

# PERSONAL INJURY

NEWSLETTER Issue 3

## Why choose Thomas Dunton Solicitors?

### ● Specialist Personal Injury Team

You will speak to a qualified lawyer, not a legal adviser at a call centre.

### ● Free One Hour Face To Face

**Interview** We will offer you a free one hour face to face interview – without obligation. This enables us to see your injuries and the effect they have on your health, finances and social life.

### ● Maximum Compensation

We will strive to achieve the maximum compensation for your injuries. Did you know that accident victims who turn down an insurer's initial offer and seek legal advice get on average 2–3 times more compensation? (Source: The Law Society 2013).

### ● No Win, No Fee

We will offer you a full range of funding options, including "No Win, No Fee" where you do not have to pay any upfront costs and there is nothing to pay should you lose the case.

### ● No Hidden Costs or Extra Fees

We will explain everything in detail so you know exactly what your costs are likely to be before you decide whether to instruct us.

### ● Rehabilitation

Apart from striving for the maximum compensation, we will be actively pursuing the defendant to fund additional medical treatment to enable you to get back to full health as quickly as possible.

### ● Home & Hospital Appointments

Should you be unable to attend our offices, we will be pleased to meet you at your home or hospital.

## To arrange your free consultation

Simply call or email our offices to arrange an interview and mention the scheme. You will be under no obligation to take the matter further if you do not wish to do so.

Telephone 01689 822554 or email [business@thomasdunton.co.uk](mailto:business@thomasdunton.co.uk)

## Are you considering a claim for Clinical Negligence?

*UNFORTUNATELY, sometimes it is necessary to claim compensation if "on the balance of probability" your medical treatment was carried out negligently and this caused your injury.*

### **Negligence & Causation**

For a successful claim you need to prove both Negligence and Causation.

**Negligence** — that the medical attention you received fell below acceptable standards.

**Causation** — that the negligence itself resulted in an injury to you.

It is not enough to prove negligence, you must also prove that you suffered an injury as a result.

### **Examples of Clinical Negligence**

- Failing to diagnose your condition or making the wrong diagnosis.
- Making a mistake during a procedure or operation.
- Providing the wrong drug.
- Failing to warn about possible risks or side effects

### **Initial action to take**

Upon making a formal complaint, you should receive an apology, an explanation and assurances that the problem has been addressed and other patients are not at risk. If there has been negligence, compensation may be due to you and legal action may be required.

### **Instructing a Solicitor**

Legal action can be costly, lengthy and very stressful. Your specialist Clinical Negligence solicitor will assess the

strength of your case and possible value of the damages.

They will need the positive opinion of an independent medical expert. If a supportive report cannot be obtained, then your case will not succeed.

### **Hospital Related Infections**

Infections acquired in Hospital are of course not a new phenomenon, but what has come to the fore in recent years are the serious risks posed to health by antibiotic resistant strains.

The great difficulty in pursuing a successful claim is addressing the so called "Causation" problem. You need to establish that the infection was contracted as a result of Negligence on the hospital's part rather than merely by way of non-Negligent means such as a visitor passing an infection to a patient or the infection pre-existing even before the patient was admitted to the Hospital.

Now that Screening pre-Elective Procedures is routine, it is easier to establish whether the infection occurred after an operation and, therefore, was inevitably contracted in the Hospital.

*Robert is Head of the Personal Injury Team. He qualified as a Solicitor in 1992, joining Thomas Dunton in 2004. He has Senior Litigator Approved Status with the Association of Personal Injury Lawyers (APIL) and is an Approved Member of the Law Society's Specialist Personal Injury Panel.*

*Robert Sardo*



Come and talk to us: we have been helping people to claim fair compensation for over 40 years.

# Fatal Accident Claims

**MAKING a claim for compensation following a fatal accident is never easy. It is a very emotional time and it may seem to some as if they are making money from the death of a loved one.**

However, compensation can be essential in providing a secure future for dependants. It will help to reduce the financial strain following the loss of a spouse or partner, who may have been the bread-winner or contributed to the household bills.

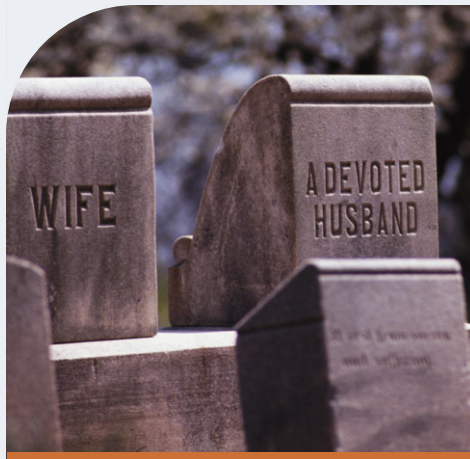
It also helps to bring closure by bringing the person who caused the accident to account.

In the UK, the courts will not just look at the immediate effect of loss of household income, but also what effect the death will have on future earnings, pensions, state benefits and any other income that may be affected.

## **Who can make a claim?**

A claim can generally be made only by those who were in some way dependent on the deceased. The law specifies the following would be entitled to bring a claim:

- A spouse or civil partner (including those where the



marriage or partnership has been annulled or dissolved).

- A person who had been living with the deceased.
- Children and stepchildren.
- Parents and siblings of the deceased.

Please contact us if you are unsure if your relationship to the deceased entitles you to make a claim.

## **How Thomas Dunton can help**

Our aim is to provide sensitive, practical, clear and cost effective advice to support you through what is a distressing and emotionally overwhelming time. We will work with you in a quiet and unobtrusive way and will always be available should you need reassurance or support.

# Your free interview with Thomas Dunton

**AT Thomas Dunton we don't represent insurance companies and don't employ middle men: our first and only priority is to our clients.**

We use our years of experience and expertise to provide the personal and committed service that you need to maximise the compensation for your injury.

Unlike some national law firms where you are restricted to a phone call or email to an adviser at a call centre, we offer a free one hour interview, either in our offices, or if this is not possible, in your home or at hospital,

This meeting will enable us to see your injuries and the effect that they have on you physically, psychologically, emotionally and financially. We are then in the best possible position to judge the merits of your case and provide the best advice.

We will explain everything in detail so you know exactly what your costs are likely to be before you decide whether to instruct Thomas Dunton.

There will no obligation to use our services.

Here are just a few of the topics found on our website, together with a full list of our services  
[www.thomasdunton.co.uk](http://www.thomasdunton.co.uk)

## **WILLS & PROBATE**

- Lasting Powers of Attorney
- Inheritance Tax
- Court of Protection

## **PERSONAL INJURY**

- "No Win No Fee" Funding
- Maximum Compensation
- Free Initial Interview

## **FAMILY**

- Divorce and Separation
- Children and Child Care
- Domestic Violence

## **BUSINESS SERVICES**

- Buying and Selling a Business
- Employment Law
- Free Business Health Check

## **BUYING & SELLING A PROPERTY**

- Buying or Selling Your Home
- Acquiring Commercial Premises
- Renting and Leasing

# Safety is no accident

**ALL employers have a duty to protect their workers, contractors and visitors from accident or injury.**

All machinery must be regularly inspected and maintained and the workplace must be clean, tidy and free from hazards.

All employers (except for very small companies) are legally obliged to keep an "accident book" into which all accidents are recorded.

They are legally obliged to report certain accidents such as a death, major injury or one that stops an employee carrying out their duties for more than 3 days. They must pay statutory sick pay, or contractual sick pay if that is in their contract of employment, and allow any necessary time off for a work related injury.

The employer should carry out a risk assessment to ensure that there are adequate first aiders on hand and what equipment and facilities should be available.



## **Sick Pay**

The employer is only obliged to pay Statutory Sick pay if the employee needs to have time off work because of a work related accident. However, you may decide to pay extra depending upon the circumstances.

## **What you need to do**

If there is an accident, you should take the following actions:

- Make sure the injury is recorded in the "Accident Book";
- Make sure the accident has been reported;
- Check the contract of employment for details regarding sick or accident pay;
- Take immediate action on any ongoing health or safety issues.



# How the legal process works for a compensation claim

**WE have a specialist team headed by Robert Sardo who, with over 20 years' experience, has Senior Litigator Approved Status with the Association of Personal Injury Lawyers (APIL) and is an Approved Member of the Law Society's Specialist Personal Injury Panel.**

When you initially contact us, you will speak to Robert or one of his team. You will always speak to a qualified personal injury lawyer, not a legal adviser at a call centre. Detailed below is how the process of a claim usually progresses.

## First interview

This is completely free and enables us to find out the exact circumstances of

how your injury occurred, the nature of the injury and the effect it has had on you mentally, financially and socially.

From this information, we are then in the best possible position to judge the merits of your case and provide the best advice. There is no obligation to use our services.

## Please visit our website

HOME CONTACT US TESTIMONIALS MEET THE TEAM HELPFUL INFORMATION 0800 146340

**Professional expertise, a high level of service and value for our clients**

Welcome to the dedicated Personal Injury website of Thomas Dunton Solicitors. We are an accredited and independent firm of Solicitors with a specialist team of Personal Injury lawyers who have been helping people for over 37 years to claim fair compensation for injuries, ranging from the results of a broken ankle to serious brain damage.

**We are here to help your recovery**

Serving Kent and the South-East

Our offices are conveniently based in High Street, Orpington, Kent with excellent bus and train links to the city.

**Request a call back**

If you require an urgent call, please complete these few details and we will respond before the end of the day. Alternatively, please [click here](#) for our online enquiry form.

Name

Phone

Email

Injury type

I have read and understood the terms and conditions and that I wish to register to use your services.

Agree

**Please call the back**

For more detailed information on subjects in this newsletter and other types of Personal Injury and how we can help you, please visit [www.injuryadvicelawyer.co.uk](http://www.injuryadvicelawyer.co.uk)

## Second interview

If it is decided to proceed with the claim, we will explain the whole process to you and we can agree the method of funding.

You will need to bring with you your identity documents, e.g. passport, together with any documents/records you have about your accident.

Permission may also be required for us to write to your doctor and any hospital you have attended to obtain your medical history.

## Rehabilitation

Apart from striving for the maximum compensation, we will be actively pursuing the defendant to fund additional medical treatment to enable you to get back to full health as quickly as possible. As a local solicitor we will be familiar with local services such as Osteopathy, Physiotherapy, etc.

## Presenting your case

We now prepare your case and present it to the defendants who have a set period of time to consider the claim.

If they accept responsibility, we obtain and present to them expert medical evidence about your injuries.

At this point an offer of compensation is made and we will advise you as to whether or not we believe the amount to be a fair offer. If the offer is accepted, we arrange all the paperwork and a cheque is sent to you.

If we believe it is an unfair offer and you have grounds for a better award, we'll negotiate for you to have the amount increased.

Only if the defendants won't make a realistic offer or accept responsibility for your accident, do we use Court proceedings

## Cosmetic Surgery Claims

AS more and more people have become aware of the range of treatments available, so too has the general public's expectations increased to such a degree that there is a danger of losing touch with realistic outcomes.

### Advanced warnings

Potential risks must be explained to the patient and, preferably, a very detailed note kept. The preparation of sketched diagrams, for example showing potential outcomes and even scarring, can be a wise step. After all, a patient's expectations will, as stated, be high.

Whilst pre-printed pamphlets and information can be helpful, a personalised letter to the patient outlining potential risks goes one helpful step further.

Pre-surgical advice may extend to other risk factors such as cigarette smoking. Avoidance of smoking and even nicotine substitutes reduces the risk of major healing complications e.g. nipple necrosis or gangrene.

The operation may be sub-standard itself, such as contour irregularity following liposuction.



Equally poor planning can, for example, impair blood supply and this may or may not be revealed by the operative notes.

### Post-operation

Post-operatively if there is a delay in diagnosis then secondary complications may occur e.g. peritonitis caused by accidental perforation of the intestines. Nursing notes may reveal lack of aftercare too in this regard.

Carefully planned scar revision surgery may be of benefit. However red and lumpy scarring may not always be avoidable.

**Please contact us if you believe your treatment was not to the standard you expected.**



## A dangerous profession

**FARMING and tree surgery are recognised as two of the most dangerous industries to work in. Agriculture alone accounts for one in five workplace fatalities according to the Health and Safety Executive.**

Employers are legally responsible for the safety and welfare of their workers and by managing these risks, they protect themselves, their workers and their business.

Tree Surgeons (Arborists) are often placed in a number of dangerous situations during their normal working day. As with farming, injuries sustained when working at height or with dangerous machinery can be life-changing.

### **Tree Surgeons working at height**

Falling from a height is the cause of most fatal accidents at work, as well as some of the most serious injuries. The Work at Height Regulations 2005 was introduced to protect workers and the main points are:

- The work must be properly planned and supervised.
- If working at height is unavoidable, any risks should be eliminated or reduced wherever possible by providing appropriate equipment.
- Everyone must be properly trained and all equipment must be in a safe and fully-working condition.

It is not advisable to allow employees to work at height on their own. Great care should be taken when dealing with

diseased or dying trees in particular as branches are more likely to break.

Equipment such as ropes, harnesses and platforms must be regularly inspected and training given on how to use them.

### **Tree Surgeons operating dangerous machinery**

Two of the most dangerous pieces of equipment are chainsaws and stump grinders. They both have the potential to cause horrific injuries or death.

It is a legal requirement that anyone using a chainsaw must have adequate training to cope with all situations in which it may be used, and that they must wear appropriate protective clothing.

### **Tree Surgeons hit by falling trees/branches**

Heavy objects such as branches or pieces of equipment, or even a colleague, falling from a tree can cause injuries to those on the ground.

Employees should always be cognisant of what is happening above them and always wear a safety helmet and other protective equipment when working at ground level around trees, just as when working at height.

**If you have been injured while working as a tree surgeon and the accident may have been avoided in any way, you may be able to make a Personal Injury claim for compensation.**



**Free Information Leaflets Available from our offices or can be posted on request.**

## Work and Industrial Diseases

**At Thomas Dunton, the aim of our specialist Personal Injury team is to gain maximum compensation for the victims of work and industrial diseases including:**

### **Asbestosis**

Asbestos was used in the past by the construction industry, because it did not burn and therefore provided fire protection and was used as a form of insulation. By breathing in the asbestos dust, the lungs can be scarred, which can lead to shortness of breath and coughing.

### **Occupational Asthma**

Asthma at work can be caused by one of over 400 identified substances that are classed as having asthmogenic or allergenic properties. Breathing in dust, gases, fumes or vapours can sometimes trigger an attack.

### **Noise Induced Hearing Loss**

Damage to the sensitive hair cells within the ear reduces our ability to hear sounds. Loud noises over a continuous period, or even a one off experience of extreme sound, can do permanent damage.

### **RSI (Repetitive Strain injury)**

Repetitive Strain injury (RSI) is a general term given to describe the pain felt in muscles, nerves and tendons caused by repeated movements and overuse.

**Please visit our website or call us on 01689 822554 for more information.**

**THOMAS  
DUNTON  
SOLICITORS**

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www.injuryadvicelawyer.co.uk

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