
What to do in the aftermath of an accident at work?

Health and medical attention should be your main priority after an accident at work. Accidents at work can result in various injuries, some of which may involve head or back injuries, so it's important that you call an ambulance for assistance if anything feels displaced or if you feel concussed.

Employers are legally obliged to protect the welfare of their staff; this includes holding relevant and adequate insurance and meeting all Health and Safety Regulations. Employers should take all reasonably practicable steps to prevent personal injury and to protect all persons from foreseeable hazards arising from its activities.

In particular, this includes:

- Providing and maintaining safe working environments;
- Providing suitable and sufficient information, instruction and, where necessary, training to enable employees to perform their duties safely;
- Making available any equipment necessary to ensure the well-being of employees and visitors.

Head and back injuries can get worse over time, so if you are feeling unsteady or nauseous, you must seek medical attention.

When you are involved in an accident at work, you must make sure that the accident is recorded in your employer's accident log book. This is the first place solicitors or insurers will look to confirm that an accident has happened and how it happened.

With modern technology as it is, a quick picture of the accident scene will not hurt your chances of making a claim (injuries permitting that is). If anything has changed upon your return to work, for instance, work practices or policies, be sure to let your solicitors know.

Any witnesses to the accident would also be useful, for instance any of your colleagues who were there at the time of the accident, or anyone who noticed the scene of the accident was a risk prior to the accident.

Please note: It's imperative that you keep any correspondence received from your employer regarding the accident, as it may indicate who was responsible for the accident. You should also keep track of the time you have off work as you may be able to claim back any loss of earnings resulting from the accident.

Accident at Work Process

1. Enquiry Stage

When contacting us to make a claim, we will first need to take details about the accident that has occurred. In the case of an accident at work, as well as the circumstances surrounding your accident, we may also need to know:

- **The name of the company you work for;**
- **Whether it was reported or recorded in an accident book; and**
- **Whether the accident occurred while you were carrying out your regular duties. If not, who instructed you to do the task you were doing when your accident occurred.**

We may also need details relating to any training you have received, any photographs you may have of the accident area and photos of the injuries sustained.

2. Evaluating your claim

After taking preliminary details, we will be able to tell you whether your claim has reasonable prospects of success.

a. Reasonable prospects of success

If your claim has reasonable prospects of success we will explain the funding process to you and get you signed up to our No Win No Fee agreement (if applicable). We usually conduct our sign-up via email, or if you prefer, we can arrange for a visit from a local investigator.

b. No reasonable prospects of success

If your claim does not have reasonable prospects of success, we will provide you with our reasons, along with advice stating that you are entitled to obtain the opinion of another firm of Solicitors who may take a different view than ours.

Under our No Win No Fee agreement, no costs are expected up front. Without diminishing your overall indemnity to us in costs, unless you fail to keep to Your Responsibilities or the work we do for you goes beyond the scope of this agreement or you take out an ATE insurance policy or any third-party funding, **WE GUARANTEE that if you Win then, you will receive a minimum of 75% of your overall damages.**

3. Collecting evidence

We will start collecting further details as soon as you are signed up to our No Win No Fee agreement. This may include consulting your medical records or an accident log book to prove that the injury happened and whether it was reported or not.

It may also be useful to keep a diary of your injuries and how they are affecting your day to day life, as this can be useful in determining the value of your claim.

4. Submitting your claim

We will submit the claim your employer's insurer via the Ministry of Justice Claims Portal. We propose to submit your claim via Claim Notification Form (CNF), which will require approval by signature. WE WILL NOT submit the CNF without your approval.

The insurer then has 30 business days to either admit or deny liability for your claim. If they do not respond to your claim within the given time, then the matter falls out of the electronic process and into fixed fees protocol. The insurer will then have 3 months (from the day after the CNF was sent) to complete their investigations and provide a liability decision.

5. Admission/Denial

The next step depends on how the insurer responds to your claim.

a. Admission

If the third-party insurer admits liability for the accident at work, then we start the process of obtaining medical evidence in order to prove what injuries you have suffered, how long the injuries may last and the treatment you require.

b. Denial

If the third-party insurer denies liability for the accident and injuries, then the claim is removed from the MOJ Claims Portal. At this point, we will assign the claim to a member of our Fast-Track team. They will assess the prospects of your claim again and advise whether we are still able to continue with your claim. If prospects are above 60%, we will then proceed to obtain medical evidence.

6. Gathering medical evidence

Medical evidence helps us to prove what injuries occurred, how the injuries have affected your life, and how long it will take you to recover.

The first step is to obtain medical records, which will identify the injuries you have sustained and whether you have any pre-existing conditions which have made your injury worse.

Approximately 3 months after the accident we will arrange for you to see an independent medical expert who will examine you and your injuries. These observations will be included in a report which will determine our next steps.

a. Specialised evidence

The medical report may recommend obtaining a specialist report. For instance, if you have suffered psychological injuries as the result of an accident then there may be a recommendation for you to be assessed by a clinical psychologist. We will then arrange for you to see further experts, gain their opinions and act upon their recommendations.

b. Treatment

The medical report may recommend treatment to aid with your recovery, such as physiotherapy. Through our network of case handlers, we can help to arrange the treatment recommended in the report.

c. Settlement

We will provide you with your options at every stage. Depending on what the medical report recommends, you may wish to settle your claim after the medical report is obtained. We will never recommend a settlement without medical evidence being complete.

7. Settlement out of court

Once medical evidence has been obtained, we will then be able to value your claim. We will take account of your injuries and any other losses you may have sustained. We will request evidence of these other losses, including (but not limited to):

- **Prescription receipts**
- **Travel expenses**
- **Wage slips**

This will allow us to gain a full picture of how the accident has affected you and then we can quantify your additional losses and begin the negotiation process to settle your claim.

8. Taking your claim to court

Under certain circumstances the claim may have to go to court. This could be because the defendant has continuously denied liability for the accident, a settlement cannot be reached out of court, or the claim could involve a complex point of law which needs to be decided by a judge.

Our team will talk you through the court process and ensure that you understand what's going on. We may also need to gather yet more evidence, including expert reports or witness statements, but you can rest assured that we know what we're doing and will keep you informed every step of the way.

9. Reaching a settlement

When a settlement is reached, whether this in or out of court, the third-party insurer will send us the compensation. Once compensation is paid by the insurers, our internal costs department will write to you with the details of how the costs are calculated.



Why should I choose Smith Jones?

Smith Jones Solicitors have over 30 years of experience representing clients, we understand the strict regulations which govern the workplace and have the expertise to provide advice and assistance with any work accident claim.

As specialist personal injury solicitors we exist to provide you with the expertise needed to ensure you are properly compensated for your accident or injury. Highlighting our expertise with accident at work cases, Consultant Solicitor, Brett Dixon, was recently elected President of the Association of Personal Injury Lawyers. Brett writes and delivers the Accidents at Work update course to other lawyers across the UK annually. He has been involved in many government consultations on behalf of APIL and regularly contributes to the Journal of Personal Injury Law.

Smith Jones only deal with personal injury claims and so face none of the distractions which mixed practices face. This allows us to focus solely on your case and we believe this is the key to our growing success. In fact, during 2017 we managed to win over £10 million pounds for our clients, winning an average settlement of £13,256.66 for those who suffered personal injury due to an accident at work.

Over our many years of experience, we realise that you may be apprehensive when it comes to claiming against your employer. Fortunately, employers usually have very little involvement in the claims process, instead leaving their insurer to deal with the claim on their behalf. We will liaise with these insurers to provide you the best care and the best settlement following an accident at work.

To begin making a claim, call us for free and discuss your situation with one of our expert team.

0800 195 95 90

We are available 24 hours a day, 7 days a week and are ready to take your call.

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