
What to do in the aftermath of an accident involving a slip, trip or fall?

Slips, trips and falls can occur in a variety of ways. Maybe you slipped on a wet floor in a local shop, or perhaps you have tripped over a defect in the pavement. Regardless of how it happened, here's what you should do if you are involved in an accident involving a slip, trip or fall.

Any injuries should be your first priority following any accident. Ankle and wrist injuries are common following an accident of this type. These injuries can have a real impact on work and other daily activities, so it is important that you seek medical attention if anything feels displaced or broken, as this will help to get you quickly on the road to recovery.

Pavement defect claims are not straightforward. You need to gather evidence as early as you can, which must include images of the defect (in the context of its location with a landmark visible) plus measurements: length, width and depth. To do this, place a straight edge across the defect, and use a ruler or tape to measure the depth. For a defect to be actionable, it has to have a diameter of 300mm and a depth of at least 25mm or more.

Other defects may include unstable paving slabs, overgrown tree roots, raised manhole covers, or broken kerbstones. Ensure when taking photos of the defect, you mark the exact location where you tripped, make a note of the direction of travel, where you were travelling from and where you were intending to go. Do you use that route often? Have you seen the defect before? These are questions that solicitors and insurers will both ask if you choose to make a claim.

It's definitely worth asking any passers-by, local residents or shop owners how long the particular defect has been there, or if they have witnessed anyone having an accident there. Anything that proves that the defect is long-standing will definitely help your claim. For instance, vegetation growing, cigarette stubs, or bottle caps, all indicate that the defect may have been present for a while. If you do have an accident as a result of a pavement defect, and are local to the area, it would be helpful if you could revisit the scene at a later date and document whether any repairs or remedial work has been carried out.

Slipping accidents often occur in shops or supermarkets, where there has been a spillage, or the floor has been cleaned and there are no wet floor signs to warn you. If this is the case, it cannot hurt your case to take a picture of the surface you slipped on (assuming you are able to) and make a note of the aisle or section of the shop you were in when it occurred. All accidents occurring in a shop should be recorded in the shops accident log book.

Obtaining details of anyone who may have witnessed the accident will be extremely useful, and it may also be important to note the presence of any CCTV. Then call Smith Jones to see what we can do to help.

Slips, Trips and Falls

1. Enquiry Stage

The first thing we will need to do is take details about your accident and the injuries you suffered as a result. This will allow us to assess whether you can make a claim. In the case of a slip, trip or fall, we will ask for certain details, including:

- **How the accident occurred;**
- **The location of the accident; and**
- **Whether it was reported or recorded in an accident book.**

We may also request any photographs you may have of the accident area, and photos of the injuries sustained. If the accident involved a defect in the road or the pavement, then we will also ask for a photo evidence proving the depth of that defect.

2. Evaluating your claim

After taking the initial details, we will be able to determine 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 TWO THIRDS of your overall damages.**

3. Collecting evidence

When you have signed up to our No Win No Fee agreement for this type of claim, we would usually obtain medical records. This helps us to identify what injuries have occurred and just how serious they are.

To apply for medical records we require your consent, for which we will send out a medical consent form. Once you have signed this, we will forward this to your GP or the relevant hospital where you received treatment, alongside a request for records.

Once requested, the GP/Hospital department will have 40 days to provide the records to us.

4. Submitting your claim

Once we have received and reviewed your medical records, we will submit your claim to the responsible party's insurer via the Ministry of Justice Claims Portal. We propose to submit your claim by way of Claim Notification Form (CNF), which will require approval by signature. WE WILL NOT submit this without your approval.

The insurer then has 40 business days to respond with a decision on 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 responsible party's insurer admits liability for the accident and injuries, then we obtain further medical evidence in order to prove how long the injuries may last and the treatment you require.

b. Denial

If the responsible party's insurer denies liability for the accident, then the claim is removed from the Claims Portal.

At this point, we will assign the claim to a member of our Fast-Track team, who 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. This also helps us to put a value on your injuries.

We will arrange for you to see an independent medical expert. They will examine you, your injuries, and your medical records. In providing a report, they may recommend further evidence or treatment.

a. Specialised evidence

Further evidence may be required in the form of 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 can then arrange for you to see further experts, gain their opinions and act upon their recommendations.

b. Treatment

Specific treatment may be recommended to aid with your recovery, such as physiotherapy. We can help to arrange this treatment through our network of medical experts and case handlers.

c. Settlement

We will provide you with your options at every stage, including the option to settle the claim. We will never recommend a settlement without medical evidence being complete.

7. Settlement out of court

Following medical evidence being obtained, we will start the negotiation process. The medical evidence will allow us to value your injuries, but we will also need to take information about any other losses you may have sustained. We will request receipts to prove these other losses, which may be related to (but not limited to):

- **Prescriptions**
- **Travel expenses**
- **Lost earnings**

This will allow us to gain a full picture of how the accident has affected you and all the losses which have occurred due to the accident. We can then negotiate with the responsible party's insurer to ensure that you receive the compensation you deserve.

8. Taking your claim to court

If the defendant continuously denies liability or a settlement cannot be reached out of court, then your claim may have to be heard by a judge in the County Court.

This can be quite a daunting thought, but our team will make sure that you fully understand exactly what is happening. We will gather more evidence, including expert reports or witness statements, to make sure that we are fully prepared to present your case.

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?

Over the past 30 years we have helped many people with their claims for slip, trip or fall injuries. We have access to a network of medical experts who can provide the specialist rehabilitation and treatment you may need to get you back on your feet.

Furthermore, we operate most of our cases on a No Win, No Fee basis. This means that there is no financial risk to you in pursuing a claim and you will only have to pay our legal costs if your claim is successful. There is no upfront fee and no hidden charges at the end. If your claim is unsuccessful, you don't have to pay a thing.

Slips, trips and falls can result in various injuries and no two claims are ever the same. Smith Jones understand this and have the expertise get you the treatment and the compensation you deserve. But don't just take our word for it, our results speak for themselves:

- **We won over £10 million for our clients in 2017**
- **Our average settlement value is £13,107.29**

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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SPECIALIST PERSONAL INJURY SOLICITORS

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Use our claims calculator - [click here](#)

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