

# Brethertons BIG FAQs Series

## The Serious Injury Guide

Brethertons were one of the earliest signatories to the Guide To The Conduct of Claims Involving Serious Injury ('The Serious Injury Guide'). Launched in 2015 the Serious Injury Guide can be a useful pathway for the lawyers representing both sides in a dispute where the objective is to work together so far as that is possible to put the needs of the injured Claimant front and centre.

### Who is the Serious Injury Guide relevant to?

The Serious Injury Guide is relevant to anyone who has suffered a life changing injury and is contemplating or pursuing a claim for compensation as a consequence of that injury. The compensation in issue will be £250,000 and above and will include continuing loss (for example ongoing care, equipment, therapies, accommodation costs). The Serious Injury Guide is likely to be of relevance to anyone who has a compensation claim having suffered a spinal cord injury, however – and regrettably – where the spinal cord injury is caused as a result of clinical negligence the Serious Injury Guide will not apply.

### What is the Serious Injury Guide?

The Serious Injury Guide is the best practice as agreed between experienced solicitors and insurers engaged in advising and representing parties in catastrophic (life changing) serious injury litigation. Signatories (around one hundred law firms experienced in representing seriously injured claimants and fourteen of the UK's largest insurers) agree to work collaboratively and co-operatively in accordance with the Guide in order to narrow and resolve issues in dispute.

### Why is it important?

The amount of compensation in issue following a spinal cord injury can be significantly in excess of the £250,000 threshold for the Serious Injury Guide and that being so the litigation process can be difficult. Defendants to the claim and their insurers have much to dispute and defend, claimants have much to pursue. The litigation process is essentially adversarial, and whilst the Civil Procedure Rules encourage parties to work together to narrow issues in dispute, the Serious Injury Guide takes working proactively, collaboratively and co-operatively to a more positive and Claimant-centric level. Liability is usually resolved much earlier, and interim payments and final resolution of the claim should be achieved sooner and more cost effectively. That is of course good for everyone involved in the process.

### Where can I read more about the Serious Injury Guide?

To read more about the Guide, who the signatories are and the Guide itself use this link.

<http://www.seriousinjuryguide.co.uk/>

### When does the Serious Injury Guide apply?

The Serious Injury Guide is likely to apply if your spinal cord injury arose other than because of clinical negligence. Spinal cord injuries caused on the roads, at work, or in public places as a result of another person's or organisation's negligence will all be potentially claims that can proceed in accordance with the Serious Injury Guide and from the point of injury. Unfortunately, the Serious Injury Guide does not apply in cases where the serious injury arises through clinical negligence. The rise in spinal cord injuries caused by clinical negligence makes this particularly frustrating for Claimants who are injured as a result of medical mistakes. There is presently no similar scheme envisaged for the better handling of clinical negligence claims, though experienced solicitors representing Claimants strive to replicate the best practice enshrined in the Serious Injury Guide so far as that is possible and per the Civil Procedure Rules.

## How will it affect my case?

If your case can be pursued in accordance with the Serious Injury Guide you might reasonably expect early engagement with the representatives of your opponent in the claim. You might reasonably expect an early admission of liability if that is appropriate; a focus on any additional rehabilitation needs you might have and the provision of early interim payments of damages. You might expect that the opponent's representative helps identify what issues will not be disputed and their active participation in resolving your compensation claim as soon as and as amicably as practically possible. You should not assume the case will definitely stay out of Court, but most cases pursued in accordance with the Serious Injury Guide are resolved outside of and away from the Court process.

If you would like any more information or have any questions, please contact:

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'We help achieve financial security and enable independence after spinal cord injury'