



jmw



Legal Support Service North West

Support for life after childhood brain
and other serious injuries

www.childbraininjurytrust.org.uk

Hello and welcome to the Legal Support Services booklet for the North West

You may not know this, but every 30 minutes, a child or young person will acquire a brain injury. It might be the result of an illness or an accident, such as a road traffic collision. If you're reading this booklet, you're doing so because you and your loved ones may have been affected by a child or young person's acquired brain injury.

The Child Brain Injury Trust supports children and young people who have suffered an acquired brain injury and their families, helping them to understand and cope with what the future holds. The Legal Support Service ensures that all the children, young people and families that we work with get the right legal support as soon as possible. This can cover a wide range of topics, from assisting with pursuing a claim for welfare benefits or compensation to understanding what your employment rights are if you need to take time off work to care for your child.

This booklet has been put together by JMW Solicitors to help you understand what your rights are, and learn how our legal support service can assist your family. The Child Brain Injury Trust and JMW Solicitors have joined forces to provide you with an excellent partnership that will take a holistic approach to your child's recovery. JMW Solicitors are one of the top legal firms in the North West and have won national awards for personal injury work and have been recommended for their work by leading brain and spinal injuries charities.

JMW Solicitors have one goal in mind, and that's to help you to see a future where your child is able to live a happy, healthy life. The firm knows that the best way to make this a reality is to minimise any stresses your family may face, and clear the way for you to focus on supporting each other. We look forward to embarking on this journey with you together, and will be there to assist you every step of the way.

You can get in touch with JMW Solicitors at any time on **Freephone 0808 168 5274**; our dedicated number for free, no obligation advice.

Why and when should I talk to a solicitor?

We know that if you are in the position of having to deal with your child having suffered a brain injury, your immediate priority will be their welfare. Talking to a solicitor may not be the first thing that springs to mind at such a time, however, there are a number of steps that we can take on a family's behalf in order to improve the situation, so that your focus can be on taking care of your child. By using JMW Solicitors under the Child Brain Injury Trust's legal support scheme, **you will never be charged for your initial advice, and in the vast majority of cases we will be able to act for you at no cost at all.**

Why speak to a solicitor?

Your child's injuries may be the result of somebody else's negligence. Making a claim for compensation can often mean that your child will get immediate access to levels of treatment and support that are simply not available on the NHS. JMW Solicitors can also advise you regarding your rights when it comes to time you may need to take off work, help to put a care or support regime in place and help get swift access to services such as neuro-physiotherapy or speech and language therapy.

Immediate needs assessments

An important step we can take directly after your child's injury is to arrange an immediate needs assessment. This means that your child is seen by a care and rehabilitation expert who will advise as to the best available treatment package that should be put in place as soon as possible. You can plan for the future whilst we help you put systems in place for your child to receive the best possible care and support. If you are pursuing a claim with us then we can even help ensure that proper adjustments are made to accommodate your child at their school when the time comes that they are able to return to their education.

When should you speak to a solicitor?

You should consider speaking to one of the specialist team at JMW Solicitors as soon as possible after your child's brain injury, because an immediate needs assessment should ideally be arranged before your child is discharged from hospital. JMW Solicitors can offer you, no obligation advice about a case for compensation, along with advice about our other services and support that you may need access to as a family at no cost to you.

Funding your claim

What “no win, no fee” means

A Personal Injury or Clinical Negligence claim can be made on a no win, no fee basis. This means that there is never anything to pay up front and you are not charged any fees if your claim is unsuccessful. Through our partnership with the Child Brain Injury Trust, we at JMW can offer reassurance to you when making a claim that there is no financial risk involved, because in contrast to most solicitors nowadays, in the vast majority of cases we will be able to confirm immediately that we are able to deal with your claim at no cost to your family.

Legal aid

Some clinical negligence brain injury claims can still be publicly funded via the legal aid scheme. Legal aid is available to help those who suffered an avoidable brain injury while they were in the womb, during birth or in the first few weeks of life. JMW is able to apply for legal aid on behalf of children and families on appropriate cases. We will discuss legal aid versus a no win, no fee agreement with you, and will recommend the option that makes the most financial sense to give your case the best chance of success.

Private client services

You may require assistance from the JMW team in relation to administration of the appointment of a Deputy by the Court of Protection, compiling a Will or Personal Injury Trust. **The funding for these services is generally claimed from the person that caused the accident.** We can advise you as to whether we think it is appropriate for you to pursue these services, and any costs can be paid on settlement of a Personal Injury or Clinical Negligence claim.

Planning for the future – education, employment and your child’s finances

We realise that in many cases your child’s brain injury is something that is likely to affect the entire family for years to come, and therefore planning for your future at an early stage is vitally important. JMW Solicitors will help you put long term plans in place, so that your focus can be on your child, your family and their welfare.

Financial advice and future planning

We work with leading independent financial advisors Nestor, in order to make sure that your family’s finances are attended to. The support they can offer includes;

- **Financial Review** – Addressing any urgent issues such as mortgage arrears, problems with banks or credit card companies etc.

- **Welfare Benefits Assessment** – Helping to identify which welfare benefits you may be entitled to, and claiming for them.
- **Insurance Policy/Employee Benefit Review** – Helping to investigate which policies are in place, which have matured and which can be claimed upon.
- **Budgeting Advice** – Assisting in structuring short-term commitments and day-to-day financial management.
- **Taxation & Office of The Public Guardian (OPG) Returns Service** – A tax planning service and assistance with the OPG annual return.

Many of these services are funded by the defendant's insurance company. We will provide you with advice to help you identify what services you may need and then guide you through the processes involved.

Employment

JMW Solicitors can also provide parents with information about what your employment rights are in relation to matters such as time required away from work, so that you are equipped to best meet the needs of your family.

We can also assist with appointment and supervision of carers, care teams and service providers, ensuring that any employment contracts you require are compliant with prevailing law. When your child is in a position to enter the job market, we can also make sure they receive professional support when engaging with employers.

Education

JMW Solicitors can provide you with access to advice on how to ensure your child receives the education they should, in the aftermath of a brain injury. We have worked with case workers and schools in the past to ensure that a holistic solution is achieved, where your child's needs will be recognised, understood and supported whilst they continue on their path through the education system.

Should you have any queries about any element of planning for the future, please telephone us for no cost, no obligation advice on our dedicated
Freephone number 0808 168 5274

Making a clinical negligence claim

If your child's brain injury has been caused by poor care from the medical profession it is important to seek legal advice as soon as possible as you may be able to claim compensation.

As solicitors who specialise in this area the team at JMW is also often able to obtain answers as to what went wrong and why and help to bring the errors to the attention of those responsible so lessons can be learned.

Bringing a clinical negligence claim on behalf of your child can help you to ensure the following:

- They have access to the specialist care they need to cope with any disabilities.
- You can purchase accommodation suitable for their needs.
- Equipment and specialist therapies can be obtained that will improve your child's quality of life.
- Worries about how they will cope in the future if they are unable to work will be allayed as they will have financial security.
- Additional expenses of caring for your child are covered.

The team at JMW has won countless brain injury cases involving children and can offer support and guidance every step of the way. We have a range of top medical experts at our fingertips and pride ourselves on our personal approach to clients who frequently comment on our sympathetic and professional approach.



Assistance with criminal claims

Unfortunately, it can happen that young people with acquired brain injuries may find themselves on the wrong side of the law. JMW Solicitors are a full service law firm with a well-established criminal law team, recognised as experts in this area of law and accustomed to providing first class advice and representation to private clients.

Whilst we of course hope that your child doesn't find themselves in trouble, or involved in a potentially criminal issue, our criminal defence team has a strong expertise in all areas of criminal law and can work with any young clients and their families to make sure that they immediately receive high quality legal advice. We will ensure families receive what has been described by independent legal guides as a "Rolls Royce service", seeking to reduce the natural stress and anxiety such matters cause.

Court of Protection matters and Personal Injury Trusts

Court of Protection

If an individual is judged not to have capacity to handle their own financial affairs, the Court of Protection will require them to have an appointed Deputy, in order to handle these affairs in an appropriate manner. JMW has one of the largest Court of Protection teams in the country and can ensure that suitable personnel are in place to ensure that your child's financial affairs are taken care of appropriately.

The Deputy provides an invaluable service in this area, offering clients assistance with matters such as (but not restricted to);

- Organising a personal budget for daily needs
- Paying bills
- Buying and adapting properties
- Arranging for the investing of funds
- Arranging for carers

Much of the costs for these services can be claimed from the party responsible for your child's injury as part of their compensation award.

Personal Injury/Vulnerable Person Trusts

Our team at JMW also has particular expertise in Personal Injury and Vulnerable Person Trusts. These offer ways of maximising financial benefits arising from any settlement, allowing people with compensation awards to make tax savings or even receive means tested state benefits.

Understanding the situation – some common accident scenarios

We understand that your child's acquired brain injury may be the first experience you have had when it comes to making a compensation claim. But before even making a claim on their behalf, you may not know whether or not you're able to do so, if you think the accident circumstances aren't clear cut. We want to reassure you by sharing some of the common scenarios in which parents ask us if they can make a claim.

My child was a passenger in a vehicle when their brain injury occurred and the driver who caused the accident wasn't speeding.

Any passengers in a vehicle are the driver's responsibility. In these circumstances it would be incredibly rare for an injured passenger not to have a right to claim against one of the drivers' insurance companies, even if one of the drivers was a family member.

My child was a pedestrian when they were injured.

Accidents leading to acquired brain injuries can occur in many ways. So whether your child was a pedestrian, injured by a car, or injured as a result of any other negligent act, you could be entitled to make a claim on their behalf.

My child ran out onto the road and was injured as the result of a collision on the road.

If your child was injured by a vehicle because they were in the road and the vehicle did not brake in sufficient time to avoid them, you are able to make a claim. This is still true if your child 'ran out' into the road unexpectedly. A claim can still usually be made in these circumstances, even if the police do not intend to prosecute anyone.

My child suffered a brain injury after being ill/having medical treatment.

Sometimes illnesses are not monitored and treated effectively, leading to the child's brain being starved of oxygen and permanent damage being caused. Likewise it is possible for brain damage to be caused if a medical procedure goes wrong due to the doctor not taking appropriate care. If a brain injury has been caused by poor medical care then it is possible to make a claim against the healthcare trust or doctor responsible.

My child was playing sports and suffered a brain injury.

Many children participate in sports and hobbies that may expose them to sustaining a brain injury. It is the responsibility of the party organising the activity to thoroughly risk assess it and ensure that children are not exposed to dangers that may result their in sustaining such an injury.

There are many different accident circumstances in which a brain injury can be sustained, so please remember that if you don't see a similar scenario to your child's injury here, you should call us on our dedicated **Freephone number 0808 168 5274**



Key individuals

Every case we take on as a result of our partnership with the Child Brain Injury Trust will be dealt with by a Partner with a specialism in brain injuries. The entire team have been recognised for their work in independent legal guides and are committed to getting the best result for their clients.



Andrew Lilley, Personal Injury

Andrew has over 20 years experience dealing with catastrophic injury claims, and has achieved several multi-million pounds settlements. He is considered by peers to be one of the best litigators in the region, with independent interviewees citing him as “utterly dogged”.



Gordon Cartwright, Personal Injury

A dedicated, passionate advocate for his clients, Gordon is fully engaged with ensuring that injury victims of catastrophic accidents receive a quality standard of care for the remainder of their lives. He has been with JMW Solicitors for over 10 years and independent sources have dubbed him to be “frighteningly efficient”.



Eddie Jones, Clinical Negligence

A specialist clinical negligence solicitor and head of the clinical negligence team, Eddie Jones is widely regarded as a leading practitioner in his field. Eddie has won many high-value and complex claims, including a catastrophic child brain injury case which settled for £6.56 million. Eddie is currently representing numerous children nationwide with acquired brain injury kernicterus due to failures in care.



Olivia Scates, Clinical Negligence

Olivia Scates has a national reputation for her work in the clinical negligence field. She has particular expertise in successfully settling high-value brain injury claims, including cerebral palsy cases, having secured £7 million for one client. Olivia is currently representing numerous children nationwide with severe disabilities due to brain damage sustained during birth and later in life that was caused by medical errors.



Sally Leonards, Clinical Negligence

Sally Leonards has specialised in clinical negligence cases since 1998 and is noted to be hugely experienced with strong people skills. Sally has settled numerous multi-million pound claims for children with cerebral palsy due to medical errors and secured £5.9 million recently for one young client.

We hope that the information provided in this guide has addressed any initial questions you may have about utilising JMW Solicitors' legal services. Should you wish to talk to us about anything here, or other questions you may have, please do not hesitate to get in touch with us on **0808 168 5274**, where we will be happy to chat further.



Please telephone
us for no cost, no
obligation advice.

Freephone

0808 168 5274



Unit 1, The Great Barn, Baynards Green Farm
Nr. Bicester, Oxfordshire OX27 7SG

T: 01869 341075 E: info@cbituk.org
www.childbraininjurytrust.org.uk



Follow @cbituk



facebook.com/childbraininjurytrust

Registered Charity No. 1113326 Registered Company No. 5738517
A Charity Registered in Scotland SC 039703 VAT Registered No. 125795196