

# Accidents in Public Places

## A guide to compensation

### Expert advice

Owners and occupiers have a duty of care to visitors to their premises, including members of the public or employees from other companies, to ensure that they are not at risk of injury when visiting them. If it can be proved that insufficient Health & Safety provisions were made, then you may well be entitled to make a claim for compensation.

Slater and Gordon has a team of specialists who deal with claims involving accidents in public places and can provide immediate legal representation and rehabilitation support as well as ensuring that you achieve the best possible outcome.



### Accidents involving local authorities

Local authorities have a duty of care to the public to ensure their safety.

They have a responsibility to ensure that all pavements, roads and bridle paths are clear of defects and are well maintained to avoid accidents occurring.

Generally, the roads and pavements are maintained by a local highways authority which has a responsibility to ensure that the roads are properly maintained and in a reasonable condition. The busier the road or pavement, the more resources should be committed to maintaining them in a reasonable condition.

Paving will never be completely flat and pedestrians must do what they can to avoid obvious hazards. If you trip and fall in the street, you will not automatically succeed in a slip and fall injury claim for compensation. This is because it's accepted in law that no highway can be maintained to 100% perfection.

Cyclists are also at risk from potholes which can cause serious injuries.

### Accidents involving business premises

All businesses have to ensure that their premises are safe for the public. This means that they have to ensure that all spillages and hazardous items are dealt with.

Where they have equipment which is used by the public, they have to ensure that it's regularly maintained and safe to use. Types of accidents which occur on business premises include:

- accidents in supermarkets / shopping centres
- accidents in other business premises where you are a visitor
- accidents pubs / restaurants
- accidents which occur when taking part in leisure activities
- accidents at public events

### What you should do if you have an accident in a public place

If you've had an accident in a public place, there are various steps you can take which will assist your case:

- report the accident to the business owner / local authority
- make sure details go in the accident book if there is one
- get the names and addresses of any witnesses
- if a pothole or defective paving has caused the accident, take photographs with a ruler to show the depth / width
- seek medical advice for your injuries
- contact a lawyer who specialises in claims involving accidents in public places

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# Advice on making a claim for compensation

For those who don't have experience of the legal process, contacting a lawyer and making a claim for compensation can be a daunting prospect. However, we're with our clients every step of the way, ensuring they understand the claims process, and relieving the burden of having to deal with a variety of practical issues, at what can be a difficult time.



## What should you do if you think you have a claim?

Contact us. Our team of specialists have a vast amount of experience of dealing with accidents in public places.

Once we've taken details, we'll tell you whether or not you have a claim. If you're entitled to compensation, we can start work on your case straightaway and begin gathering evidence.

There are time limits which apply when making a claim for compensation, so don't delay in contacting us.

## What is the cost of making a claim?

We understand that the cost of legal advice can be a worry, but there are options available to fund personal injury cases.

You may have legal expenses insurance under an existing insurance policy which entitles you to free representation. If legal expenses insurance is not in place, we can conduct your case under a Conditional Fee Agreement, also known as a 'No Win, No Fee' Agreement. This means if the case fails, no payment is due.

Once we know the circumstances of your case, we'll be able to discuss your funding options in more detail.

## What is the amount of compensation likely to be?

Compensation will be based on the severity of the injury, and also on the personal circumstances of the injured person. For example, if they've been unable to work as a result of their injury, loss of earnings may be accounted for. If the injured person requires rehabilitation, treatment, aids, equipment or adaptations, we'll also seek to recover these costs.

If the injured person passed away and had dependents who relied on them for income and/or services such as household tasks or caring for a relative, this will also be taken into consideration.

## How long is the case likely to take?

Every case is different so it's difficult to estimate how long a case is likely to take without first reviewing the circumstances. However, the case will be dealt with by an expert from our accidents in public places team who will deal with the case as quickly and efficiently as possible.

## Frequently asked questions

### Will I have to go to court?

A large majority of cases settle before a trial takes place. However, if the case does not settle before trial, attendance at court may be necessary.

### What if the injury requires rehabilitation or treatment?

We have many years' experience working on behalf of people who have suffered serious injuries and see it as an important part of our role to make sure that our clients get the best quality support to maximise the chances of recovery and future independence.

We work closely with case managers, medical experts and approved rehabilitation providers to ensure that a tailored programme is put in place as soon as possible so rehabilitation can begin without delay.

Where we've proved that the other side was fully or partly to blame, we can obtain interim payments to pay for treatment and other costs before the case reaches settlement.

### What if I need assistance in other areas?

We have experts in many areas of law such as employment, family, welfare benefits, trusts, Court of Protection and disability rights and work closely with those departments to ensure that you get the best possible outcome.