

## LEGAL

## Personal Injury



A personal injury is a legal term used to describe physical or physiological harm to an individual. If you have been injured because of an accident which was not your fault – you are able to claim compensation, and this is referred to as a personal injury claim. Personal injury law is based around the idea, that if someone does you a wrong, the wrong they have done should be put right.

The most common types of personal injury claims are for:

- Accidents at work (covered by employers' liability insurance)
- Accidents on public property or on business premises (covered by public liability insurance)
- Road traffic accidents (covered by motor insurance)

### Limitations Act 1980

It is important to be aware that there is a three-year time limit under the Limitations Act 1980 in most cases to bring a claim for personal injury. This means that court proceedings must be issued within three years of you first being aware that you have suffered an injury. As solicitors are unlikely to represent if the claim is brought near the end of the 3 years.

In some cases, a court may decide to extend a time limit, depending on the circumstances of the case. For example, if a child is under the age of 18 and has suffered a personal injury, a parent or guardian can make a personal injury compensation claim on the child's behalf up until the child

turns 18 years old. Alternatively, a person who was injured as a child has three years from the date, they turn 18 to make a claim themselves.

### How to begin a claim

Taking legal action for compensation for a personal injury can be expensive and complex, so it is important to be aware of legal costs.

One way to pursue a legal claim is through a 'No win, no fee arrangement' which is known as a conditional fee agreement with a legal representative. It is also worth looking at the insurance policies that you have in place as many include legal expenses cover – check the policy terms and conditions.

With a 'Conditional fee agreement', the solicitor representing you will receive no fees if you lose your case, but you may have to pay the legal fees and expenses for the other side.

This may be possible to indemnify against with insurance to cover costs. If the case is successful, the legal fees and expenses will normally be claimed from the other party.

### Pre-action Protocol process

The process starts with lodging a 'Letter of claim' to the other parties or their legal representatives.

It will be important to establish liability through gathering all relevant evidence before you proceed and the losses/ injury incurred, which will establish the level of compensation. Establishing the liability can be complex and require investigation reports to establish the level of

personal injury and future impact.

### Finding a solicitor

You will need to consult a solicitor to take legal action for a personal injury, who will be registered under the Law Society's personal injury accreditation scheme or clinical negligence accreditation scheme, depending on the nature of the injury.

The Law Society can give details of solicitors on these accreditation schemes and can be contacted at: [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

### Motoring organisation members

If you have sustained an injury because of a traffic accident and you are a member of a motoring organisation, for example, the AA or RAC, you may be able to get specialist legal advice through that organisation.

### Step by step guide to making a personal injury claim

1. Ensure your safety by seeking medical assistance following an accident
2. Check for witnesses and gather details
3. Write an account of what happened
4. Seek No Win No Fee legal assistance
5. Gather information for a solicitor to determine the prospect of succeeding
6. Get medical evidence to support your claim
7. Establish a settlement with your legal representative
8. Mediation may be considered as an option to settle outside of a court process.

WELLBEING

# Our fight against stress: stats & top tips

Stress levels in the UK are rising, with more people experiencing this pressure-induced state than ever before.

It could be receiving bad news, a bad traffic jam or a hectic work day; many triggers cause stress, and these triggers are different for everyone.

What we know from the statistics is that stress is becoming a more prominent part of people’s lives, and in the process, it’s affecting their health, meaning healthcare costs are also surging.

And while small amounts of stress can help us to rise to challenges and exert our strengths, long-term stress can lead to serious problems like burnout.

In this article, we’ll be looking at stress statistics in a little more detail to understand how prevalent stress is, what the impacts are and what causes it.

## How prevalent is stress?

In the last year, 74% of people have felt so stressed they have been unable to cope. (MHF)

One in five people in the UK feels stressed more days a month than they don’t. (CIPHR)

79% of people are often stressed at work. (Breathe HR)

## What are the impacts of stress?

Stress-related healthcare costs in the UK amount to £8.3 billion. (Statista)

51% of adults who felt stressed reported feeling depressed and 61% reported feeling anxious. (MHF)

54% of people who are stressed worry about the impact it is having on their health. (Forth)

## What causes stress?

The biggest cause of stress at work is workload (Breathe HR)

Money, work, and health concerns are the most common causes of stress. (Forth).

## The power of recognising stress

Most people will be familiar with the tight chest, fast-flooding thoughts and low mood that arise as a result of stress. How each person experiences stress will be unique to them. But generally, there are some common signs and symptoms, which we look at in more detail below.

**Physical signs:** difficulty breathing, sleeping problems, fatigue, chest pains, weight changes.

**Behavioural signs:** changes like withdrawing from others, being unable to switch off, and not enjoying things you usually do.

**Emotions you might be feeling:** overwhelmed, depressed, irritable, angry, worried, tense, uninterested in life or lonely.

Recognising stress when it arises is essential to overcoming it. If you notice any of the signs above, stop and ask yourself: am I feeling stressed right now?



Once you've answered this question, you can take some deep breaths and try one of our unique ways to let go of stress.

## Reducing the stress in your life

There’s no one quick fix for stress. As humans, we’re all going to experience this at some point. But you can reduce the impact stress has in your life by recognising it when it arises and by trying these stress-reducing tips.

### Get moving

Exercise in any form is one of the best stress busters you can find. And the best thing? It costs nothing. It could be a walk to the park, a dance around the kitchen or a 10-minute stretch.

### Laughter is the best medicine

Laughing it off should never be underestimated. Next time you’re feeling overwhelmed, call the friend that always makes you laugh, put on your favourite feel-good film, or even go to a comedy night. These little spurts of laughter can go a long way.

### Put sleep first

Sleep is good for the soul. It’s the body’s way of restoring, rebalancing and recharging itself. After a good night’s sleep, you’ll be more equipped to take on the tasks and scenarios that make up your day-to-day.



FOCUS

# Domestic Abuse: What is it and what can it look like?

## Some facts:

According to the UK government, it was recorded they class domestic abuse as the following:

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.”

Yet, as a counsellor on a EAP helpline at Health Assured I often hear ‘but they haven’t been physical to me’, when I state how the behaviour of a partner sounded controlling or abusive.

Abusive or violent behaviour does not just mean physical abuse. Domestic abuse can appear in several different ways. The abuse may not start immediately, and quite often the abuser will often increase the violence over a period of time. Why is this you ask? When you are in a domestically violent relationship, you are often ‘conditioned’, what this means is that you the victim in this relationship are conditioned to believe that this behaviour, whether this is physical, verbal, mental or emotional is normal, more so when the incidents are at first infrequent.

According to the crime survey for England and Wales, in the year 2020 an estimated 5.5% of the adults between the ages of 16 to 74 years had experienced domestic violence in that one year alone. 5.5% does not sound alarming, yet when we state what this is in the millions which is 2.3 million adults, this is a worrying and sad factor. Another fact that people often do not realize about Domestic abuse is that this is not always from a partner, abuse can also be from a family member such as a parent or sibling too. Again, in family situations if you are raised with a parent for example who is often controlling or mentally abusive, through to adulthood this is now classed as ‘normal’ behaviour which can be difficult for some victims to free themselves from without support.

Domestic violence can be formed from a one isolated incident, or it can be a pattern of behaviours which also include controlling and emotional abuse also.

According to the office for national statistics, in the year 2020, that despite there being an estimated 2.3 million abuse related crimes, that only 758,941 of these were recorded by the police.

During the pandemic which started in 2020, this caused concern for many people, especially those that were being forced to stay at home with their abusers during lockdown. According to the government statistics, during the pandemic lockdown in the months March to June 2020 the police recorded 259,324 domestic abuse related reports. The women’s aid provider calculated there had been a huge increase of people seeking support for domestic violence during the lockdown, for instance there was an ‘80% increase in 30 community-based services’ and a staggering ‘91% increase of 22 online support services’ for domestic violence. It was discussed that maybe there was such a large increase because people could not access their usual line of support, or even that they could not use their normal coping mechanisms of leaving the home to escape the violence or even to attend support services in the local area due to the lockdown that was set to the UK population because of the pandemic.

## So, What Does Domestic Abuse Look Like?

As stated above, as a counsellor with experience of working with both men and women who have endured domestic abuse, the biggest statement I would hear is that the partner had never been physical. I often spend time explaining to each client, this did not matter. Abuse is Abuse whether it is physical, mental, verbal, emotional, economical or sexual.

Below are categories of domestic violence and examples of what this could entail:

- **Mental and Emotional Abuse** – this can be harder to spot because it often doesn’t leave physical marks like a bruise. Mental and emotional abuse is the repetitive and intentional use of non-physical actions that manipulate, hurt, scare or intimidate another person

- **Verbal abuse** is when someone uses language and name calling as a way to intimidate and insult you

- **Destructive criticism** - name calling and making constant sarcastic comments which can affect someone’s self-esteem and confidence especially over a long period of time

- **Being made to feel guilty** – this can be known as ‘pressure tactics’, acts such as sulking or ignoring you to make you feel you have done something wrong. This can also range to emotional blackmail such as the other person threatening to kill themselves, so you feel bad or ‘give in’ to what they want

• Telling you what you can and can’t do

• **Not listening** and not responding to you when you are talking

• Not helping with childcare or housework and expecting this to be something you do on a constant basis

• **Threatening** to report you to the police or social services unless you comply with demands

• Making you feel as though you are not good enough to care for yourself or even your child **physically or mentally and threaten** your child will be taken away from you if you are not doing something they expect or ask

• **Isolation** – monitoring or blocking calls or other forms of contact to you from family, friends and professionals

• **Isolating** you from friends and family or making you **feel guilty** for wanting to spend time with other people

• **Disrespecting** you on a constant basis by putting you down and making you feel inadequate or ‘worthless’

• **Lying** to family and friends about you so they have a negative view of you or think you are the ‘problem’

• **Gaslighting you**, this is when you are made to feel you are wrong even though you know you are right, this can include making you feel you have created an incident or an issue

There are many more, yet these are often the most common within mental and emotional abuse.

**Physical abuse** is the most known type of domestic violence because it leaves physical marks and scars. There are many forms of physical abuse, this can include:

• **punching**

• **Slapping**

• **Kicking**

• **Spitting**

• **Pulling hair**

• **Pinching you or scratching you**

• **Strangling or suffocating you**

As you have read, there are so many forms of domestic violence, and this is not all physical.

**Economical Abuse** is when someone uses money or items to control someone, this can be items such as phones/computers or money

• **Withholding** your phone so you cannot call for help of family, friends or professionals

• **Destroying** your items such as your phone, computer or even car

• **Removing** your means of transport on purpose so you cannot leave, or you feel trapped within the situation

• **Withholding** your money and not letting you have access to this

• Using **manipulation or control** so you do not spend money for pleasure for yourself or you are made to feel guilty for doing so

• **Removing** your bank card purposely

There are other methods of economic abuse, however these are the some of the behaviours above.

**Harassment** is when a partner or other person show unwanted behaviour that makes you feel humiliated, intimidated or offensive.

• **Following you** either in or out of the home

• **Not allowing** you to have privacy, opening your mail or going through your phone

• **Embarrassing** you in public

• Writing on social media or other network platforms about you

• **Checking** on your social media or other network platforms constantly

**Sexual Abuse** is when someone takes advantage or uses force to commit an unwanted sexual act on another person. Some examples of this are:

• **Unwanted touching**

• Attempted **rape**

• **Rape**

• **Sexual assault**

• **Demanding sex**

• Demanding sex after a **violent** incident

• **Withholding** sex as a form of control

• Not allowing you to use birth control

• **Refusing** to use safe sex practices

What is often not known, is where someone can receive support if they are in a domestically violent relationship, and what that support will look like. So, lets break this down and look at the support options available.

## What Support Is Available for Domestic Violence?

• You can speak to your own GP; they will discuss the situation and signpost you to the most appropriate services.

• You can google ‘domestic violence centre’ followed by the area you live, in every town or city there will be a centre that offers you in the moment support, support groups and even long-term counselling services. There may be a waiting list, however you can receive other support through drop-in sessions and group sessions for support

• You can find a local service that also offers the ‘freedom programme’, this can be an external company, or it can be through the domestic violence centre. The freedom programme offers you the knowledge and understanding of the different types of abuse, what abusers will often say, do and how they would present themselves.

• You can speak to your EAP programme as they also offer a one-day programme with awareness of domestic violence, or even to speak to them for in the moment emotional support

• You can speak to social services if you have children and are concerned of the environment you and the children are in because of domestic violence

• There are national services that offer you in the moment support such as:

**England** Freephone, 24-hour National Domestic Abuse Helpline 0808 2000 247

**Northern Ireland** Domestic and Sexual Abuse Helpline 0808 802 1414 freephone, 24-hour National Domestic Abuse Helpline 0808 2000 247

**Scotland** Domestic Abuse and Forced Marriage Helpline 0800 027 1234

**Wales** Live Fear Free 0808 80 10 800

**UK-wide The Men’s Advice Line** run by Respect is a confidential helpline specifically for male victims. 0808 801 0327

**Women’s Aid** If you are experiencing domestic abuse or are worried about friends or family, you can access the Women’s Aid live chat service 7 days a week, 10am to 6pm.

[helpline@womensaid.org.uk](mailto:helpline@womensaid.org.uk)

## Victim Support

Victim Support run these services for victims and survivors of any abuse or crime, regardless of when it occurred or if the crime was reported to the police:

• A free, independent and confidential 24/7 Support line 08 08 16 89 111 and live chat service.

• You can attend participating pharmacies and seek immediate help by saying ‘**ANI**’, which stands for Action Needed Immediately’. They will offer you some support in a private place and offer you a phone to use to call for support through family and professional services

• **Safe Spaces** are also available in a wide network of stores that are apart and aware of the battle against domestic violence, offer you a safe space to escape any danger and they also respond to Ask for ANI and they will provide you with a phone to call support – stores that are linked with this are Boots, Morrisons, Superdrug and pharmacies

• You can speak to your local **police services**, and ask for support in contacting the courts to get an injunction to protect yourself or your child from a partner or family member

## What if you know someone is in a domestically abusive relationship or situation?

It can be difficult and sometimes frustrating when you know someone, especially someone you care for is in an abusive relationship. Often, despite being told that they are in a toxic environment or relationship, it needs to be their decision to leave. It goes back to the previous statement that they have been conditioned that the abuse of the behaviour is now normal. Not only this, being in a domestically abusive relationship makes the person feel worthless, less confident and they can often carry shame and embarrassment for being in this situation also. It is important to try and offer support in a non-judgemental way, so they do not feel shame or embarrassment about the situation.

They may not be ready to admit that there is a problem or even see that the behaviour would be classed as domestic abuse, therefore information is key! Offer them some local domestic violence numbers they can call for support, offer them some reading material that describes domestic abuse or even just offer an ear to listen if you are able to do this. If you ever feel someone vulnerable such as a child or someone with learning difficulties is at risk of harm due to the domestic violence always report this to the police so the appropriate checks can be completed to make sure the vulnerable person who can’t ask for help, receives it.