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Coping with the immediate effects of a life-changing injury

A handbook for family and friends from Hudgell Solicitors

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2

There are many different aspects to rehabilitation following a life-changing injury. Dependent upon the life circumstances and relationships of the individual involved, various services and options are available.

Almost every aspect of life has to be considered when a person suffers a serious, life-changing injury, from where and how they will live to their financial situation and care for any children. Each of these is detailed in the following pages of this guide.

Contents

Preparing for your return home after a life-changing injury	Page 4
Our ambassadors to help on your journey to better health	Page 5
Professional support to help you back towards better health in body and mind	Page 6
Charities offering valuable support and guidance to amputees and brain and spinal cord injury victims	Page 8
Children's support	Page 9
Ensuring a home is suitable for life after injury and organising appropriate care	Pages 10-12
Managing yours or a loved one's finances after a serious injury including mental capacity issues	Page 13
Welfare Benefits Advice, including public law advice & Independent Financial Advice	Page 14
Returning to work or vocational rehabilitation at the right time	Page 15



The initial weeks and often the first few months after a serious life-changing injury can be hugely challenging for both the individual and their loved ones as they seek to bring some form of normality back to life.

This is something our team of personal injury lawyers are highly experienced in, having supported families on hospital wards and in the immediate aftermath of serious accidents and injuries being suffered.

For that reason, our team has produced this brief guide as a quick reference point for those coping with the first days and weeks following a life-changing injury of a loved one.

This is not a guide to the law, but instead a guide to help you understand how you can secure early help which will assist in helping your loved one maximise their chances of making the best possible recovery, as quickly as possible.

Whilst a compensation claim may follow some types of accident, true to the philosophy of our business in which we dedicate to “seeing the person, not just the claim”, this guide focuses more on the support and options available to aid rehabilitation.

We wish you and your family well, and hope this guide proves helpful on the journey to recovery.

Dr Neil Hudgell, Executive Chairman



I had great counselling support and it was absolutely crucial to my recovery. Hudgell Solicitors were amazing. They kept me focused and positive at all times, and if ever the counselling team needed a nudge, they made sure I had all the support I needed. I have managed to find positivity, I am active again, and I have my work and social life back

Matthew Burke, who suffered a serious brain injury following a fall at work



Preparing for your return home after a life-changing injury

Aids and equipment for loan

When you start to think about your loved one coming home, you will want to be confident that they have the essential equipment to ensure their comfort and safety.

This should be discussed with treating therapists at the hospital as part of the discharge plan. However, sometimes a lack of equipment can result in a delayed discharge.

Ultimately you will also want the aids that will help them to maximise their independence and recovery.

An occupational therapist (OT) is normally the person to advise on equipment requirements and any immediate adaptations required at home.

Arrangements differ between hospital trusts as to whether this person is employed by the NHS or a local social services department. If a litigation claim is pending, it may be possible to engage a privately employed OT to speed things up.

Where you feel the need to supplement what the state is able to offer, you may find it helpful to contact the following:

- **Red Cross** - www.redcross.org.uk
Provide short-term loans of wheelchairs and some other mobility aids
- **Disabled Living Foundation** - www.dlf.org.uk
A national charity providing impartial advice, information and training on independent living. Provides impartial advice about products at www.livingmadeeasy.org.uk.

Longer term wheelchair users are likely to find it beneficial to speak to a specialist wheelchair consultant who can arrange trials of different types of wheelchair. They can also advise on the benefits of having more than one wheelchair, such as different models for use around the home or on difficult terrain outside.

Frequently we have met with families who have rushed into a quick purchase of a chair which is not best suited to either the needs of the user or maybe the relative who is trying to push it. A list of three such consultants is available on request.

Our ambassadors have been on the same road to recovery and are here to help on your journey to better health

Buddy support

People often tell us one of the most beneficial things they experience when recovering from a life-changing injury is talking to somebody who has been through a similar experience, and come out the other side with positivity.

It was in recognition of the huge value of talking to someone who has already walked down the road to recovery that we launched our “buddy” mentoring scheme.

This service is offered free of charge and means our clients are able to call upon the experience and understanding of people who have been through recovery after a traumatic brain injury, a spinal-cord injury and injury leading to amputation.

Brain injury survivor Paul Spence is an official ambassador for Hudgell Solicitors, and having made his own recovery, now helps many others to overcome the many challenges they face, remain positive, and keep focussed on their long term goals.

“Quite simply, nothing could prepare me or my family for the battle of brain recovery, how it not only impacts on your life, but all of those around you,”

Hopefully, by being there for the clients of Hudgell Solicitors, I am able to act as a positive role model. I know staying positive is key, and I try and ensure the people I support are always looking ahead with positivity, even though I know that it is difficult at times”

Executive Chairman Neil Hudgell said: “We have long recognised and appreciated that our support needs to be much more far-reaching than financial support to truly help people on the road to recovery after a life-changing injury.

People need support, understanding and positivity, something that often only somebody who has experienced a similar situation can provide. Such support can be difficult to access when patients leave hospital and return home.

“It is a huge life-changing moment for both the individual and their families, so the impact of having a buddy to turn to can be massive.”



Professional support to help you back towards better health in body & mind

Case Manager Support

A more accurate job title for a case manager would probably be a “care manager”, because that is precisely their role. They arrange a collaborative and well-coordinated process between the injured person and all health and social services providers to enable the patient to achieve the best possible level of health, self-management, and ability to cope with day to day situations.

The appointment of a case manager is not only beneficial to the patient, but should also benefit the hospital where they are being treated, as they can smooth the pathway to appropriate hospital discharge facilities. The professional background of a case manager is normally nursing or occupational therapy.

Case managers have a duty to safeguard your privacy and confidentiality and never to take over decisions that you are capable of making yourself.

It is essential to only engage a case manager who has the appropriate experience of the injury sustained, has good references, is fully insured and can demonstrate an ongoing commitment to training.

Hudgell Solicitors maintain a list of providers with whom they have successfully worked in the past.

The UK Rehabilitation Council has produced a guide to choosing a provider which can be downloaded free at

www.rehabcouncil.org.uk from the “resources” section.

If your health is such that you have lost mental capacity the case manager will act as your care advocate to achieve the best outcomes for you. Some hospital trusts employ case managers but usually they are funded privately.

Counselling

Everyone affected by a major life-changing injury to a loved one will have their own way of dealing with such a sudden change.

This brief section seeks to supplement any solutions that may be offered by your family doctor, particularly as some services may not be available swiftly under the NHS.

Some people find it helpful to seek counselling support early on, whilst others do not feel ready for this until later. In addition to telephone helpline services organised by a number of charities, therapeutic counselling sessions, specifically directed towards those who have been affected by sudden personal injury, is offered through the organisation Moving Minds (www.moving-minds.org).

Sadly, the type of accidents that can result in catastrophic injury may also involve the death of another person caught up in the same accident. National charity, Cruse (www.cruse.org.uk) offers significant information and counselling support for all those affected by bereavement. There is a section directed towards children and young people’s grief under the ‘Get help’ section.

Decade of support helped family rebuild life after accident claimed lives of mum and daughter, and left baby boy with brain injury

An on-going package of financial, physical, emotional and psychological support was provided to Barrie Steeley and his family following a car accident in which his partner Jenny, 29, and their daughter Kodi, aged 6, were killed.

The accident left their son Brandon, just 15-months-old at the time, with a severe brain injury.

Mr Steeley gave up work to care for Brandon and his other son Morgan, who was four at the time.

A case manager was appointed to identify and co-ordinate the rehabilitation programme.

She appointed a personal brain injury support assistant to work with Brandon at school.

The case manager also identified that Morgan was struggling to cope with the

death of his mother and arranged for him to attend a sibling support services group, and bereavement counselling. Psychological support was also provided for Brandon, with ongoing therapies identified as required for continued head injury problems.

By providing a holistic support package, the family have benefitted hugely, with Brandon remaining in mainstream school as he has grown up, Morgan succeeding also, and Mr Steeley able to return back to work now his children are older.





Charities offering valuable support and guidance to amputees and brain and spinal cord injury victims

Depending upon the nature of your injury, there are a number of excellent charities which can offer further guidance and support.

For people with a brain injury

P.A.U.L. For Brain Recovery

(www.paulforbrainrecovery.co.uk) provides support and guidance for people affected by acquired brain injury. They do this by providing service users tools to manage the challenges of daily living and implementing coping strategies, a personal support plan and mentoring. A number of charity activities are aimed at reducing social isolation and physical and mental wellbeing. For more information email info@paulforbrainrecovery.co.uk

The Brain Injury Group

(www.braininjurygroup.co.uk) serves as a professional network for healthcare workers and lawyers, but also has a resources section on the home page containing an A-Z listing of services and support for people with brain injury, their families and the people who care for them.

For people with a spinal cord injury

The Back Up charity

(www.backuptrust.org.uk) has been dedicated to supporting those affected by spinal cord injury for the past 30 years and has an aim of inspiring independence and encouraging everyone to get the most from their lives.

They describe themselves as a 'fellow family of volunteers, members and skilled professionals' who work together to rebuild confidence and self-belief following spinal injury.

They hold a number of training sessions, such as wheelchair skills as well as hosting telephone support lines and promoting details of outdoor adventure facilities which wheelchair users can access.

The Brain and Spine Foundation

(www.brainandspine.org.uk) has a free confidential neuroscience nurse helpline as well as numerous, clearly written guides to the medical aspects of neurological injury. In particular we commend the Head Injury Guide which can be downloaded for free from the website.

For amputees

PACE rehabilitation

(www.pacerehab.com) is dedicated to those who have suffered limb loss and offers help with prostheses as well as other services in accordance with its mission statement to "convert patients into people". **Limbless**

Association

(www.limbless-association.org) is a national charity and also has a very helpful website containing nationwide directories of NHS and private services which can provide invaluable help and support, such as suppliers of prostheses as well as user and support groups. Limbless Association membership is free for all amputees and includes access to their peer support group sessions and events.



Where can parents seek support and help from when their child suffers a life-changing injury?

Unfortunately there is not an even distribution across the country of excellent provision for children who have suffered a life-changing injury.

This means many parents spend a lot of time in the early weeks following the injury travelling long distances to be with their child in hospital.

This problem can be further compounded when they go home if they have not been put in touch with suitable local support services.

There is a great deal to be said for engaging with a paediatric case manager who can co-ordinate rehabilitation, and our offices have lists of those whom we have found to be helpful in the past.

The main case management organisations, CMS UK (www.cmsuk.org) and BABICM (www.babicm.org) also list case managers by locality and expertise.

Most of the main charities for adult injuries also have provision for children. These include;

Brain injury

The Brainline website (www.brainline.org) has a "For Family and Friends" section which contains a useful article on helping children cope with head injury in the family and how to deal with things such as hospital visits.

Spinal cord injury

The Back Up Trust website (www.backuptrust.org.uk) has a section 'about spinal cord injury' and describes services for young people and those under 13.

Amputees

There are two websites dedicated to children who have suffered amputation. For those with upper limb loss, helpful information can be found at www.reach.org.uk and for those with lower limb loss help can be found at www.steps-charity.org.uk

For families looking to provide care for children with ongoing disability, assistance can be found from a specialist recruitment agency that engages special needs nannies, enablers, buddies and carers to support babies and children with additional needs. Details can be found at www.snapchildcare.co.uk.

This website also has a very useful resource directory at Snaphub which contains a wealth of information on diverse topics such as toys, equipment, holiday planning and mobility issues.



Ensuring all is ready for an injured person to return home - from accommodation to respite care and transport needs

Returning home to accommodation that is unsuitable following injury is an all too common situation.

For some people there may be a significant period of time spent in an inpatient rehabilitation centre, after discharge from the acute trauma ward.

This is a key time when a home can be adapted, and in our experience, the sooner some attention is given to housing issues, the easier the hospital discharge procedure can be.

Local authorities may be able to provide a Disabled Facilities Grant to fund some modest home alterations such as installation of ramps, grab rails and a wet room, but this will require a specialist assessment by an occupational therapist on behalf of the council.

This may not necessarily be the best solution however, as there will be restrictions on the amount that can be spent. The grant may fund safe, small-scale adaptations, but they may not result in the level of comfort or practicability that you need longer term.

Charitable support with accommodation needs may be available, such as the provision of a grant to fund adaptations or provision of temporary rental accommodation whilst your

own home is being adapted. Our experts at Huddell Solicitors can provide further contact details on request, as well as names and addresses for specialist private occupational therapists who are familiar with all such requirements.

Where you have a compensation claim following your injury, your lawyer can seek an early interim payment from the third-party insurers to assist with accommodation needs. Similar to the help available through local authorities or charities, this may help fund stop gap solutions to enable you to return home but, where the legal claim is ongoing, they can also fund permanent longer term projects.

In these cases architects with specialist expertise in disability designs will consider the whole accessibility of your current home and may recommend substantial rebuilding works or the purchase of a new property.

Any case manager appointed to co-ordinate care arrangements would also co-ordinate this aspect and deal with much of the paperwork and administration on your behalf. Where a current legal claim is ongoing, they may also be assisted by an independent property finder service.

Respite and caring for your loved ones at home

Arranging care of your loved one can be one of the most difficult aspects of life post injury, but if you have a case manager, they will assist with all aspects of care provision.

Many people do not want what they consider to be the "intrusion" of another person living within their home or visiting daily. Nobody wants a lot of changes, but professional help with planning the best care regime should result in reaching an acceptable solution for all more quickly.

Personal care support packages can be arranged through statutory services and privately. As an alternative to providing carers, local authorities will also consider making direct payments to enable you to purchase your own care regime once you are discharged home.

Whilst care provided by the local authority is not without its drawbacks there are many potential traps for the unwary if you purchase your own care privately. These can include difficulties in where and how to recruit, problems of arranging holiday and emergency cover for when your regular carer is unavailable, payroll and pension issues as well as limits on the number of hours that can be worked in any shift.

If you are making a compensation claim, it is common where 24 hour care is needed for the claim, to include the cost of providing additional carer accommodation within the family home (whether in the home occupied pre-injury or in a new adapted house purchased post injury).

That accommodation may include a carers bedroom, washing and toilet facilities as well as a separate day room where the carer can relax during breaks.

The cost of furnishing such accommodation and regular replacement of items due to normal wear and tear would also be covered within the claim. Whilst all these facilities can be arranged outside a claim, funding them can be a lot more problematic.

Depending upon the result of any carer assessment by the local authority, funding may only be granted for a relatively short period of time or a relatively few number of hours per week. If a family member is providing the balance of care they will need to think about breaks for themselves, cover for emergencies and replacement care so they may have a break. There are a number of benevolent funds and charities which can assist with funding these breaks and details can be found on the NHS choices website at www.nhs.uk/carersdirect.

The NHS choices site at www.nhs.uk/carersdirect has excellent guides on welfare payments you can access for performing caring roles. Also information on how to obtain respite care breaks both for yourself as a carer (access to low-cost holidays etc) and for your loved one (respite care which the local authority may provide).

Another useful section contains details on how to make an emergency plan if something goes wrong with the care arrangements.

The website at www.carersuk.org has useful information and support details for carers, such as expert information in the form of fact sheets and an online forum.

It provides the opportunity to share experiences as carers and to discuss not only the rewarding aspects of care, but also the loneliness and bewilderment of trying to look after someone with disabilities.

Residential care in a specialist unit upon discharge from hospital

Although the majority of people who suffer a life-changing injury can return home, there are some for whom a specialist residential unit is a better solution. This may be for a period of some months whilst they continue to learn skills to adapt to their injury or on a permanent basis.

Securing funding for such placements, which is expensive, can be challenging especially where no accident compensation is expected.

Once again the services of a case manager can be invaluable to help you navigate through the difficulties, and details of how to locate a case manager are contained in this booklet.

In addition some of the charities described on page 8 can provide very helpful information on units available in different parts of the country.

Transport issues

One of the most pressing mobility requirements to be addressed, on leaving hospital, may be that of finding a suitable vehicle e.g. with adjusted controls such as hand rather than foot or capacity to drive from a wheelchair seat or as a wheelchair passenger. Some people who have been caught up in road traffic accidents may require specific counselling to boost their driver confidence such as those offered by Moving Minds (www.moving-minds.org).

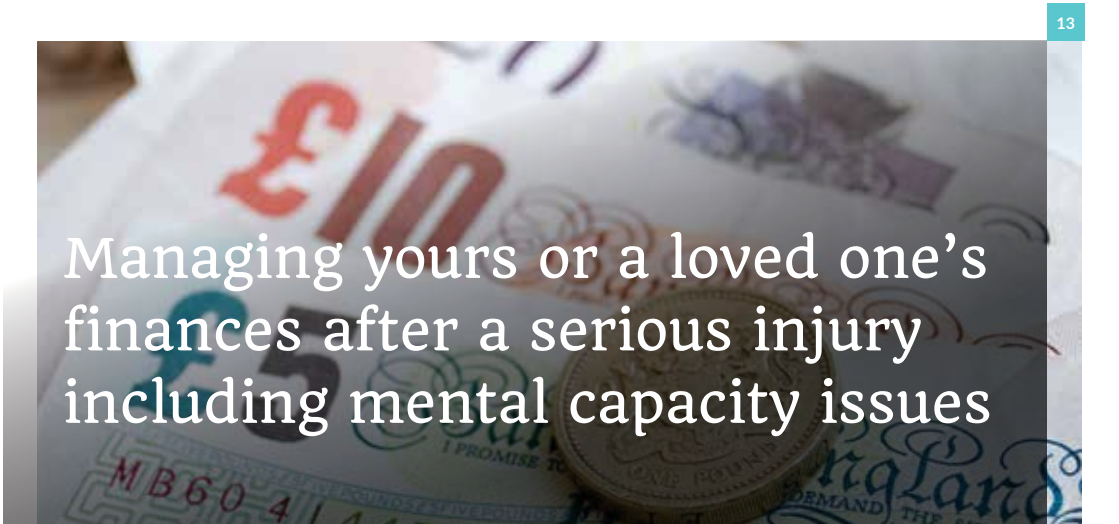
The Government offers a Motability Scheme and details can be found at www.motability.co.uk.

This service will lease a car, scooter or powered wheelchair to an individual in exchange for the mobility component of their Disability Living Allowance. There is an online eligibility checker on the website. There are also details of how to apply for a charitable grant to help those who might otherwise struggle financially to achieve the mobility solution they require.

There are over 4500 dealerships nationwide offering the Motability Scheme and the government website recommends visiting several dealers to test drive vehicles that you might be interested in, before making a decision. For those who use a wheelchair, home visits are possible by the dealer to demonstrate various vehicle types.

In our experience, it is often well worthwhile engaging the services of an independent mobility expert, who can consider both your current and future needs, probably in conjunction with an occupational therapist, so that the vehicle you buy or otherwise lease through Motability is not a short-term solution with which you might soon become frustrated.





Managing yours or a loved one's finances after a serious injury including mental capacity issues

Financial matters

It is easy for money problems to mount when you, or a loved one, is unexpectedly seriously injured and in hospital. It is therefore important to check all insurance policies, as these may contain medical accident or health insurance.

It is usual for the insurers to specify a notification period during which they must be informed of a serious health issue if they are being asked to pay under a policy. Many employers also take group policies on behalf of members of their workforce, in addition to offering sick pay. Your employer's HR department is the best starting point for these enquiries and may also be able to discuss retirement on grounds of ill-health with an early pension.

Banks and mortgage providers may well take a more favourable attitude towards overdrafts and arrears if they are notified early on as to the cause of the problems, particularly if a lawyer can provide a letter explaining that a compensation payment is being applied for.

Mental Capacity Issues

Often someone is too ill to manage their own financial affairs in the early weeks post injury. An assessment of mental capacity needs to be made and this may be conducted by a doctor or other mental health trained practitioner, and there are private agencies offering this service (details of which we can supply).

Legislation makes it clear that an assessment of mental capacity is not for all time – it is well recognised that a person's mental capacity fluctuates over time and that they must always be consulted, to the extent that they can participate, so that decisions are not taken "over their heads". This should provide reassurance to those who are reluctant to engage early on with a mental capacity assessment, because they fear it will take away control in the future. That is not the reality.

If someone is over 18 and retains mental capacity, but wants to authorise someone else to make decisions on their behalf whilst unwell, they can execute a Lasting Power of Attorney (LPA). When caring for a loved one who lacks mental capacity, it is important that their best interests are always put first. Eve Carter is our highly experienced specialist in mental capacity law and Court of Protection work. Eve acts as a professional Deputy, Attorney and Trustee. Eve has been managing the affairs of those that do not have the capacity to manage their own affairs through the Court of Protection for more than 10 years. You can access a lot of useful information at www.hudgellsolicitors.co.uk/court-of-protection-services/

If someone else is going to need to give instructions regarding finances on behalf of the person injured, another website to check is www.gov.uk/courts-tribunals/court-of-protection/

Welfare Benefits Advice & Independent Financial Advice



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FINANCIAL MANAGEMENT SERVICES

Welfare Benefits

It is important to access welfare benefits as quickly as possible, as expenses can mount up.

People can be frightened of losing their right to much-needed benefits if they make a legal compensation claim, however, the law expressly allows a “personal injury trust” (PIT) to be set up which ring fences , early interim and final compensation so that on means tested assessments these payments are excluded.

Navigating your way through the welfare benefits system can be time-consuming and difficult, but there are a number of organisations which can assist to ensure you receive all the help to which you are entitled, as quickly as possible.

Recognising this need in 2020, Hudgell solicitors established a joint venture with market leading Independent Financial Advisors Frenkel Topping who have specialised in financial planning and investment for those who have suffered injury for over 40 years . They can help with PIT , set up bank accounts. Other useful sources of information can found at citizens advice bureau - website address www.citizensadvice.org.uk

Turn2us also has a very helpful website (www.turn2us.org.uk) with an online benefits calculator, an A-Z benefits listing, case studies, details of charitable support and grants. The “Your situation” section includes information for those injured, disabled or their carers.

Financial Planning

If you receive compensation as a result of a personal injury it is important you take the right financial advice to protect your compensation and to ensure it is wisely managed to provide for you and your family for as long as you need it.

It is recommended you engage a specialist company that specifically looks after the financial needs of injured/ bereaved people who have made a legal claim, like Hudgells Financial Management Services which offers a wide range of services and a free, no obligation consultation.

Returning to work or seeking vocational rehabilitation at the right time

Although it can be positively harmful to attempt to return to some form of work too soon after a life-changing injury, it is also proven by a number of research studies that prolonged periods of time away from work significantly reduce the chances of ever having a job again .

Clinicians also agree that work of some form is of huge benefit to the injured person and their family, and where paid work is not feasible there is always meaningful activity which can engage interest and provide additional quality of life.

Even with some of the most challenging injuries a vocational rehabilitation specialist can help you harness the abilities you have retained and your interests, to identify an enjoyable occupational activity.

The mere fact that your employer may have provided you with an occupational pension on grounds of ill-health, rather than return you to the workforce, does not prevent you from seeking other forms of activity, both paid and unpaid.

Vocational rehabilitation is not a well signposted area of expertise however. Generally the UK does not have such a high success rate in returning people to work following life-changing injuries, as many other countries do.

The secret to success in this area is in identifying the correct professional to help you, and it is fairly likely you may need private funding or a compensation payment to assist with this.

Some professionals say they offer vocational rehabilitation alongside other skills, but it is extremely important to find out whether they have experience of returning someone with your injury to a meaningful activity.

If, for example, they have had many successes in returning an amputee to the workplace, that would not be relevant experience for returning someone to work with a head injury.

The Vocational Rehabilitation Association (www.vrassociationuk.com) lists a number of providers in this specialist area and we are happy to provide details of companies whom we believe have demonstrated a strong track record.

For some people a phased return to work, with adapted duties, may be appropriate but this requires careful monitoring by an occupational specialist to ensure there is no excessive fatigue.

Vocational rehabilitation consultants can also assist young people who are planning further education and who may need additional assistance with this. They can also help with career planning more generally.

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Where We Work & How to Find Us

Hudgell Solicitors has offices in London, Hull and Manchester . In addition we attend clients at numerous other locations across the UK, to ensure thousands of people receive a local service for personal injury and clinical negligence compensation cases.

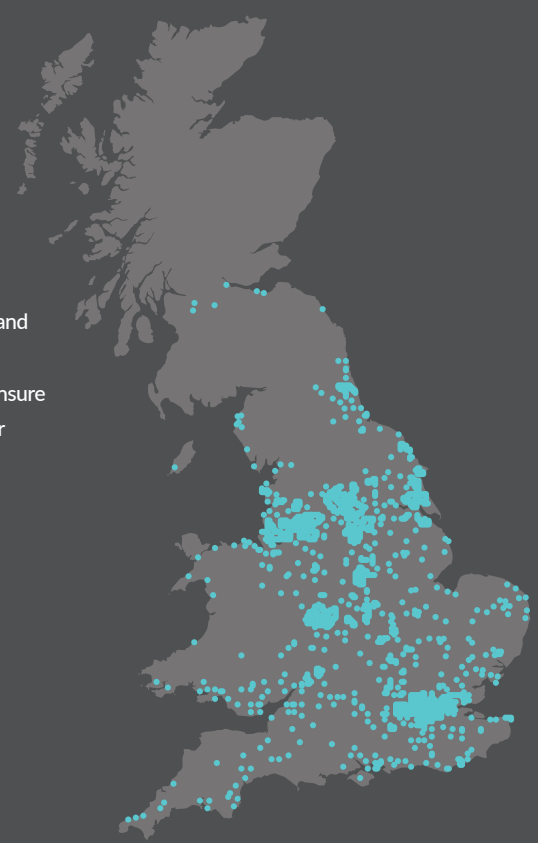
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