



# A guide to brain injury

For people living with a brain injury and their carers

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“Brain injury can be devastating for families and carers as well as the people directly affected. These cases require specialist advice and support and that is what the Brain Injury Group provides. It is an important gateway to a range of support including expert brain injury solicitors, welfare and benefits advice and signposting to local support services. The Brain Injury Group fully understands the complex needs faced by the whole family, and treats people with sensitivity.”

**Professor McLellan**

**Emeritus Professor of Rehabilitation**

# Key facts about brain injury

**Each year 700,000 people visit Accident & Emergency departments with head injuries of which 140,000 are admitted for treatment.<sup>1</sup> About 10% of head injuries are classified as 'moderate', and 5% as 'severe'.**

Approximately 1 million people in the UK currently live with the long term effects of a brain injury.<sup>2</sup>

There are several types of brain injury:

- Brain concussion is the least severe and most common.
- Closed head injury occurs when there is impact without breaking the skull.
- Penetrating head injury occurs when an object fractures the skull and enters brain tissue.
- Diffuse brain injury occurs when the brain is moved back and forth within the skull when the head is shaken. Damage can occur in several areas where the brain hits the skull.
- Brain contusion is bruised/swollen brain tissue that occurs when the skull cracks or breaks. This can be caused by a depressed skull fracture (when fragments of the broken skull press against the brain) or a penetrating skull fracture (when bone fragments enter the brain tissue).
- Babies can suffer brain injury at birth (such as cerebral palsy).
- A haematoma is bleeding around the brain:
  - Intracerebral haematoma occurs when there is bleeding directly into the brain tissue
  - Epidural haematoma is bleeding between the skull and outer layer of the brain
  - Subdural haematoma occurs when blood collects between the outer and inner layers of the brain

<sup>1</sup> NICE

<sup>2</sup> Headway.org.uk, June 2013

These types of injuries often result from a trauma to the head, for example in a car accident or during a medical treatment in surgery.

Other forms of acquired brain injury:

- Every year 135,000<sup>1</sup> people across the UK will suffer a stroke. Over 1.1 million<sup>2</sup> people are living with the effects of a stroke, and estimates suggest that 58% of survivors will be left with some degree of disability; over 20% of survivors will be severely or very severely disabled.<sup>1</sup>
- An estimated 10,000 people in the UK are diagnosed with a brain tumour each year.<sup>3</sup>
- Some 3,400 people each year – half of them children – are affected by bacterial meningitis and septicaemia, and up to 500,000 people living in the UK have had it; 1 in 3 of children affected will be left with long term after-effects whether physical, psychological or cognitive.<sup>4</sup>

## Symptoms of a brain injury

**Brain injury affects everyone differently but common symptoms include:**

- Loss of speech and/or memory
- Difficulty with concentration, walking, balance and co-ordination
- Weakness or paralysis
- Change in speed of thought
- Memory loss
- Changes in emotions and behaviour
- Altered sense of smell, taste, touch

<sup>1</sup> Stroke Association, January 2013

<sup>2</sup> British Heart Foundation, 2012

<sup>3</sup> Cancer Research UK, January 2014

<sup>4</sup> Meningitis Now, August 2012

# Brain injury and compensation

**Many brain injuries arise through accidents, illness or other circumstances where no-one has been at fault.**

However, if the injury occurred through someone else's negligence, including medical negligence, or through an event that could have been avoided, then you may be entitled to compensation. This will help to cover some of the costs that can arise through lost income, rehabilitation, long-term care, and any special adaptations needed at home.

Typical examples include:

- Road traffic accidents.
- Accidents at work, for example, where there was inadequate safety provision and training, or faulty equipment in place.
- Other types of accidents, for example being hit by scaffolding that had not been properly erected, or falling on a floor that was wet or greasy.
- A criminal assault.
- Unnecessary delays in diagnosing and treating brain tumours and cancer.
- Surgical errors, including inadequate aesthetic techniques and the administrations of epidurals in labour.
- Failure to properly respond to respiratory or cardiac collapse.
- Babies that suffer brain injury at birth (such as cerebral palsy).

## How can the Brain Injury Group help?

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This unique network brings together the best quality legal advice with specialist support services. What makes us distinct from others is that all our members are dedicated brain injury solicitors with a proven track record in handling brain injury cases teamed with a range of practical support for the whole family:

- a case manager to assess urgent needs and a family co-ordinator to assist at times of crisis
- a statutory funding advice service
- a financial advisor to review the financial position and help manage any problems
- help in identifying and applying for welfare and family benefits
- specific guidance on claims resulting from criminal injuries
- signposting to local support services via our members and the BIG Directory of services on our website [braininjurygroup.co.uk](http://braininjurygroup.co.uk).

## What to expect

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- 1.** The first step is to **call 0800 612 9660** or use the map on our website so we can introduce you to an experienced specialist brain injury solicitor in your area.
- 2.** The solicitor will phone you and arrange a time to talk. This can be via telephone or at your home, in hospital or at their office at a time that is convenient to you and your family. This initial consultation is completely free of charge.
- 3.** If the solicitor agrees there is likely to be a claim, they will discuss possible funding options for your case, including Conditional Fee Agreements – commonly known as ‘no win, no fee’.



4. The solicitor will explain how they will build a case and the evidence that will need to be collected. Brain injury cases can take a long time to come to a conclusion, but our member solicitors can often help by securing interim payments in the meantime to provide you with financial support for your immediate needs.
5. Besides expert legal advice, our solicitors work with a range of other specialists who can provide you with additional support. This includes guidance on welfare and benefits, financial advice, an urgent needs assessment and a family co-ordinator, bringing practical help when you need it most as part of a complementary package of support when you pursue a claim with us.

### More than a legal service

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Regardless of how the brain injury occurred, we provide a free information and signposting service. Go to [braininjurygroup.co.uk](http://braininjurygroup.co.uk) and look for The BIG Directory to find services near you, or call us on **0800 612 9660** and we'll be happy to advise you over the phone.

# Caring for someone with a brain injury

**A brain injury in the family can be devastating for relatives and friends as well as the individual. Brain injured people often become dependent on their family members, who have to assume the role of carer without prior warning.**

Some have the help of professionals, medical teams and care workers; some may be left virtually alone to get on with providing the essential care for their loved one.

Without exception, becoming a carer for someone with a brain injury is a significant commitment.

The Brain Injury Group can put you in touch with people who can help.

## Practical

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As a carer you may be going through the process of claiming different welfare and benefits both for you and the person with the brain injury. We can put you in touch with an independent finance organisation that can provide advice on what you should be able to claim, and handle your case in the event of a dispute.

We also work with a case management and rehabilitation company. Its services include statutory funding advice and they can help you understand local authority and NHS funding and how to navigate any statutory entitlements.

And we can signpost you to other specialist support services via the BIG Directory of services on our website.

“I am very fortunate in that Charles’ solicitor – Neil Elliott of Novum Law, a Brain Injury Group member – fought hard for compensation on our behalf. It meant we could afford to employ professional care and source specialist equipment so that Charles could remain home. It is vital that carers of brain injured people know where to find help and the Brain Injury Group is a great place to start.”

**Sue Organ,**  
wife of Charles Organ, brain injured in 2007

## Emotional

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If you’d like to speak to other brain injury carers, Brain Injury is BIG (B.I.G.) is there for you: a registered charity set up by the families of people who have suffered a traumatic brain injury, BIG offers an online forum at [braininjuryisbig.org.uk](http://braininjuryisbig.org.uk) and a telephone helpline enabling people with personal experience of brain injury to support each other.

The Children’s Trust also has an online discussion forum at [braininjuryhub.co.uk](http://braininjuryhub.co.uk) for the parents of children affected by brain injury.

## Legal

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Our member solicitors can help those close to you by seeking compensation on their behalf, which will ease the burden on the whole family.

If your loved one is very seriously injured and has lost the mental capacity to act for themselves, you may need to make decisions on their behalf concerning health issues, financial matters and benefits, and deal with the Court of Protection about getting the legal authority to act for them through a Power of Attorney. Our specialist solicitors can help you with this, ensuring all your personal and family considerations are recognised during the care assessment process.

# Useful contacts

## **Brain Injury is BIG (B.I.G.)**

Registered charity for carers of people with severe brain injuries with online discussion forum and telephone helpline. [braininjuryisbig.org.uk](http://braininjuryisbig.org.uk)

## **Brain Injury Rehabilitation Trust (BIRT)**

BIRT is a division of The Disabilities Trust, a leading charity which provides services to people with physical disability, learning disability, autism and brain injury. [thedtgroup.org/brain-injury](http://thedtgroup.org/brain-injury)

## **Brain Injury Hub**

On-line support centre for families of children affected by acquired brain injury, created by The Children's Trust. [braininjuryhub.co.uk](http://braininjuryhub.co.uk)

## **Carers UK**

An excellent source of information, advice and support for carers, this charity is also at the forefront of campaigning for carers. [carersuk.org](http://carersuk.org)

## **Child Brain Injury Trust (CBIT)**

A leading charity providing non-medical services, support and telephone helpline to families affected by childhood acquired brain injury, and training to health and social care professionals working with families.

[childbraininjurytrust.org.uk](http://childbraininjurytrust.org.uk)

## **The Children's Trust**

National charity providing rehabilitation, care and education to children with acquired brain injury, multiple disabilities and complex health needs.

[thechildrenstrust.org.uk](http://thechildrenstrust.org.uk)

## **Headway**

National charity that promotes understanding of all aspects of brain injury and provides information, support and services to people with a brain injury, their families and carers; also operates a regional network of branches and support groups. [headway.org.uk](http://headway.org.uk)

### **Citizens Advice**

Provides free, independent and confidential advice to help people resolve legal, financial and other problems through an extensive national network. [citizensadvice.org.uk](https://citizensadvice.org.uk)

### **Department for Work and Pensions**

Central source of information about employment, welfare and other state benefits. [gov.uk](https://gov.uk)

### **Victim Support**

An independent charity for victims and witnesses of crime in England and Wales with a regional network. [victimsupport.org.uk](https://victimsupport.org.uk)

## **Get in touch**

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For more information, or to discuss a potential claim, call **0800 612 9660** or visit our website [braininjurygroup.co.uk](https://braininjurygroup.co.uk)

**Brain Injury Group**

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Follow us on



For more details call

**0800 612 9660**

or visit [braininjurygroup.co.uk](http://braininjurygroup.co.uk)

