

The Rehabilitation Code – a guide for patients with acquired brain injury

Some people with acquired brain injury will also have a compensation claim. This information sheet is designed to help you and your family understand the additional help with rehabilitation which you may be entitled to as part of your legal claim.

When can I expect to receive help?

Under the national Rehabilitation Code drawn up by representatives of the insurance and legal communities, all those handling your claim are required to think about rehabilitation needs as a priority from day one of being notified of your injury.

If it is not clear cut that someone else was at least partly responsible for your injury, there may be a delay in help being offered. It is important to discuss this with your lawyer so you can start to make appropriate plans.

In cases where fault by someone else is plain, you may start to receive help very quickly indeed under the Code, and within a few weeks of instructing your lawyer.

What sort of help can be provided under the Rehabilitation Code?

Rehabilitation provided under the Code is not limited to financial support, **but includes active assistance with providing for any needs, which includes physical, mental and social needs as well as those connected with employment.** The aim is to restore you, as closely as possible, to the life that you had before your accident. For many people with brain injury this will involve making new choices about housing, education or work, and indeed hobbies but the aim is always to help you find quality of life, despite your changed circumstances.

How does rehabilitation provided through my legal claim affect the help I may already be receiving from the NHS and social services?

The Rehabilitation Code makes it clear that any private help you receive through your legal claim should be arranged, wherever possible, in liaison with your treating medical team whether under the NHS or privately.

Where compensation is being offered you do have a legal right to receive care on a private patient basis. This assumes that the treatment is considered reasonable and in many cases private care is used to top up what is available under the NHS.



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As far as state benefits are concerned, your lawyer will advise you whether the receipt of compensation could affect your entitlement to benefits. In many cases a trust fund can be set up to hold compensation monies so your welfare benefits continue. Once again there is often a combination of state and private provision.

Who will arrange my rehabilitation under the claim?

In cases of severe injury, **the Rehabilitation Code makes it plain that you should not have to rely on friends and family to arrange your rehabilitation instead an independent professional, called a case manager, will be appointed and paid for through the claim.**

The role of the case manager is to coordinate your plans and guide you through the new options available to you. They are there to help you and be your advocate in your rehabilitation. The lawyer remains your advocate or every-thing to do with the legal claim. Case managers will have another professional qualification, such as nursing, occupational therapy or social work.

You have the final say in who is chosen to be your case manager. If you have an acquired brain injury, it is recommended that the professional case manager also has recognised experience in treating people with that type of injury.

Where can I go for information about help under the Rehabilitation Code?

Your lawyer will be able to give you more information about this but the full text of the Code is available using this link:

www.lua.co.uk/IUA_Member/Publications/Rehabilitation_Code.aspx

You may also find it helpful to refer to Rehabilitation Standards produced by the UK Rehabilitation Council (UKRC), specifically for patients which are available by using this link: www.rehabcouncil.org.uk and proceeding to the Resources tab where the Standards can be downloaded for free.



This leaflet has been written by Amanda Stevens of Hudgell Solicitors. Amanda chaired the review body responsible for producing the 2015 Rehabilitation Code.