited by APIL and the Law Society for our Personal Injury work
- We will look to secure funding for your rehabilitation – not just the maximum compensation offered
- We offer a free interview where we can assess your claim, please call Freephone 0800 146340

This information is of a general nature and may not relate to your individual circumstances. It should not be relied upon and we accept no liability if it is.

"From the outset, everything was explained clearly, including timeframes and expectations. If you need a personal injury lawyer please choose this firm."





Dangerous Professions

Agricultural workers

OVER the last five years, the number of workers who have died in the agricultural industry has made it one of the most dangerous professions in the UK.*

If you are employed in this sector, your employer has a duty of care to ensure that that your workplace is a safe environment. This also means that you have been trained on relevant equipment and that machinery is fit for purpose.

Tree surgeons

BY the nature of their job, tree surgeons often find themselves in precarious positions and so it is imperative that they have the right equipment and knowledge to ensure that they are protected at all times. (According to statistics from the Health and Safety Executive, falling from a height is the most common fatal accident in the workplace.)

Assess the risks

The Work at Height Regulations 2005 serves to prevent death or injury caused from a fall from height. This means that:

- Work is properly planned, supervised and carried out by competent people
- The right type of equipment for working at height must be used, and those using it are properly trained to do so
- Equipment must be safe and in fully working condition
- Employers and those in charge must first assess the risks
- Employees must take reasonable care of themselves and others

**HSE*

Workplace Accidents

ALL employers have a duty to protect their workers, contractors and visitors from accident or injury. Unfortunately accidents happen, and during 2018/19 the following occurred:*



- 1.4 million work related ill health cases were reported
- 600,000 workers sustained a non-fatal injury
- 28.2 million days were lost due to work related ill health and non-fatal injuries
- 147 fatalities occurred at work
- 600,000 work related stress, depression and anxiety cases
- 500,000 work related musculoskeletal disorder cases

If you have an accident at work, and you believe that this is the fault of your employer, you may be entitled to compensation.

There is a strict time limit in which you may make a claim for compensation of three years from the date of the accident.

**HSE 2020*

Personal Injury: no win, no fee



What does this term actually mean?

PUT simply, it does what it says on the tin. You should not have to pay any costs, meaning there should be no financial risk to you.

No win, no fee is also known as a 'Conditional Fee Agreement'. If you do win, you will have to pay your solicitor for their time. However, most of these costs can be claimed from the defendant.

You will also need to pay a 'success fee' but this should not exceed 25% of your compensation award. There are other costs involved such as expert witness reports and court costs. These are called disbursements. Win or lose, these disbursements will be covered either by the defendant's insurers or by your own.

At Thomas Dunton, we will discuss this with you in more detail and make sure that you are fully aware of the process.

"Everything explained clearly, I was kept up to date and felt confident I had instructed the right solicitor."



Who takes care of the carer?

CHOOSING to be a care assistant is a rewarding career - your work will make a difference by improving the quality of life for your disabled, older or infirm clients. But it can be a physically demanding role where you are exposed to the risks of lifting, slipping, aggression, violence, and accidents from faulty equipment. And, of course, in more recent times: Covid-19.

What should you know?

Your employer has a duty of care to ensure that health and safety considerations are addressed and that you are safe while you carry out this worthwhile job. You should be made aware of these in your comprehensive training so that you are efficient and competent in your role. Being able to know how and where to record an incident, accident or faulty equipment is vital. You should also be made aware of your employer's health and safety policy – this will define your responsibilities and those of your employer.

What should you do if you've had an accident at work or been affected by Covid-19?

If you have suffered an injury through your work in the last three years, or your health has been affected due to Covid-19, you may be entitled to compensation. If possible, write down times, dates, witnesses, information and images (if applicable) and log it in your employer's accident book. Also, visit your GP to receive a medical diagnosis and make a note of the treatment provided.

Safety in the workplace

HERE are the Health and Safety Executive's safety tips for the workplace. Does your employer comply?

- There should be a designated person who deals with an employer's responsibilities for the legal duties of health and safety in the workplace.
- A risk assessment should be conducted, to identify hazards and potential risks.
- A Health and Safety Policy should be in place which outlines how your employer will manage the health and safety issues in the company. If there are more than five employees, this must be written down.
- Employer's Liability Insurance is a necessity for firms once they employ staff.
- Your employer should inform you what your health and safety duties are through training and information.
- Your employer must have adequate welfare facilities and provide a safe environment for you to work in. There must also be an adequately stocked first aid kit and a member of staff who can carry out first aid.
- If your employer has ten or more members of staff then they will need to have an accident book.
- Also some workplace injuries, near-misses and cases of work-related diseases must be reported to the HSE.

A safe pair of hands



Robert Sardo heads up the Personal Injury Department at Thomas Dunton Solicitors. He qualified as a solicitor in 1992, joining the firm in 2004. He has Senior Litigator Approved Status with the Association of Personal Injury Lawyers (APIL) and is an Approved Member of the Law Society's Specialist Personal Injury Panel.

What can I claim for?



AFTER an accident it can take some time for the impact of the incident to become apparent. It is not always obvious how this has affected you. Because of this, you have three years after the event to claim for compensation. (Although this may be longer in some instances.) Most claims are for:

- Physical injuries that have been sustained
- Rehabilitation costs
- Loss of earnings and future earnings
- Adaptations to the home
- Physiological impacts
- Travel expenses
- Prescription costs
- Carers' costs
- Family and friends' costs involved with your care

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