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# What to do in the aftermath of a road traffic accident?

As a driver of a vehicle involved in a road traffic accident, here's what the law requires you to do. This is non-negotiable irrespective of where the driver might think responsibility might lie.

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- **Road Traffic Act 1988, s 170 specifies: Any collision which causes damage or injury to a person, vehicle, animal or property requires the parties to stop, exchange names and addresses (which includes that of the vehicles owner, if this is someone other than the driver). If that's not done within 24 hours, it becomes compulsory to report the incident to the police.**
- **If someone is hurt, insurance details must be provided there and then. If these are not provided, the incident must be reported to the police within 24 hours AND insurance details must be provided within 7 days.**

Note, these details should be volunteered. If the driver is not cooperating, call the police, assuming that medical and physical circumstances allow you to. If you are injured to the point of requiring medical attention, call 999 anyway.

It's easy nowadays, with technology being what it is, to take a quick photo of the location (with an appropriate landmark or road sign), the car (including registration), and the driver. While you're at it, it's always an idea to take details of any witnesses, as they may be useful in corroborating your version of events.

Record as much detail as possible: the direction of travel of each vehicle, the colour of the vehicle, how many passengers are in each vehicle and generally what people are saying. If Police Officers attend, make sure to get their name and a Police reference number. Then give Smith Jones a call to take it from there.

# Road Traffic Accident Process

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## 1. Enquiry Stage

When you contact us looking to make a claim, during that initial call we will take all the details we need to assess whether you can make a claim. In the case of a road traffic accident, as well as telling us your version of events, we will need:

- **The at fault driver's name**
- **The registration of the at fault vehicle**
- **The make and model of the at fault vehicle**

We may also require any photos you have taken of the accident location, damage to your car or other property, and photos of any injuries you may have sustained.

## 2. Evaluating your claim

After we have taken the 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 the advice 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 start collecting initial evidence as soon as you are signed up to our No Win No Fee agreement. A member of our team will ask further details from you and may request your medical records.

We also advise that you keep a diary of your injuries and how they affect your day to day life, including your work and hobbies, as this can be useful in evaluating your claim.

## 4. Submitting your claim

Once you are signed up to our No Win No Fee agreement, we will submit your claim to the third-party insurer via the Ministry of Justice Claims Portal. We propose to submit your claim in the form of a Claim Notification Form (CNF), which will require your approval via signature. WE WILL NOT submit the CNF without your approval.

The insurer then has 15 business days to respond to your claim, either admitting or denying liability for your claim. If the insurer does not respond to your claim within the time constraint, 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 your accident and injuries, then we start the process of obtaining medical evidence to see what injuries you have suffered, how long these injuries may last and what 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.

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## 6. Gathering medical evidence

Obtaining medical evidence helps us to prove what injuries occurred, whether these are concurrent with your version of events, and how long these injuries will last.

We start by obtaining medical records and will then send you for an independent medical report around 3 months after the accident. Our next steps depend on the outcome of that report.

### a. Specialised evidence

The GP 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 GP report may suggest physiotherapy to aid with your recovery. We will then look to arrange the relevant treatment for you, through our network of case handlers.

### c. Settlement

Depending on what the medical report recommends, we will provide you with your options. We will never recommend a settlement without medical evidence being complete.

## 7. Settlement out of court

After medical evidence has been obtained, we will be able to put a value on your injuries and the other losses you have suffered. We will also request evidence of any other losses that you have suffered. This includes (but is not limited to):

- **Prescription receipts**
- **Travel expenses**
- **Loss of earnings**

Once we have a complete picture of how the accident has affected you and quantified your additional losses, we can begin the negotiation process to settle your claim.

## 8. Taking your claim to court

In certain situations, your claim may need to go to court. There are many reasons for this, the defendant may deny liability, a settlement cannot be reached out of court, or the claim may involve complex facts or points of law which need to be decided by a judge.

Your legal representative will make sure that you understand the court process and will keep you informed every step of the way. We may need to obtain expert reports or witness statements and further evidence, but you can rest assured that your claim is in the best possible hands.

## 9. Reaching a settlement

When a settlement is reached, 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?

Road traffic accidents can be extremely distressing and can have tragic effects on the victim and their loved ones. The team at Smith Jones Solicitors have over 30 years' experience representing drivers, passengers, pedestrians, cyclists, and motorcyclists who have been involved in a road traffic accident.

We understand that no two claims are the same and will give you the best advice possible based on your individual circumstances.

Highlighting our expertise in road traffic accident claims, Smith Jones hold accreditations with various organisations, including The Association of Personal Injury Lawyers, and the Motor Accident Solicitors Society. The last one in particular, represents our commitment to helping victims of road traffic accidents gain the compensation they deserve.

Smith Jones are specialists in personal injury law and so face none of the distractions which mixed practices face. We believe this is the key to our growing success, as it allows us to focus solely on your claim. In fact, during 2017 we managed to win over £10 million pounds for our clients, with an average settlement of £23,380.80 for those who have sustained injury due to a road traffic accident.

To begin your road traffic accident claim, call our team for free.

**0800 195 95 90**

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

**smithjones**

SPECIALIST PERSONAL INJURY SOLICITORS

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