

Personal Injury Scheme

Why you are better off with Prospect

Accidents can happen...

Prospect's personal injury scheme provides members with expert advice and representation.

Personal injury claims can arise where the accident or illness occurs through the negligence of the employer or a third party.

Members are eligible for advice in respect of an injury arising from an incident at work, such as a fall or faulty equipment.

The scheme also covers members who have developed an illness or disease through work, for example, exposure to asbestos, hazardous substances or work-related stress.

Members, their partner and their children under 19 are also covered for an injury or illness that arises outside work, such as road traffic accidents, faulty equipment, or non-work exposure to dangerous substances.

...but you are better off with Prospect

By using the union's legal scheme you will receive a high quality, responsive and effective service. Our partner law firms all have well respected specialists in personal injury law and you can rely on their expertise.

Unlike many other firms you could go to, by bringing your claim through Prospect's lawyers you will always retain 100% of your damages payments.

For advice on a personal injury claim or for initial legal advice on any non-work issue call LegalLine on 0808 28 193 28.

Members in Northern Ireland, the Isle of Man and the Channel Islands should call Prospect Legal on 020 7902 6624 to check their local services.

BECTU sector members (excluding C&D) should call 0800 58 712 78

For work related advice contact your Prospect representative or negotiator



Left to Right: Jane Copley, Sue Ferns, Rodney Wheeler, Marion Scovell (Prospect) Jamie Hanley, Frances McCarthy (Pattinson & Brewer, who are our main law firm for members in England and Wales), Helen Hall, Paula Mitchell, Linda Sohawon (Prospect)

Photo: Joanne O'Brien

Successful cases

We have reported some recent cases for Prospect members below, showing the breadth of the scheme and the type of claims being made.

Scalded at work



Carla Maloco and her friend Tansy

Carla Maloco, was a cook supervisor at The National Trust. She suffered a second degree burn to her hand, while ladling soup in the kitchen. The bad design of the kitchen had been raised at meetings and workplace inspections prior to her accident, but the soup kettles had not been moved.

The Trust initially denied liability, but Prospect's solicitors pressed on with the case, obtaining medical evidence and instructing Counsel. Shortly before the trial the case was settled. Carla said: "I found Prospect's legal team to be very responsive and sensitive to any questions or worries I had. They kept me informed and nothing was too much trouble."

Client: <https://library.prospect.org.uk/id/2017/01603>

This revision: <https://library.prospect.org.uk/id/2017/01603/2017-10-11>

Stage technician injured on set

BECTU sector member, Ross Feltham, is a senior stage technician for Glyndebourne Productions. While on tour he was lowering a piece of a set onto a platform fitted to the top of a truck. As he was guiding it in to place he stepped backwards and fell 15 feet to the ground, and the platform fell on top of him. He suffered a head injury, fractured ribs and damage to his spine.

The case was handled by Thompsons, the BECTU sector's solicitors. Funding was obtained for rehabilitation and Ross was able to begin a graded return to work. Thompsons negotiated a settlement of a six figure sum.

If you have an accident at work

Helen Hall, senior legal assistant, who administers PI cases for Prospect, advises:

- ✓ Always report it to your manager
- ✓ Complete the accident register or book
- ✓ Make a note of what happened and who witnessed it
- ✓ Make a simple map of where the incident occurred
- ✓ Take photos of the site or equipment and of your injuries
- ✓ Consult your doctor and ensure it is recorded
- ✓ Discuss it with your Prospect health & safety rep
- ✓ Contact Prospect Legal for advice on making a claim as soon as possible



Make sure your colleagues are Prospect members, they can join at:

www.prospect.org.uk/joinus

Accident while shopping

Mrs G, the wife of a Prospect member, slipped on water leaking from a roof in a supermarket and broke her right wrist. She made a claim against the supermarket, through Prospect's legal services.

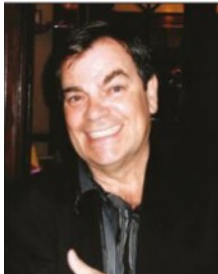
After some negotiation the case was successfully settled. She was particularly pleased with the service and said: "My lawyer was so understanding and I felt she handled everything very professionally"

Exposure to asbestos

Mesothelioma is a form of cancer that takes many years to develop following the inhalation of asbestos fibres, but is usually rapidly fatal following disease onset.

John Pedder, known as Sam to his friends, worked for what was the London Electricity Board for nearly 48 years. He was diagnosed with mesothelioma in July 2016. Through Prospect's lawyers he brought a claim against his ex-employers.

Very sadly, Sam died before his claim reached court, but with the support of Prospect and her legal team, Sam's widow Gillian was able to bring the claim to trial and achieve a settlement that goes some way to achieving Sam's aims.



John "Sam" Pedder

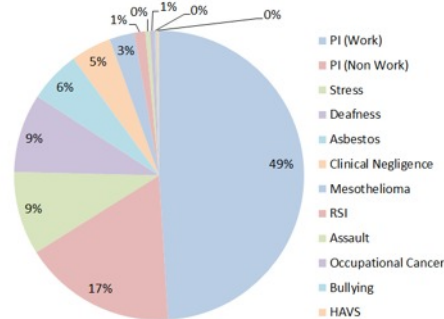
Gillian said: "I felt that I had to finish what Sam had started and carry on as best I could. With the support of Prospect and my expert legal team I was able to do this."

Damages for a climbing injury

Prospect member, Mark Gough, won his case in the county court for damages following a serious accident at an indoor climbing centre. Whilst climbing with a partner, the other person failed to 'lockoff' the rope causing Mark to fall 36 feet to the ground suffering extensive injuries. The Judge found in favour of Mark. Mark said: "Prospect supported me throughout the experience even though the outcome could have gone either way."

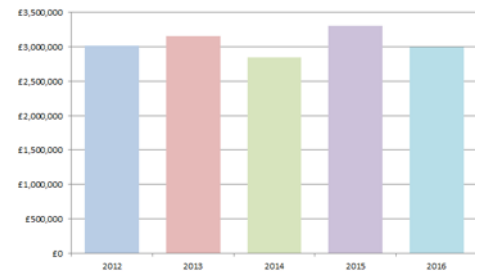
Personal Injury (PI) Scheme: A statistic overview

During the past two years the Prospect PI scheme has approved over 400 applications covering a wide variety of case types, as detailed below:



In the same time period over 60% of cases were settled successfully.

Over the last 5 years the total compensation recovered for members has been in the region of £3 million per annum, as shown below:



Road traffic accident halting villains

A Prospect member, who works for Western Power, recovered damages for personal injury following a road traffic accident.

The accident occurred when a well-known fried chicken establishment was robbed. When making their getaway in a stolen car, the thieves drove the wrong way round a traffic island and collided with our member's car. The police arrived and made an arrest. Our member sustained back injuries. Prospect referred the case to our solicitors and a settlement was reached.

Helen Hall, senior legal assistant said: "Our member was certainly no chicken when he halted these villains in their tracks. It just goes to show, you never know when your Prospect membership will come in handy."

Manual handling injury

John Cottingham, was injured at work, whilst lifting a heavy generator. He developed a hernia requiring surgery.

Prospect's solicitors raised a personal injury claim. They argued there had been a breach of the Manual Handling Regulations and that the employer had failed to listen to the warnings from John, and his colleagues, that the work practices were unsafe. His employers conceded liability.

John said: "I am so pleased that Prospect was there to support me when I needed them. I received the personal touch from the lawyers which made all the difference".

Exposure to chemical smoke

Prospect member, Richard Kemp developed reactive airways disease syndrome (RADS), as a result of his exposure to chemical smoke while he was assisting in filming a series of smoke visualisation experiments.

The employers originally denied that anything had gone wrong and said it was an unforeseeable reaction to the situation. It was only after legal proceedings were commenced that the defendants negotiated and a settlement was agreed.

Richard said: "I was pleased that I had the backing of Prospect and their legal team at Pattinson & Brewer. With their help I could take matters further and win damages for what happened".

Terms and conditions for legal assistance

You must:

- ✓ Be in membership at the time the problem arises
- ✓ Continue to be in membership for the duration of the case
- ✓ Not take independent legal advice before approaching Prospect
- ✓ Not commence litigation before approaching Prospect



Read our guide to legal advice for more details

bit.ly/ProspectLegalGuide