

# Know Your Rights



WITH LEGAL EXPERT JONATHAN WHITE

Each year thousands of people suffer accidents that should and could have been avoided. Too often, these victims suffer serious consequences from their injuries such as health complications and financial problems from being out of work. They do so without receiving any support which could help them get back on their feet.

Why? Because too many people do not understand their legal rights and are intimidated by a system designed to help them. Jonathan White is an expert specialising in personal injury. Each month, he'll answer readers' queries about their legal rights.

## Can I claim for mum?

**Q** My mother is cared for at her home by a private company. It normally takes two carers to lift her but one day only one was present.

As a result, she fell and broke her ankle badly and ended up in hospital. Whilst she was able to walk before the fall, it is now very difficult for her. I would like to seek compensation for her but I'm unsure if I'm allowed to do this.

Mr P White

**A** The claim will need to be brought by your mother unless it can be demonstrated that she lacks the mental capacity to manage her own affairs. In this situation, it would be appropriate for you to instruct solicitors to handle the claim on her behalf.

Older relatives can sometimes be daunted by the legal process and need help from a family member to pursue the claim. Whilst the claim will probably need to be brought in your mother's name, in practice you can instruct the solicitor on her behalf providing that she is happy for you to do so.

The solicitors will then need to obtain your mother's consent for you to be involved in helping them pursue the claim.

## I fell while freelancing

**Q** I have been working as a freelancer for the last year. The last company I worked for had stairs with lino on them. One step was very worn and the lino had peeled away at the edge.

One day, my foot got caught on it and I fell over, twisting my ankle badly. Luckily, it was only a sprain but I took three days off work and needed painkillers and crutches for a week. The problem is that I have now left the company. Am I still entitled to claim?

Mr C Evans

**A** The fact that you have been working as a freelancer and have left the company since the accident happened does not affect your legal entitlement to bring a claim. By allowing the lino to peel away, the company has failed to comply with its legal duty to provide safe premises and you are likely to be eligible for compensation.

The company may try to reduce your compensation by arguing that you weren't looking where you were going, or that as a freelancer, you were technically self-employed.

However, even if you were paid on a self-employed basis, the company was required to provide you with a safe working environment.

■ If you have suffered a personal injury and are confused about your rights, email Jonathan at [knowmyrights@nahl.co.uk](mailto:knowmyrights@nahl.co.uk) or visit [www.national-accident-helpline.co.uk/knowyourrights](http://www.national-accident-helpline.co.uk/knowyourrights) for more information.



