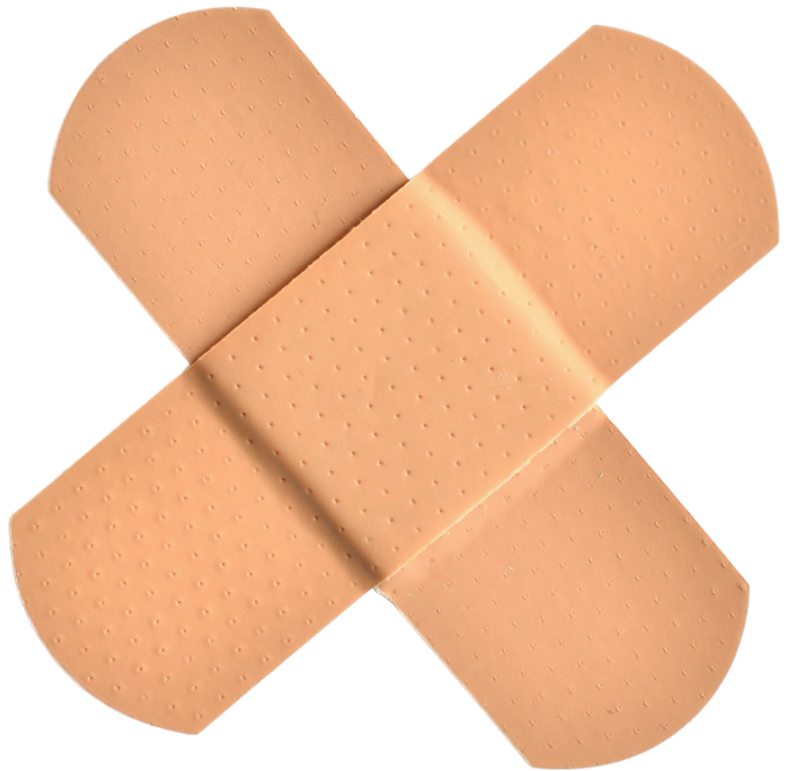


PERSONAL INJURY CLAIMS

A step-by-step guide

How the Personal Injury
Claim Process Works in
England and Wales



Personal injury claims arise where someone **suffers harm** because another party failed to take reasonable care for their safety. These injuries may occur suddenly — for example in a **road traffic accident or workplace incident** — or develop over time as a result of **unsafe systems of work, defective equipment, or failures to act**. Many people delay seeking advice because they are unsure whether what happened was “**serious enough**”, worry about blaming someone, or assume the legal process will be stressful. In reality, personal injury claims are primarily about **accountability, rehabilitation**, and ensuring that injured individuals are not left to carry the **financial and personal consequences** of avoidable harm.

This guide explains, in detail, how the personal injury claim process works in England and Wales. It is designed to **answer common questions, remove uncertainty, and explain what happens at each stage of a claim** — from protecting your health, through to settlement and compensation.

Related Services:

[Road Traffic Accident Claims](#) | [Employer Liability Claims](#) | [Public Liability Claims](#) | [Serious Injury Claims](#)

WHY ALL PERSONAL INJURY CLAIMS ARE DIFFERENT

Personal injury claims can differ significantly depending on **how** and **where** the injury occurred, but they often share common features:

- Injuries may not be **immediately apparent**. Some injuries are **delayed** in their presentation.
- Symptoms can **worsen over time**. Even where symptoms appear quickly, the full extent of an injury may not be known **straight away**.
- Employers or organisations may **dispute responsibility**. Many people assume that if an accident happened **at work** or in a **public place**, liability will be straightforward
- Evidence may include **accident records** and **witness accounts**. Personal injury claims are heavily **evidence-driven**.
- Financial impact often continues long after the incident. Many people face **ongoing costs** even after they **return to employment**.

In many cases, injured people continue working through pain or adapt their lives around limitations before realising the long-term impact of the injury.

At NJS Law, we regularly act for clients whose injuries could have been avoided if appropriate safety measures, training, or procedures had been in place.

Personal injury claims are highly outcome-sensitive – an injury that initially seems minor can develop into long-term pain, restricted movement, or psychological symptoms



Protect your health first (and create the medical paper trail)

Your health is always the priority. Legal considerations come later. That said, medical treatment and documentation are vital in establishing the extent of an injury.

WHY MEDICAL RECORDS ARE SO IMPORTANT IN PERSONAL INJURY CASES

Personal injury claims rely **heavily** on contemporaneous medical records. These show:

- When symptoms were **first reported**
- How injuries were **described**
- Whether symptoms were **consistent** with the accident
- How recovery **progressed** over time

It is common for symptoms — particularly soft tissue injuries, psychological injuries, or chronic pain — to develop or worsen after the initial incident. Medical notes help demonstrate this progression.

WHAT IF SYMPTOMS APPEAR LATER?

Delayed symptoms are common in personal injury cases, particularly where:

- Adrenaline **masked pain** initially
- Injuries involved the **neck, back, or joints**
- **Psychological symptoms** developed after the event

If symptoms appear days or weeks later:

- Seek **medical advice** promptly
- Explain the **link** to the **original incident**
- Ensure the connection is **recorded** in your notes

Delayed symptoms **do not** invalidate a claim.

KEEPING A RECOVERY AND IMPACT DIARY

A recovery diary can include:

- Pain levels and physical limitations
- Sleep disturbance and fatigue
- Anxiety, low mood, or loss of confidence
- Impact on work, childcare, or independence
- Activities you can no longer manage

This evidence helps show the day-to-day impact of the injury, not just the diagnosis.



Gathering
evidence that
supports what
happened
(without pressure)

You are not expected to investigate your own case or confront anyone involved. However, evidence you already have can significantly strengthen a claim.

PHOTOGRAPHS AND VIDEOS

A recovery diary can include:

Visible injuries or scarring

Swelling or bruising

Accident locations or hazards

Damage to vehicles or equipment

Where possible, take photographs at different stages to show progression or healing.



WITNESS EVIDENCE AND SUPPORTING STATEMENTS

Witnesses may include:

- People who **saw** the accident happen
- **Colleagues** or **supervisors**
- Friends or family who **observed** your recovery

Independent witnesses can be particularly helpful, but statements from loved ones are still relevant.





ACCIDENT REPORTS AND CORRESPONDENCE

Depending on the circumstances, this may include:

- **Workplace accident** book entries
- RIDDOR **Reports**
- Incident reports
- Health and safety **documentation**
- Police **reference numbers**
- **Correspondence** with insurers

These records often reveal important details about how the incident occurred.

FINANCIAL LOSSES AND EXPENSES

Keep records of all costs linked to your injury, including:

- Loss of **earnings** or reduced **income**
- **Medical expenses** and **prescriptions**
- Travel and parking
- Care or domestic assistance
- Equipment or adaptations

These losses form part of your compensation claim.



Can you claim?
Understanding
negligence, fault,
and time limits

Not every accident leads to a valid claim. The legal test focuses on responsibility and avoidable harm.

DUTY, BREACH, AND CAUSATION EXPLAINED

Duty of care: The person, company, or organisation responsible had a **legal obligation** to take reasonable steps to prevent foreseeable harm.

Breach: That duty was breached because reasonable care was not taken. This could involve unsafe systems of work, poor training, failure to carry out inspections, ignoring hazards

Causation: The breach of duty **caused** your **injury**, or made an existing condition **worse**. In other words, the injury would not have happened — or would have been significantly less severe — if proper care had been taken.

COMMON PERSONAL INJURY CLAIMS

Personal injury claims often involve:

- Road traffic accidents
- Accidents at work
- Slips, trips, and falls
- Defective products
- Accidents resulting in serious or life-changing injuries

Cases may involve **systemic failures** rather than a single isolated error.

Learn more: [Employer Liability Claims](#) | [Road Traffic Accident Claims](#)

THE 3-YEAR LIMITATION PERIOD

In most cases, court proceedings must be started within three years of:

- The **date** of the accident, or
- The date you first became **aware** that your injury was linked to negligence

There are important exceptions, so advice should always be sought even if time has passed.

IS IT WORTH PURSUING A CLAIM?

Claims are more likely to be valuable where:

- The injury had a **significant** or **lasting impact**
- Time **off work** was required
- Ongoing **treatment** or **rehabilitation** is needed
- There is **medical** or **documentary** support

However, all cases are worth consideration. An initial assessment can usually clarify prospects quickly.

CASE EXAMPLE

Workplace Injury Caused by Unsafe Practices

1

Background

An employee was injured while carrying out routine duties.

2

What Went Wrong

No adequate **risk assessment** had been carried out, and safety procedures were not followed.

3

Outcome

The claimant suffered injury and required ongoing treatment and time off work.

4

The Claim

With appropriate safety measures, the injury and associated losses would have been avoided.



Starting the claim and understanding legal costs

Once you instruct a solicitor, they take responsibility for progressing the claim.

THE INITIAL CONSULTATION

During your first discussion, your solicitor will ask about:

- **How** the accident occurred
- Your **injuries** and **recovery**
- Any **documents** or **evidence** you already have

You do not need to prepare a legal case — your role is simply to explain what happened.

FUNDING THE CLAIM

Most personal injury claims are funded by a **No Win No Fee** agreement:

No upfront legal fees

No fees to pay if the claim does not succeed

If successful, there is a capped deduction from compensation

PRE-ACTION PROTOCOL



Your solicitor will:

- Obtain **records** and **evidence**
- Send a formal Letter of Claim
- Instruct **independent** medical experts
- Allow the defendant time to **investigate** and **respond**

Many claims resolve at this stage.



Medical evidence,
valuation, and
compensation

Independent medical
experts

EXPERTS ASSESS:

1

The severity of your injuries

how serious the injury is, what symptoms you have experienced, and how it affects your physical or mental wellbeing.

Whether recovery is complete

whether you have fully recovered, are still improving, or are likely to have ongoing symptoms.

2

3

Long-term impact and prognosis

whether the injury will cause lasting problems, future treatment needs, or permanent restrictions in work and daily life.

Reports are specific to **your** circumstances.

GENERAL DAMAGES AND SPECIAL DAMAGES

Compensation is divided into:

- **General damages:** Pain, suffering, and loss of amenity
- **Special damages:** Financial losses, past and future

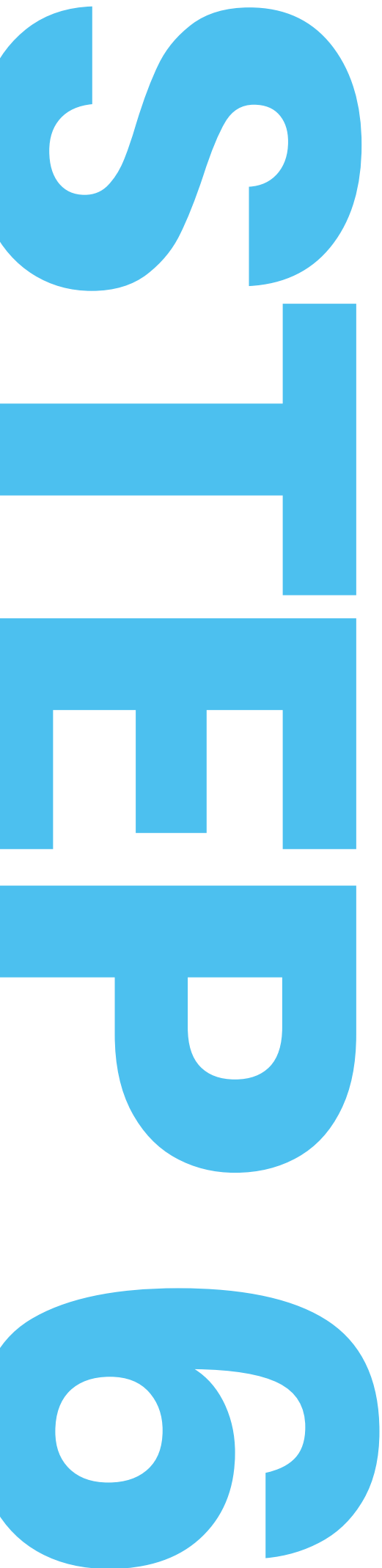
FUTURE LOSSES AND LONG-TERM IMPACT

Where injuries have ongoing consequences, compensation may include:

- Future treatment and rehabilitation
- Loss of future earnings
- Care and assistance
- Psychological support

INTERIM PAYMENTS

If liability is admitted, interim payments may be available to help with treatment or financial pressure.



Settlement, court, and timescales

Timescales often depend on the extent of the injury, recovery and expert evidence. As well as the Defendant's response and whether they engage in meaningful negotiations. If they don't, we will drive matters forward for you.

EXPERTS ASSESS:

Straightforward claims: around 12–18 months. These typically involve clear liability, straightforward injuries, and a predictable recovery, allowing the claim to progress once medical evidence is complete.

Complex cases: 2–3 years or more. These often involve serious injuries, disputed responsibility, ongoing treatment, or long-term prognosis issues, meaning the full impact of the injury needs to be understood before the claim can be concluded.



GENERAL DAMAGES AND SPECIAL DAMAGES

Most claims settle without a trial. Your solicitor will advise on:

- The fairness of any offers
- Whether further negotiation is appropriate

FUTURE LOSSES AND LONG-TERM IMPACT

Very few personal injury claims reach trial. If court attendance is required, you will be fully supported.

INTERIM PAYMENTS

Once agreed:

- Compensation is usually paid within weeks
- Any deductions are applied transparently
- Funds are transferred directly to you

CONCLUSION

Personal injury claims are about **more** than compensation. They are about **recognition, accountability**, and ensuring injured people are not left to deal with the **consequences** of **avoidable harm** alone.

Seeking legal advice **does not** obligate you to pursue a claim. It gives you **clarity, reassurance**, and **informed choice**.

CHOOSING NJS LAW

Personal injury claims are not just about legal rules and procedures. They are about people whose **lives** have been **disrupted** — sometimes suddenly, sometimes gradually — by injuries that **should not have happened**. Choosing the right solicitor can make a significant difference, not only to the outcome of a claim, but to how **supported** and **informed** you feel throughout the process.

At NJS Law, we understand that bringing a personal injury claim can feel daunting. Many clients worry about being blamed, about the impact on their job or relationships, or about whether they will be believed. Others simply want clarity — to understand whether what happened to them was avoidable, and what options are available. Our role is to **provide that clarity**, without pressure.

A PRACTICAL, CLIENT-FOCUSED APPROACH

We approach personal injury claims with a strong focus on your **individual circumstances**. That means taking the time to understand:

- **How** the accident or injury occurred
- The **full impact** on your physical and mental health
- How your **work, finances**, and **daily life** have been affected
- What **recovery** or **support** you may need going forward

We recognise that no two injuries — and no two clients — are the same. Our advice is tailored, realistic, and grounded in evidence, **not assumptions**.

CLEAR ADVICE FROM THE OUTSET

From the very first conversation, we aim to be **open** and **honest** about:

- Whether your claim appears **viable**
- What **evidence** is likely to be required
- How **long** the process may take
- The **potential value** of the claim
- Any **risks** or **uncertainties**

If a claim is unlikely to succeed, **we will tell you**. If further information is needed before a view can be taken, we will explain why. Our priority is that you can make **informed decisions** at every stage.

THOROUGH EVIDENCE-LED CASE PREPARATION

Successful personal injury claims are built on evidence. At NJS Law, we will do all we can to **gather** and **present** that evidence properly, assisted by you where appropriate. This includes:

- Obtaining **medical records and accident documentation**
- Identifying the correct **defendant** and **insurer**
- Instructing independent **medical experts** with appropriate specialisms
- Analysing **liability, causation**, and **long-term impact**

We do not rely on **assumptions** or **generic reports**. Each case is prepared carefully, with a clear focus on how the injury has **affected you** now and how it may affect you **in the future**.

SUPPORTING RECOVERY, NOT JUST COMPENSATION

Where possible, we focus on early support and rehabilitation. In appropriate cases, this may include:

- Securing **interim payments** once liability is admitted where possible.
- Arranging **private treatment** or **physiotherapy**
- Supporting access to psychological therapy
- Reducing **financial pressure** while the claim progresses

Compensation is important, but so is recovery. Our approach reflects both.



STRAIGHTFORWARD COMMUNICATION THROUGHOUT

We believe clients should always understand what is happening and why. Throughout your claim, we will:

- Explain **each stage** of the process in simple terms.
- Keep you updated on **progress** and **timescales**
- Discuss any offers **openly** and **honestly**
- Ensure that decisions are **always yours**

You will not be pressured to settle early or continue a claim if you no longer wish to do so.

STRAIGHTFORWARD COMMUNICATION THROUGHOUT



Most personal injury claims are handled under a No Win No Fee agreement, meaning:

- No **upfront** legal costs
- No legal fees to pay if the claim does **not succeed**
- A capped deduction **only** if the claim is successful

We explain funding, deductions, and insurance clearly before you proceed, so there are no surprises later.

WHAT HAPPENS IF YOU CONTACT NJS LAW?

Contacting us is **confidential** and does not commit you to bringing a claim. Many clients simply want to talk through what happened and understand whether their experience raises legal concerns.

Your initial consultation is designed to be supportive and practical. We will:

- Listen **carefully** to your account of what happened
- Ask **questions** to build a clear timeline
- Explain how **personal injury law** applies to your situation
- Discuss **time limits** and **evidence requirements**
- Advise **honestly** on your options and next steps

If you choose to proceed, we will handle the **legal process** and all **communication** on your behalf, so you don't have to. You remain in control at all times — our role is to guide, advise, and protect your position. If you're ready to talk, NJS Law is here to provide clear, practical support.



FREQUENTLY ASKED QUESTIONS

What counts as a personal injury claim?

A personal injury claim arises when you are **injured** because **another person, employer, business, or organisation** failed to take reasonable steps to prevent foreseeable harm, and that failure caused **avoidable harm**. This may involve **unsafe working conditions, poor maintenance, lack of training, negligent driving**, or failure to address **known** hazards. Personal injury claims are not about blaming someone for an unavoidable accident — they are about whether your injury could reasonably have been **prevented**.

Can I still claim if the accident was partly my fault?

Yes. You may still be able to claim even if you were **partly responsible**. This is known as **contributory negligence**. If both parties share **responsibility**, **compensation** may be reduced to reflect your **contribution**, but this does not automatically **prevent a claim**.

FREQUENTLY ASKED QUESTIONS

What if my injury did not seem serious at first?

This is very common. Many injuries — particularly **soft tissue, back, neck,** or **psychological injuries** — develop or worsen **over time**. Delayed symptoms do not **invalidate** a claim, provided medical evidence supports the link between the injury and the accident.

Do I need to know who was at fault?

No. You do not need to identify who was legally responsible. Your solicitor will investigate whether liability rests with:

- An **employer**
- A **driver** or their **insurer**
- A local **authority**
- A **business** or **property owner**

Your role is simply to **explain what happened**.

IS THERE A TIME LIMIT FOR BRINGING A PERSONAL INJURY CLAIM?

In most cases, court proceedings must be started within three years of:

- The **date** of the accident, or
- The date you first became **aware** that your injury was linked to **negligence**

WHAT IF I ONLY REALISED LATER THAT THE INJURY WAS SERIOUS?

This is common. The time limit may run from the point you became aware that:

- You had suffered an injury, and
- The injury may have been caused by **negligence**

This is known as the **date of knowledge**

Can I claim if the accident happened years ago?

Possibly. Some claims remain **viable** even where time has passed, particularly where **symptoms** or their **cause** were not immediately apparent.

A solicitor can assess whether an exception applies.

What if I did not report the accident at the time?

Failing to report an accident immediately **does not** automatically prevent a claim. However, it can make gathering evidence **more difficult**. Any evidence available will be crucial. **Medical records, witness statements, and other documentation** can still support your case.



What if there were no witnesses?

Many successful claims proceed without witnesses. Liability is often established using:

- Accident records
- Photos
- CCTV
- Reports
- Expert opinion
- Circumstantial evidence

Witnesses are helpful but not essential.

Do I need photographs or CCTV?

No. While photographs and CCTV can strengthen a claim, they are **not required**. Your solicitor will build the case using all **available** evidence.

How long does a personal injury claim take?

Timescales vary depending on complexity:

- Straightforward claims: around **12–18 months**
- More complex claims: **2–3 years or more**

Claims often take longer where recovery is **ongoing** or injuries are **serious**.

Will I have to attend court?

Very rarely. The vast majority of personal injury claims settle **without a trial.**

If court attendance is required, you will be **fully prepared** and **supported** throughout

What happens if the other side denies responsibility?

A denial **does not** mean your claim will fail. Further evidence may be obtained, and many cases settle with further negotiation.

HOW DOES NO WIN NO FEE WORK?

Most personal injury claims are funded under a **No Win No Fee** agreement:

- No **upfront** legal fees
- No legal fees to pay if the claim **does not** succeed
- If successful, there is a capped deduction **from compensation**

All funding terms are explained clearly before you proceed.

How much compensation could I receive?

Compensation depends on:

- The **severity** of your injury
- The impact on **work** and **daily life**
- Financial **losses** and **future needs**

Your solicitor will advise on likely compensation once medical evidence is available.

What does compensation cover?

Compensation may include:

- **Pain, suffering, and loss of amenity**
- **Past** and **future** loss of earnings
- Medical **treatment** and **rehabilitation**
- **Travel, care,** and **assistance** costs
- **Psychological impact**

Each claim is assessed individually.

Can I receive compensation before the claim ends?

Yes. If liability is admitted, interim payments may be available to help with **treatment** or **financial pressures** while the claim continues.

EMOTIONAL AND PRACTICAL CONCERNS

What if I feel uncomfortable bringing a claim?

This is very common. Many people worry about appearing confrontational. A personal injury claim is not a personal attack — it is a **formal legal process** designed to address **avoidable harm** and **support** recovery, and recover the compensation you deserve.

Can I bring a claim on behalf of someone else?

Yes. Claims can be brought on behalf of:

- A **child**
- A **family member**
- Someone who **lacks** mental capacity

Your solicitor can advise on **eligibility** and **procedure**.

