

## **PERSONAL** INJURY CLAIMS

YOUR ULTIMATE GUIDE



MAKING PERSONAL INJURY PERSONAL

W: gildeas.net T: 0141 331 6071

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INTRODUCTION

## Making Personal Injury Personal

We began as a small firm when James Gildea set up his own practice in Baillieston, Glasgow in 1989. Over the years, we have grown into a modern firm with over 60 employees and today the Gildeas name encompasses a network of legal services.

Our expertise covers a range of accidents and injuries, from road traffic accidents, dog bites, accidents at work, in public, and more. Staying true to our founding values, we believe in providing a tailored approach, putting our clients at the heart of everything we do. No one should have to go without legal representation due to financial barriers. That's why we operate on a no-win, no-fee basis, meaning you can focus on your recovery whilst we fight for you.





Our dedicated team are committed to providing every client with exceptional service, always striving to exceed your expectations.

We're passionate about what we do, whilst putting our clients interests first. That's why we make personal injury personal.

ALWAYS REMEMBER

# You should contact your claim handler in the first instance if you would like to discuss your case.

This guide is not exhaustive and intended as an informative guide to the process of making a personal injury claim at Gildeas Solicitors only.

Our claims process will differ in every case, as it is entirely dependent on your individual circumstances.

We act only for the pursuer and take instructions from them on a nowin, no-fee basis.

Our Terms & Conditions can be found by visiting https://gildeas.net/terms-and-conditions.

### CALL: 0141 331 6071 FOR RECEPTION OR 0141 331 6070 FOR NEW CLAIMS



## Why Make A Claim? Personal Injury Debunked

### Compensation can help get your life back

We understand that being in an accident can be traumatising and making a claim for compensation might seem daunting. However, winning compensation for someone else's negligence in causing a road traffic accident can play an important role in getting your life back on track, enabling you to access any medical treatment or rehabilitation you need, adjust your home and lifestyle, and offsetting any loss in income over the short or long term.



### How to get started

- Get in touch to discuss your claim. Our UKbased dedicated contact team are available online or by calling 0141 331 6070.
- Start your claim. We will contact whomever is responsible for your accident, usually by letter. We also contact their insurers.
- We begin the process. The insurers will send us a response detailing whether they admit liability or not. If not, we'll discuss with you and advise further. If liability is admitted, we continue the process and start to gather evidence to verify your claim.
- If we can't reach settlement through negotiation, we'll discuss fully all options, including the option of going to court. Most cases don't need to go to court, but we are fully prepared to do so and have in-house counsel which allows us to represent you.



#### CHAPTER 1 CONTINUED

### MYTH: "PERSONAL INJURY CLAIMS ARE JUST FOR SERIOUS ACCIDENTS."

One of the biggest myths we encounter is the belief that personal injury claims are only relevant for life-threatening or catastrophic accidents. The reality is that you can claim compensation for a wide range of injuries, including minor ones, as long as they were caused by someone else's negligence. Whether it's a slip and fall at the supermarket, or a whiplash injury after a minor road accident – the law covers a broad spectrum of situations. Don't underestimate the impact of even minor injuries.

### MYTH: "IT'S TOO EXPENSIVE TO MAKE A PERSONAL INJURY CLAIM."

Many people avoid pursuing a claim because they fear it will cost them a fortune in legal fees. However, in Scotland most personal injury solicitors, including Gildeas Solicitors, operate on a no win, no fee basis. This means that if your claim is unsuccessful, you won't be charged for the legal costs. It's only if you win the case and secure compensation that the solicitor will receive a fee, which is typically a percentage of your settlement. This arrangement ensures that anyone can access justice, regardless of their financial situation. Don't let worries about cost prevent you from seeking the compensation you deserve.

### MYTH: "I CAN'T MAKE A CLAIM IF THE ACCIDENT WAS PARTIALLY MY FAULT."

It's a common misconception that if you were partly responsible for an accident, you can't make a claim. In Scotland, the law operates under the principle of contributory negligence, which means that even if you share some of the responsibility for the incident, you may still be able to claim compensation.

For example, if you were involved in a road traffic accident where you weren't wearing a seatbelt or didn't follow the road markings properly, but the other driver was mainly at fault, you could still be entitled to compensation. The compensation amount might be reduced depending on your level of fault, but it doesn't rule out your right to claim.



### CHAPTER 1 CONTINUED

### MYTH: "PERSONAL INJURY CLAIMS TAKE YEARS TO RESOLVE."

It's true that some claims can be complex and take time to resolve. However, many are settled within months, especially when the injury is straightforward and liability is clear. At Gildeas, we work hard to ensure your claim is handled efficiently and without delays.

The length of your claim will depend on factors such as the severity of the injury, the complexity of the case, and how quickly the responsible party accepts liability. However, with the right legal representation, you can rest assured your claim is in good hands and being processed as quickly as possible.

### MYTH: "I DON'T NEED A SOLICITOR FOR A SMALL CLAIM."

Another myth that keeps many people from seeking legal support is the belief they don't need a solicitor for smaller claims. Whether your injury is minor or more complex, having expert legal representation is always advisable. Personal injury can be complicated, and insurance companies may not always offer you what you deserve.

A qualified solicitor will be able to accurately assess your case, negotiate on your behalf, and ensure you receive a fair settlement. Even if you believe your injury is minor, a solicitor will consider all potential costs such as lost wages and future expenses related to your receivery, meaning you receive a fair settlement for your injuries.

### MYTH: "THE PROCESS IS TOO COMPLICATED FOR ME TO HANDLE."

It's understandable to feel overwhelmed by the legal process. However, the law is designed to be accessible, and an experienced solicitor will guide you through every step. From gathering evidence to negotiating settlements, your solicitor will handle the complexities, leaving you to focus on your recovery. At Gildeas, we take pride in offering clear and compassionate guidance throughout your claim. We'll ensure you understand the process, keep you updated, and fight for the best possible outcome.



## What Happens Now? The Claims Process at Gildeas Solicitors

### THE FIRST STEPS

- Whether you contacted us first or have been referred, we'll complete initial forms to get your details. We can do this over the phone or send them out via email or post.
- We'll also send our T&Cs and require a form of ID – this could be a utility bill, bank statement, as well as photographic ID such as your driving license or passport. These are required by law for us to comply with anti-fraud legislation.
- After we receive this and you're still
  happy to proceed, we'll then send you
  an official letter to say we've began the
  claim process. This is called an
  Intimation of Claim and is sent by email
  or post.



#### ESTABLISHING WHAT HAPPENED

- We'll ask your account of what happened in our first contact over the phone. We may ask questions such as whether the police attended, if there were witnesses, and if you went to hospital or attended the GP after the accident.
- We'll then ask you to submit evidence of what happened. This could be photo/video evidence, (e.g., vehicle damage or dash cam footage).

### MAKING AN EVALUATION OF THE CASE

- We work on a no-win, no-fee basis. So depending on the information you've provided, we may know at this stage if your case has enough evidence to progress. If we're unable to proceed, we will tell you at this stage.
- If we can proceed, we'll begin to send enquiries to the third-party insurers and any other relevant parties - e.g., the police, or in cases of uninsured/untraced drivers, the MIB. This is to find out what happened from their side and most importantly, to find out who was at fault for the accident.

### CHAPTER 2 CONTINUED

### **BUILDING THE CASE**

To further build the case, we attempt to collect as much information as possible. We will never attempt to settle your case without obtaining the correct evidence, so that you have as strong a claim as possible.

- After we've received vehicle damage photos depending on the extent of the damage
  and the circumstances of the accident we may ask for specialist opinion from an
  engineer. Their report will help to build our case and establish who was at fault. This can
  take some time to carry out a thorough assessment.
- There is usually a period of waiting at this point in the process as we build the case. It can take time to hear from the third party and other groups.

### MEDICAL EVIDENCE IS CRUCIAL TO THE CASE

### We might ask you to sign a form to release your medical records.

This is called a medical mandate. We do this to understand what the hospital or GP said about your injuries when the accident happened. These are especially important if the accident happened a while ago and you're making a claim month or years down the line. Records can take some time to receive too.



We might ask you to undergo a medical exam by an independent medical specialist. Depending on your injuries and if you're still recovering, we might wait until you feel better to do this, e.g., until you're out of hospital. This is typical in any personal injury case and is done so we have an unbiased understanding of your injuries. The expert then provides a report to be used in your case. This can take a while for a number of reasons — e.g., appointment slots with the examiner, or the report could take time for us to receive.

The examiner might make treatment recommendations depending on your injuries and how you're feeling after the accident such as certain medication, or specialist help like physiotherapy or counselling. Some of this might not be available on the NHS, so we can refer you to our trusted providers if you wish. These can also take time to organise, particularly if your injuries are more serious.

### CHAPTER 2 CONTINUED

### **NEGOTIATIONS BEGIN**

- Depending on the nature of the accident, we may not need extensive medical evidence. With minor injuries and smaller claims, the third party may accept fault, so the case can be resolved quickly. When this happens, we may receive a settlement offer early on. This is called a pre-med offer.
- If we receive a pre-med offer, we will give you our advice and take your instructions on
  what to do next either to accept it or reject. If you choose to decline the offer, we'll
  give you our legal opinion and then begin negotiating with the third party on your
  behalf
- There are many factors which can affect your ongoing claim at this stage. We may
  require further evidence, or new elements could arise in the claim. For example, when
  calculating more complex elements of the claim such as your loss of earnings, waiting
  on responses from the third party, etc.
- There is usually a period of waiting at this point in the process as we build the case. It can take time to hear from the third party and other groups.
- In more complex cases, there may be other factors which could affect the claim process – for example, in claims with an untraced driver, or serious injury cases where your life has been significantly changed as a result of the accident. In any case, we'll ensure you're kept informed at every stage of the process.

### THE COURT PROCESS

The majority of our claims never end up in court. In the unlikely event that they do, we will ensure that you and any witnesses are completely prepared. There are specific procedures for personal injury claims in Scotland, particularly with smaller claims. If your case goes to court, we will fully explain the process with you and what we expect the outcome to be.

### SETTLEMENT AND RECEIVING DAMAGES

Once you agree on a settlement offer, the third party has five weeks to process and send the compensation. We then deduct the costs of our fees and any other costs incurred from your case before sending you the final settlement.



## How Much Will I Get? And 9 Other Questions About Compensation

Whether you're beginning a claim or just researching, read on for straightforward, honest answers to some of the most common questions we're asked.



### I CAN'T AFFORD LEGAL ADVICE. CAN I STILL MAKE A CLAIM?

Yes, you can. No one should have to go without legal support due to financial barriers. That's why we operate on a no-win, no-fee basis, meaning you can focus on your recovery whilst we fight for your compensation.



### WHAT DOES 'NO-WIN, NO-FEE' REALLY MEAN? IS THERE A CATCH?

No, there's no catch. Here's how it works:

We'll start by having an open conversation about your situation to see if your claim has a realistic chance of success. If we don't believe it can be taken forward, we'll tell you straight away – and you're welcome to seek a second opinion elsewhere if you choose. We'd recommend visiting the Law Society to find a solicitor who can help.



If you decide to proceed and your claim is successful, a small success fee will be deducted from your compensation. If the claim doesn't succeed, you won't pay a thing.

### CHAPTER 3 CONTINUED

#### I WAS TOLD I'D GET £10K FROM SOMEONE ELSE, WILL I REALLY RECEIVE THAT?

Any personal injury claim must be thoroughly investigated – so if you've been quoted a figure before your case begins, it's probably too good to be true. You might have seen 'personal injury claims calculators' online – but where do these figures come from? They're usually based on the Judicial College Guidelines used by solicitors. These look at historical injury claims and provide lawyers with working estimates based on the seriousness of an injury, age of the claimant, and more.

The guidelines are set by courts in England & Wales – Scots law is different, so using an online claims calculator will likely give you an unrealistic valuation. In any case, it's best to ask a qualified personal injury solicitor if you have questions about how your case was valued.

### HOW MUCH OF MY COMPENSATION WILL I ACTUALLY RECEIVE? ARE THERE ANY HIDDEN COSTS?

We have a professional and ethical duty of care to our clients, which includes being transparent about costs – so you shouldn't be surprised by any deductions in your final settlement. There are certain things that need to be paid whether the claim wins or loses, known as outlays. These can include things like the cost of independent medical reports, expert reports, court administration fees, etc.

You'll be told about these at each stage. Any costs that we can't recover from the third party will be deducted from your compensation. If your case is successful, you will likely be charged a success fee. Exactly how much will depend on the firm, but there is a threshold. A tiered cap of 20% applies for the first £100,000 of damages.



### I CAN'T AFFORD TO WAIT UNTIL MY CASE SETTLES. CAN I GET COMPENSATION NOW?

Sometimes, it may be necessary to award you part of your compensation before the case is finished. This is called an interim payment. Typically, these are granted when:

- Your injuries are serious and have significantly affected your life post-accident
- · The other party has admitted responsibility
- There is a more urgent need for the compensation. For example, if you need medical specialists, ongoing care, adaptive equipment, have extensive travel costs or other significant expenses
- The amount you've requested is reasonable to the other party

It's important to note that interim payments are taken off your final settlement amount. You should always discuss with your file handler if this is something you're considering.

### CHAPTER 3 CONTINUED



### HOW LONG WILL IT TAKE TO RECEIVE PERSONAL INJURY COMPENSATION?

Again, unfortunately there is no straightforward answer to this. It all depends on how your case progresses. Since every claim is different, it's difficult to predict exactly when it will be settled.

With minor injuries and smaller claims, the third party may accept fault, and the case can be resolved quickly. When this happens, we may receive a settlement offer early on – a few months after you contact us, for example. Sometimes things come up that can delay the outcome, such as new evidence or legal processes which take time. For example, when calculating more complex factors such as your loss of earnings, etc.

Once a settlement offer is agreed, the third party has up to five weeks to process and send the compensation.



### HOW WILL I RECEIVE MY COMPENSATION?

We send settlement by enclosed cheque. Other payment methods may be available for a small fee – you can discuss these with your claim handler.



### DO YOU GET TAXED ON PERSONAL INJURY COMPENSATION?

No, there are laws which mean you don't get taxed on personal injury compensation. This applies whether it's a lump sum or if you received interim payments.



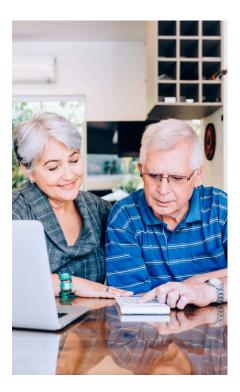
### WHAT YOU CAN EXPECT MOVING FORWARD:

We understand how important it is to have clarity when it comes to your claim.. You'll never receive an unrealistic guarantee from us about the outcome of your case, and we'll always aim to be clear about our fees, our process, and what you can expect to receive at the end.

Every case is different, and whilst we can't guarantee the outcome, we can guarantee that your claim will be handled with professionalism, transparency, and care from day one.

## Maximising Your Claim

At Gildeas Solicitors, we support clients across Scotland with clear, trauma-informed legal advice – and we know when clients are well-advised and involved, it can make a real difference.



#### COMMUNICATION DURING YOUR CLAIM

We believe that clear, respectful, and compassionate communication is at the heart of a successful personal injury claim.

We understand that being involved in an accident can be deeply distressing, whether it's a road traffic accident, at work, or in a public place. The process of making a claim can feel like a lot, especially when you're still coming to terms with what's happened. That's why we approach every case with sensitivity and care.

Good communication can make a big difference to your personal injury claim. At Gildeas, we want to make sure you feel informed, supported, and comfortable at every stage.

Below, we'll detail some simple ways to help the process:

### CHAPTER 4 CONTINUED

#### COMMUNICATION DURING YOUR CLAIM

- Tell us how your prefer to be contacted Everyone has different needs. If you'd rather
  receive updates by email instead of phone calls, or if text messages are easier for you,
  just let us know. We'll adapt our approach to suit you.
- Let us know if you need more time We understand that filling in paperwork or signing
  forms isn't always possible straight away, especially if you're recovering. If you need
  extra time, that's completely fine keep us informed and we'll work around you.



- Be open if you're not ready Starting a claim can feel like a big step. Sometimes clients
  begin the process and ultimately find that they're not ready to begin a claim. If you're
  not ready yet, or if you need some time to think things through, that's absolutely okay.
  Let us know where you're at, and we'll be here whenever you're ready to move forward.
- Know that you're in safe hands Our team includes specialist trauma-informed solicitors who are trained to recognise the emotional impact of trauma. We'll always do our best to make the legal process feel safe and manageable, giving you the time and space you need to engage at your own pace.

### WHAT EVIDENCE DO YOU NEED TO SUPPORT MY CLAIM?

Strong evidence is one of the most important factors in the success of any personal injury claim. The more detailed and accurate the evidence, the better positioned we are to achieve a positive outcome on your behalf.

Here's how to get started:

- Photographs: Take clear photos as soon as possible after the incident. For example, vehicle damage, the scene of the accident (e.g. potholes, wet floors, uneven pavements), and any visible injuries.
- Medical reports: Medical evidence is essential to support your claim. E.g., hospital records, GP notes, or specialist assessments. Always seek medical attention, even if your injuries seem minor at first.
- Receipts & costs: If you've had to replace damaged items, such as motorbike leathers, glasses, a mobile phone, or children's car seats – keep the receipts or take screenshots showing the item's cost. These can be included in your claim.
- Witness details: If anyone witnessed the accident, get their contact information.
   Witness statements can add weight to your claim.
- Diary or notes: Keeping a short diary of your symptoms, pain levels, or how the injury has impacted your daily life can be helpful when assessing compensation.

CHAPTER 4 CONTINUED

# Can social media affect your claim? Here's our advice:

During a claim, insurers and third-party solicitors may be scrolling too. Here's how to stay smart on social media whilst your case is ongoing:

- What you post can be used in your case: A photo, location tag, or a comment could
  affect your case. If you're making a claim, it's worth thinking twice before posting
  anything that could be linked to your injury.
- Play it safe: Keep your account private, or at the very least avoid posting about your injury. Being cautious now could make a big difference later.
- Your credibility matters: If something on your profile makes you worry about your case, don't just remove it – it might be seen as suspicious. Always speak to your solicitor first as they can help you handle it properly.



### CHAPTER 4 CONTINUED

## **FAQs**



### HOW LONG DO I HAVE TO MAKE A CLAIM?

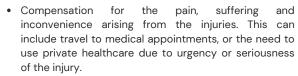
The law states that you have 3 years from the accident date to make a claim. However, there are exceptions. For example, if the injury you sustained was severe or you weren't able to seek medical advice during your recovery.

In any case, it's advised you contact a specialist personal injury solicitor to represent you. The law surrounding personal injury is complex and changes often. A specialist solicitor should be up to date and able to advise you properly on all aspects of your case.

### WHAT CAN I CLAIM FOR?

There are many different things you can claim for. This will all depend on the type of accident you were in, the circumstances, and how severe your injuries were.





- Compensation for any earnings or other income lost as a result of time off work due to your injuries.
- Compensation for damaged equipment and protective gear, e.g., motorbike helmets, jackets, etc.
- Compensation to reflect any additional help you needed, e.g., family members, cleaners, etc, or adaptations to your home due to injury, such as a stair lift.

More serious cases could include further compensation due to you being out of work. For example: only being able to return to light duties, losing out on your pension, losing promotions or other employment opportunities, and other factors.

### CONCLUSION

Whether you're seeking advice or need help with a claim, our team are here to support you every step of the way.

### **CONTACT US:**

VISIT: CALL:

GILDEAS.NET 0141 331 6071

GLASGOW:

97-99 WEST REGENT ST, GLASGOW, G2 2BA EDINBURGH: 30 MELVILLE ST, EDINBURGH, EH3 7HA



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### **CLARKSTON, GLASGOW:**

18 BUSBY ROAD, CLARKSTON, GLASGOW, G76 7XL

