

Steps that should be taken following a Trip or Slip accident i.e. a fall on the pavement, on steps, in the road.

Trip/Slip claims are, by their very nature, difficult claims to prove. Fallers and trippers are often found at fault for their misfortune by as much as 25%. This is known in legal terms as Contributory Negligence. There are certain key steps that you should take following a trip/slip accident so as to increase your chances of bringing a successful claim:-

1. You should as soon as possible take photographs of the defect causing you to trip or fall. In relation to pavements or paving slabs the defect must be one inch or more in height for it to be actionable. This is prescribed by the Highways Act 1980. You should put a ruler against the raised defect and take photographs to show that at the time of the accident it was an inch or more in height otherwise you may not be able to bring a claim.
2. Once you have taken the photograph of the defect you should report the accident to the Local Authority or whoever is responsible for maintaining the area where you fell so that they too will have a record of the accident having occurred.
3. It is a good idea to have photographs taken of your injuries.
4. Ensure that you make your own record about the accident and retain important information such as details of any witnesses to the incident who may be able to provide evidence in support of your claim. Details of previous falls in the same location would also be helpful.
5. It is important that you seek medical attention immediately after or as soon as possible after the accident to ensure that details of your injuries are recorded in your medical notes and records. Your medical notes and records must link your injuries to the accident in question. This is known in legal terms as Causation i.e. there must be a link between the injury and the defect. If your claim is likely to be successful, you will be examined by a medical expert who will prepare a report on your injuries and he will require complete access to your medical notes and records and must be satisfied that there is evidence in your notes that the accident occurred as alleged etc. The medical notes should include a diagnosis for your injuries and whether you received any treatment and/or medication.
6. You are under a duty to mitigate your losses if you intend to bring a claim for injuries sustained in an accident. This includes returning to work when you are reasonably fit and well to do so and seeking appropriate treatment to assist you in recovering from your injuries such as Physiotherapy treatment even if it has to be paid for by you. Usually this expenditure is recoverable.
7. If you wish to bring a claim for compensation, it is important that you seek independent legal advice as soon as possible. You should note that you have a period of 3 years in which to either settle your claim or issue proceedings against your opponent, otherwise your claim will become statute barred under the Limitation Act 1980. This means that a claim may only be brought outside of three years from the date of the accident/injury in exceptional circumstances. Different rules apply in respect of 'minors' i.e. persons under the age of 18 years at the time the accident occurred. The 3 year time limit does not begin to run until the minor attains the age of 18 years i.e. they have a period of 3 years from their 18th birthday.