

Fatal Injuries and Illnesses

A guide to claiming compensation

Expert advice

Slater and Gordon's experts have been dealing with claims for compensation for fatal injuries and illnesses for many years and have a vast amount of experience in this area of law.

We understand the difficulties which can be faced at a time of loss and will ensure that we not only strive to achieve the justice you deserve, but that we also provide the best possible assistance and support.



Fatal injuries and illnesses

There are various incidents which can cause the death of a loved one. When that death has been caused by someone else's negligence, compensation may be available. These incidents may include:

- Road traffic collisions (either as a driver, passenger or pedestrian)
- Cycling/motorcycling collisions
- Accidents at work
- Mesothelioma and other asbestos related illness
- Work related cancer
- Medical negligence
- Military incidents
- Aviation and maritime disasters
- Slipping, tripping or falling
- Travel accidents / accidents abroad
- Criminal incident (such as an attack)

Who can make a claim?

Only certain relations or family members are able to make a claim arising from the death of a loved one. The people who can bring a claim are prescribed by law.

The list is extensive but we'll be able to advise you quickly whether you are entitled to bring a claim for compensation.

What can compensation be claimed for?

There are various claims which can be made in the event of someone's death. Each is dependent upon the circumstances and the person making the claim. These are:

Damages for the Estate

A claim for damages can be brought on behalf of the Estate of your loved one. This includes compensation for their pain and suffering and any out of pocket expenses.

Bereavement damages

This is a statutory award for the loss of a loved one. The amount due depends on the date of death. Bereavement damages are only available to specific family members.

Loss of dependency

A person is a dependent if they were reliant upon the person who has died for income and/or services such as assistance with household chores or in caring for a relative. Compensation awarded would be to replace the loss of income and/or to provide alternative assistance.

Human Rights Act

Not all family members are entitled to bring a claim for bereavement damages and where a family was not dependent upon their loved one, this can leave them effectively uncompensated for a negligent death. Therefore, in certain circumstances, a claim can currently be brought under the Human Rights Act 1998. However, there's a special time limit for doing so of one year from the date of the incident that led to death.

Psychiatric injury

If you witnessed the incident involving your loved one, and have suffered a recognised psychiatric injury, you may be categorised as a secondary victim, and may be able to claim in your own right.

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 is 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 in dealing with fatal injuries and illnesses.

Once we've taken details, we'll confirm 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.

Time limits 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 injury claims.

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 may be able to 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?

It's difficult to estimate the likely amount of compensation you'll receive as every case is different. Once we know the circumstances of the case, we'll be able to provide an estimate of what we're able to make a claim for.

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 in fatal injuries and illnesses who will deal with the case as quickly and efficiently as possible.

Other 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.

Does the deceased need to have made a Will for me to make a claim?

If the deceased made a Will, the executor of the Estate is responsible for pursuing the claim on behalf of any dependents. If there's no Will, our experienced probate team can assist in obtaining all the necessary paperwork to enable them to pursue a claim.

There's an Inquest. What do I do?

An Inquest can be a very daunting prospect for a bereaved family. We have a team of specialist lawyers with a vast amount of experience in representing families at Inquests. They can guide you through the process, ensure that all your questions are addressed with empathy and understanding and ensure that all events are thoroughly investigated.

As I've been grieving, it's taken me some time to look at making a claim. How long do I have?

The Limitation Act states that you have three years from the date of death in which to make a claim, or one year if the claim is brought under the Human Rights Act. If the incident took place whilst abroad, different time limits may apply. It's therefore important that, as soon as you feel able to, you contact a lawyer without delay.

What if I need assistance in other areas?

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