

SERIOUS INJURY CLAIMS

A Comprehensive Guide

How Serious Injury Claims
Work in England and
Wales



NJS Law

Serious injury claims arise where a person suffers **catastrophic** or **life-changing** harm because an **individual, employer, organisation, healthcare provider, or authority** failed to take reasonable care for their safety.

These cases differ fundamentally from minor injury claims.

They often involve:

- **Permanent** disability
- Significant loss of independence
- **Long-term** or **lifelong** care
- Inability to return to previous employment
- Adapted housing requirements
- Psychological trauma
- Substantial **financial losses** over decades

Serious injury claims are not simply about compensation for pain. They are about securing **long-term stability**, dignity, and appropriate support after avoidable harm.

Early legal advice can protect **evidence**, secure **rehabilitation funding**, and ensure that future needs are properly assessed before settlement is considered.

This guide explains how serious injury claims work in England and Wales, what makes them different, and what to expect at each stage.

Related Services:

[Personal Injury Claims](#) | [Road Traffic Accident Claims](#)
| [Accident at Work Claims](#) | [Medical Negligence Claims](#)

WHAT IS CONSIDERED A SERIOUS INJURY?

A serious injury is one that has **lasting** or **permanent** consequences and significantly affects daily life, mobility, cognitive function, or earning capacity.

The seriousness of a claim is determined not only by diagnosis, but by **impact**.

Examples include:

- Traumatic brain injury (TBI)
- Spinal cord injury
- Paralysis (paraplegia or tetraplegia)
- Amputation
- Severe orthopaedic trauma
- Multiple fractures with long-term complications
- Chronic pain syndromes
- Severe psychiatric injury (including PTSD)
- Loss of vision or hearing
- Internal organ damage

In many cases, recovery is **incomplete**. Long-term care, rehabilitation, and support become central issues.



IMMEDIATE PRIORITIES AFTER A SERIOUS INJURY

Serious injuries frequently require:

Emergency surgery

Hospital admission

Intensive care

Specialist neurological or orthopaedic intervention

Avoidance of driving

Ongoing outpatient treatment



IMMEDIATE PRIORITIES AFTER A SERIOUS INJURY

Hospital and GP records form the foundation of any future legal claim. They document:



The mechanism of injury

Imaging results (MRI, CT scans, X-rays)

Surgical procedures

Neurological findings

Initial prognosis

These records are crucial in proving causation and severity.

PRESERVING EVIDENCE IN SERIOUS CASES

Where possible, early evidence is **extremely important** in serious injury claims. This may include:

- Police reports (particularly in road traffic cases)
- Workplace incident investigations
- CCTV footage
- Vehicle data
- Witness details
- Health and safety documentation
- Accident Reports

In catastrophic cases, evidence can be lost quickly — CCTV may be overwritten, vehicles repaired, or machinery altered.

Families often worry they must “investigate” the incident themselves. That is **not necessary**. Once instructed, your solicitor will take responsibility for securing and preserving **relevant** evidence, including **requesting disclosure** and, where appropriate, obtaining **court orders** to prevent destruction of material.

TYPES OF SERIOUS INJURY CLAIMS

Serious injuries can arise in a variety of legal contexts. The circumstances of the incident determine the **legal framework** and **evidence required**.

Road Traffic Accident Claims

High-impact collisions are one of the most **common** causes of catastrophic injury, particularly involving:

- Motorcyclists
- Cyclists
- Pedestrians
- Heavy goods vehicles
- High-speed motorway accidents

These claims often require **accident reconstruction** experts, engineering evidence, and detailed medical reporting.

WORKPLACE AND EMPLOYER LIABILITY CLAIMS

Serious injuries frequently occur in:

- Construction
- Manufacturing
- Warehousing
- Agriculture
- Industrial environments
- Transport and logistics

Common causes include:

- Falls from height
- Machinery entanglement
- Crushing injuries
- Unsafe lifting operations
- Lack of training or supervision
- Defective equipment

Employers owe **strict statutory duties** under health and safety legislation.

Where those duties are breached and **serious injury** results, a claim may arise.



PUBLIC LIABILITY CLAIMS

These involve injuries occurring in **public** or **commercial** settings, such as:

- Supermarkets
- Shopping centres
- Car parks
- Local authority property
- Leisure facilities

Poor maintenance, failure to address hazards, or unsafe premises management can lead to **significant** injury.

MEDICAL NEGLIGENCE LEADING TO SERIOUS INJURY

Serious harm may result from:

- Surgical error
- Medication errors
- Delayed diagnosis or misdiagnosis
- Birth injuries to mother or baby
- Anaesthetic complications
- Wrongful death

Medical negligence claims require highly specialised expert evidence and often involve **complex issues** of **causation**.

CRIMINAL INJURY CLAIMS

Where serious injury results from **violent crime**, compensation may be available through the Criminal Injuries Compensation Authority (CICA), even if the offender is **not identified**.

WHY SERIOUS INJURY CLAIMS ARE DIFFERENT

The Financial Stakes Are Substantial

Future losses may extend across decades. Compensation must account for:

- Lifetime care
- Loss of career
- Pension loss
- Housing adaptations
- Specialist equipment

Expert Evidence Is Extensive

These cases may involve:

- Neurologists
- Neurosurgeons
- Orthopaedic surgeons
- Psychiatrists
- Rehabilitation physicians
- Care and occupational therapy experts
- Accommodation experts
- Employment specialists
- Actuaries

The objective is to calculate lifetime needs accurately and realistically.

Expert Evidence Is Extensive

Settling before **long-term prognosis** is clear risks under-compensating permanent needs. Careful medical assessment is **essential**.

TIME LIMITS FOR SERIOUS INJURY CLAIMS

The Standard Three-Year Rule

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** (the “date of knowledge”)

If proceedings are not issued within this period, the claim may be **time-barred**.

EXCEPTIONS TO THE THREE-YEAR RULE

Children

The three-year period does not begin until the child turns 18. They therefore have until **age 21** to issue proceedings.

A **parent** or **litigation** friend may bring a claim on their behalf before then.

Lack of Mental Capacity

If the injured person lacks mental capacity (for example due to **brain injury**), the limitation period may not run unless capacity is **regained**.

Fatal Accidents

Where serious injury results in **death**, separate time limits apply under fatal accident legislation.

Criminal Injury Claims

CICA claims usually have a **two-year time limit**.

Even if the time limit appears close or expired, urgent legal advice should be sought.

REHABILITATION AND THE REHABILITATION CODE

Serious injury claims often operate under the **Rehabilitation Code**, encouraging early cooperation to fund recovery.

This may include:

- Physiotherapy
- Occupational therapy
- Speech and language therapy
- Psychological therapy
- Pain management
- Case management services
- Neuro-rehabilitation

Rehabilitation funding may be secured through **interim payments** once liability is admitted.

Early intervention can **significantly** improve long-term outcomes.

CALCULATING COMPENSATION IN SERIOUS INJURY CASES

General Damages

This covers:

- Pain and suffering
- Loss of amenity

Judicial College Guidelines and comparable case law assist in **valuation**.

Special Damages

In serious injury claims, special damages often form the largest part of compensation and can include:

- **Past** and **future** loss of earnings
- Pension loss
- **Professional** and **family-provided** care
- Medical **treatment, surgery, and rehabilitation**
- Specialist equipment (e.g. wheelchairs, prosthetics)
- Adapted **vehicles** and **accommodation**
- Therapy and psychological support

Future losses may span **decades** and are calculated using actuarial multipliers.

INTERIM

PAYMENTS

Where liability is admitted, interim payments may be secured **before** final settlement.

These can fund:

- Private rehabilitation
- Specialist equipment
- Mortgage or rent payments
- Care assistance
- Financial stability during recovery

Interim payments are particularly important in **catastrophic** injury cases.

SETTLEMENT AND TIMESCALES

Serious injury claims are different, and the process is tailored to your need, but claims may take:

- **12–24 months** for moderately complex cases
- **2–4 years** or more for catastrophic injuries

Settlement is often delayed until medical prognosis **stabilises**.

Compensation may be awarded as:

- A **lump sum**, or
- A lump sum plus tax-free annual periodical payments for life

Periodical payments can provide **long-term financial security**.

COURT PROCEEDINGS

Most serious injury claims are resolved through negotiation and settle **without** the need for a trial.

While court proceedings are often issued—particularly in **higher-value** cases—this is usually a procedural step to **protect** the claim and does not mean a final hearing is **inevitable**.

If court attendance does become necessary, you will receive thorough case **preparation**, clear **guidance** on what to expect, and **full support** at every stage of the process.

THE IMPACT ON FAMILIES

Serious injury affects **entire** families.
Family members may:

- Provide **unpaid** care
- Reduce working hours
- Experience emotional distress
- Face **financial instability**

Compensation can reflect:

- Family care provided
- Loss of services
- Psychological support needs

If capacity is affected, a **litigation friend** or **deputy** may be required to manage the claim and compensation.



CHOOSING NJS LAW

Serious injury claims are not simply about **legal rules** and procedures — they are about **lives changed**, often in an instant, and the **lasting consequences** that follow.

A catastrophic injury can affect **independence, employment, relationships, housing, and long-term** financial security. Choosing the right solicitor is therefore not only about securing the appropriate level of compensation, but about ensuring **stability**, practical **support**, and careful long-term planning for the future.

At NJS Law, we understand how overwhelming this process can feel. Many clients and their families are already managing medical treatment, rehabilitation, financial uncertainty, and emotional strain. Some worry about the stress of legal proceedings; others simply want **clarity** about what **support** is available and how their future can be protected. Our role is to provide that clarity with **calm, straightforward** guidance at every stage.

A STRATEGIC, LONG-TERM APPROACH

Serious injury cases require **more** than standard case handling. They demand **careful planning** and a **forward-looking** strategy.

We take the time to understand how the injury occurred, the full medical **diagnosis** and **prognosis**, the **impact** on independence and daily living, the **effect** on employment and career prospects, the **financial implications** for you and your family, and what care, rehabilitation, or accommodation may be required **long-term**.

No two catastrophic injuries are the same, so our advice is tailored to your **individual circumstances**, supported by detailed expert **evidence** and **realistic** long-term financial assessment.

CLEAR ADVICE FROM THE OUTSET


From the first conversation, we provide **open** and **realistic** advice about whether your claim appears **legally viable**, the type of evidence required, the likely **complexity** of the case, how **long** the process may take and any risks or uncertainties involved.

Serious injury claims are often **substantial** and **complex**. If a claim is unlikely to succeed, we will tell you. If further expert input is needed before we can advise fully on the viability of your claim, we will explain what is needed and why.

Our priority is ensuring you **understand** your position and can make informed decisions at every stage.



SPECIALIST, EVIDENCE-LED CASE PREPARATION



Catastrophic injury cases are built on **detailed, specialist** evidence.

At NJS Law, we can **secure** and **preserve critical evidence** at an early stage, obtain comprehensive medical records, identify the correct **defendant** and **insurer**, and instruct **appropriate** independent medical specialists.

We can coordinate **rehabilitation**, care, and accommodation assessments with experts and analyse long-term financial losses.

We do not rely on **assumptions**. Each case is prepared thoroughly, with a clear focus on **lifetime needs** rather than short-term settlement.

PROTECTING YOUR FUTURE — NOT JUST SECURING COMPENSATION

In serious injury claims, compensation **must** reflect lifetime care requirements, future treatment and surgery, specialist equipment and mobility aids, adapted accommodation, loss of earnings and pension, and ongoing psychological support.

Our focus is on securing the resources necessary to **protect your independence** and provide **long-term security**. Where appropriate, we seek early rehabilitation funding under the Rehabilitation Code, **interim payments** to relieve **financial pressure**, and structured settlements or periodical payments to provide long-term stability.

The aim is not simply to conclude a case, but to safeguard your future.

SUPPORTING FAMILIES AS WELL AS THE INJURED PERSON

Serious injury affects **entire families**. Spouses, partners, parents, and children often experience **emotional strain**, financial uncertainty, and increased caring responsibilities.

We recognise that a claim may need to address **family-provided care**, loss of services, reduced working hours, and long-term **dependency needs**. Where mental capacity is affected, we guide families through appointing a litigation friend or deputy and ensuring compensation is managed appropriately.

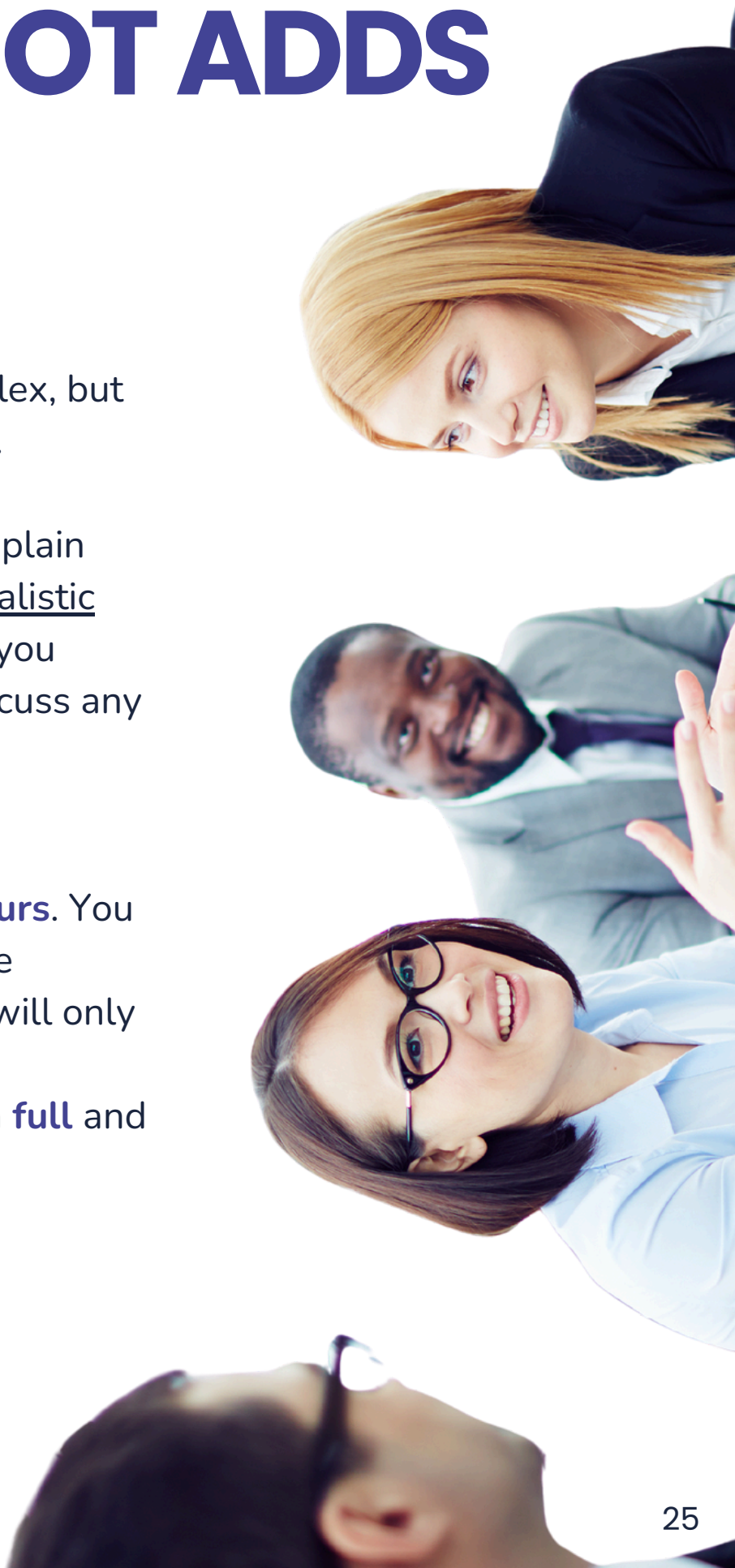


COMMUNICATION THAT REDUCES STRESS, NOT ADDS TO IT

Serious injury cases are complex, but they should not be **confusing**.

Throughout your claim, we explain each stage **clearly**, provide realistic timescale expectations, keep you updated on **progress**, and discuss any settlement offers **openly** and **carefully**.

Final decisions are **always yours**. You will not be **pressured** to settle prematurely, and settlement will only be recommended when it is considered the offer reflects a **full** and **fair** valuation.



NO WIN NO FEE FUNDING

Most serious injury claims are handled under a No Win No Fee agreement. This means there are no **upfront legal costs** and no legal fees to pay if the claim **does not succeed**.

There is a capped deduction taken from damages only if the claim is **successful**. We explain funding arrangements, insurance protection, and any potential deductions clearly at the outset so there are no **unexpected surprises**.

WHAT HAPPENS IF YOU CONTACT NJS LAW?

Your initial consultation is **supportive, structured**, and focused on **clarity**. We will:

- Listen carefully to what has happened
- Establish a **clear timeline**
- Discuss immediate priorities
- Explain **time limits** and **evidence preservation**
- Outline the likely stages of a serious injury claim
- Provide an **honest** view on next steps

If you choose to proceed, we take **responsibility** for the legal process and manage communication with insurers, employers, healthcare providers, or other organisations involved — allowing you and your family to focus on **recovery**.

Is there a time limit for bringing a serious injury claim?

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Yes. In most cases, proceedings must be issued within **three years** of the accident or **date of knowledge**. Exceptions apply for children and those lacking mental capacity.

What if I did not realise the injury was serious at first?

The limitation period may run from the date you became **aware** that the injury was **significant** and linked to negligence.

What types of serious injury claims are most common?

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Common claims arise from road traffic collisions, workplace accidents, construction incidents, medical negligence, and falls from height.

How long do serious injury claims take?

All serious injury claims are different and time taken depends on complexity and recovery progress.

Can I receive compensation before the case concludes?

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Yes. Interim payments can often be secured once **liability is admitted**.

Will I have to go to court?

Very few serious injury claims proceed to trial.

What if the injured person lacks mental capacity?

A **litigation friend** can bring the claim. The Court of Protection may appoint a deputy to manage compensation.

Can family members claim for care they provide?

Yes. The law recognises the value of unpaid care provided by family members.

How much compensation is awarded in serious injury cases?

Compensation depends on the **severity** of injury and **lifetime needs**. Awards can be substantial where **care** and **loss of earnings** extend over many years.

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