If you have been involved in an accident and have sustained a spinal cord injury, you may be entitled to claim for compensation. The claim process can be confusing and intimidating.

At Aspire Law, we are experts at dealing with spinal cord injury compensation claims. We have produced this short guide to explain how the compensation process works.

Why make a claim?

The main purpose of making a claim is to secure for you and your family a sum of money that will allow you to live independently for the rest of your life.

Values awarded can vary dramatically, but in broad terms you will be compensated to enable you and your family to continue to enjoy the same standard of living you would have had, if your accident had never happened.

There are three main elements to your compensation:

• Compensation for pain, suffering and loss of quality of life. These are often referred to as ‘general damages’.

• Compensation for financial loss. This includes any income you have lost as a result of an inability to carry on working, as well as the future losses calculated up to the date that you planned to retire. This can also include any travel, accommodation and out of pocket expenses incurred by your family and friends as a result of your accident.

• Provision for medical care. Your spinal cord injury may mean that you require a full-time care regime for the rest of your life.

Compensation payments can be made as a lump sum, a one off payment or can be spread across a number of years. They may also be spread across a number of years, index linked to inflation.

We will always provide you with advice about the options that may suit you best.

How long will the claim process take?

Compensation claims for spinal cord injury can often take up to three years to conclude, but this can depend on how fiercely a claim is defended. There are a number of key elements to your claim that require input from medical experts and other witnesses, and sometimes this can take a long time to co-ordinate and arrange. At Aspire Law, we understand that a case that drags on is not in the best interests of our client, so we aim to get you the maximum level of compensation in the shortest possible timeframe.

We also work very hard to make sure we secure interim payments for you, wherever possible. Interim payments are payments made by the defendant’s liability insurer, in cases where they have admitted liability. These payments are extremely useful and can be made shortly after your accident has happened. For instance, they can be used to pay for adaptations to your home, first class private care regimes and the specialist equipment that you will need to become as independent as possible.

Thank you so much for all that you and James 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. “

Client quote taken from letter written to Damian Horan
How long do I have to make a claim?

Normally you have three years from the date of your accident, or the date that you became aware of the injuries sustained, to make a compensation claim. Different guidelines apply for children under the age of 18.

It is always a good idea to consult a specialist spinal cord injury law firm like Aspire Law as soon as possible after the accident.

This will enable us to collect valuable CCTV evidence and witness statements whilst the details of the accident can still be easily recollected.

To make a successful claim for compensation we will need to prove that the defendant was to blame for your accident, so the sooner important evidence can be collected, the stronger your claim will be.

How else can a solicitor help me?

A serious spinal injury to you or a member of your family can sometimes mean that you are not able to meet your usual financial commitments, like paying the mortgage or other household bills. We can help you reduce some of the immediate financial concerns that you may have in a number of useful ways:

Insurance checks

We will be happy to review any insurance policies that you may have, to make sure you are claiming everything to which you are entitled. This can include sickness and disability insurance as well as legal expenses cover.

Help with your creditors

If there are any creditors chasing you for urgent payment, we will contact them on your behalf to explain about your injury and your compensation claim. We ask them to be flexible whilst the details of the claim are put together.

Interim payments

We will always look to obtain interim payments from the defendant as soon as possible. These payments will enable you to meet any immediate financial obligations you may have, as well as funding the purchase of any specialist equipment that will help you regain your independence.

Welfare benefits

If you or a member of your family has recently sustained a spinal cord injury, you are entitled to a range of welfare benefits. The welfare benefits system is very complicated to navigate, particularly if this is the first time you are making such an application. We work very closely with our partners at the charity Aspire, who provide a dedicated Welfare Benefits Advice Service. We will refer you to them, so that you can get advice and support to help you to claim the payments to which you are entitled.

Help with your employer

If you are having any problems with your employer, perhaps relating to non payment of sick pay or a reluctance to negotiate a phased return to work, we can work with you and your employer to reach a solution.

Second opinion

You may have already spoken to a solicitor about your claim and been told that you do not have a credible case. We come across this quite often and would recommend that you speak to us to obtain a second opinion.

Spinal cord injury compensation claims can be very complicated and current insurance policy documentation because this may provide legal expense funding, a detail that could be buried within the small print. We will be happy to have a look through any insurance schedules that you have to see if such funding exists.

How do I fund a claim?

At Aspire Law we fund the vast majority of our cases through Conditional Fee Agreements, which are more commonly referred to as no win no fee agreements. We will explain to you in detail how no win no fee works, but in simple terms if you win your case, your compensation and our fees are paid for by the defendant’s liability insurer. If you lose your case, then you will not have to pay anything.

This is a good option for many of our clients because it represents a no risk way of funding what can be a very expensive legal case.

Aspire Law is also different from most other law firms in that we do not make any deduction from your compensation award to pay for our fees. All our fees will be paid for by the defendant’s liability insurer.

Most law firms will seek to claim up to 25% of your compensation in additional fees, which could mean you lose hundreds of thousands of pounds. With Aspire Law, you will always keep 100% of your compensation award.

If you are a member of a trade union, you may well be entitled to legal expenses insurance.

It is a good idea to ask a member of your family to find all of your

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. I won’t hesitate to recommend you to others, as you are an outstanding solicitor.

Client quote taken from letter written to Ciaran McCabe
require the intervention of a specialist and experienced legal firm like Aspire Law. We may be able to see some detail in your case that was overlooked by the previous solicitor, in which case we would be pleased to represent you. It will not cost you anything to ask us for a second opinion about your case, so if in doubt, please call us on 0800 030 20 40.

If you have been allocated a solicitor by your insurance company and are unhappy with the way that your case is being handled, you are entitled to change solicitor. We will be happy to talk to your existing solicitor, and will make all the arrangements to take over your case.

Alternatively, your compensation claim may have gone to court and failed, or perhaps you did not receive the amount of compensation you expected. We would be happy to review the details of your case and let you know if we think you have grounds for an appeal.

More client quotes

“Without Vicky’s experience and technical ability I would not have been able to pursue a claim. I cannot thank her enough for winning my case in such a convincing manner and for inspiring me to keep on fighting.”

Client quote taken from letter written to Vicky Hydon

“Thank you for the expeditious way in which my case was handled. Everything went perfectly.”

From a client, to James Glasper

“I am more than happy with how you have looked after my case and I am very grateful for everything. I would certainly recommend you.”

From a client, to Amy Cameron

“Fantastic, kind and very, very professional. We cannot fault Leena in any way at all.”

From a client, about Leena Hurloll

“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.”

From a client, to Caroline Buckingham

“Paula was thoroughly professional. I was really pleased with the result, thank you.”

Client quote taken from letter written to Paula Barnes

About Aspire Law

Aspire Law is a unique joint venture between Aspire, the national Spinal Cord Injury charity, and Moore Blatch LLP, a law firm with specialist expertise in spinal injury compensation claims.

There are a number of factors that make us different from other personal injury law firms.

• We are the only law firm in the UK dealing exclusively with spinal cord injury claims - providing you with the specialist experience that you need.

• We strive to achieve the maximum compensation as quickly as possible - so you can get on with your life.

• We will not deduct any fees from your compensation - so you keep 100% of your award.

• We donate 50% of our profits to the charity Aspire, to support people with spinal injury. This way we also help those with spinal injury who have no claim to make for compensation.

We will be happy to talk to you or a member of your family about any of the issues contained in this factsheet. We can visit you at home or in hospital, whichever is the most convenient for you.
Substantial seven figure compensation for mother seriously injured at work

Ms A was in her late 20s when she sustained a severe spinal injury, resulting in paraplegia. A busy working mum with two children, she was working in a London pub when the accident happened. Ms A was in the middle of a busy shift when someone left the trap door open to the cellar after they had gone to change a barrel. As a result, she fell 20 feet and sustained a severe spinal cord injury that caused paraplegia.

Ms A’s family instructed us very soon after the accident. That allowed us to take detailed and accurate witness statements. We also obtained CCTV footage that showed us exactly how the accident happened.

The employer quickly admitted liability and that enabled us to obtain early interim payments to pay for the very best care and rehabilitation for our client.

Ms A was awarded a substantial seven figure settlement in compensation. The award has allowed her to live independently with her two children.

Compensation for passenger injured in car accident - and full recovery

Mr W was in his late 20s. After a period of unemployment he was looking forward to starting work as a handyman.

A friend offered him a lift in his car, but drove too fast around a corner and crashed the car into a tree.

The driver was unharmed, but Mr W was very seriously injured, sustaining a double undisplaced fracture of the vertebrae.

The police prosecuted Mr W’s friend for driving without due care and attention, and he was found guilty.

We followed the outcome of the prosecution case very carefully, and used the findings to prove liability. This helped us to win the case and to secure compensation for Mr W.

We recovered a significant six figure compensation award for Mr W and we arranged a first class rehabilitation package. Eventually, he made a full recovery and started back at work.

Family with tetraplegic child all living in one room

Our client, child X, was born with tetraplegia and used a wheelchair to get around. He was living in one shared room with his parents and siblings at his grandparent’s local authority home.

His family had been on the waiting list for four years because the local authority and a local housing trust could not agree who had responsibility for providing specially adapted accommodation.

We persuaded the local authority to cover the cost of adapting a suitable property provided by the housing trust and we ensured the correct package of adaptations was provided. Within six months, child X and his family had a fully adapted new home including a lift, an ensuite wet room, hoists and ramps.

Finding the right school for a child

EM was a child who used a wheelchair, was non-verbal, had occasional seizures and had been attending a special school on a day basis. When he was due to go to secondary school, the local authority decided that a day place at a local special school was suitable. His parents believed a residential place at an independent special school would suit him better, so they instructed us to appeal.

We represented EM throughout the Tribunal process. As a result, the local authority was ordered to fund EM’s placement at an independent special school on a weekly residential basis - the parents’ preferred choice.