

UNISON Personal Injury Legal Services

SOUTH WEST

Summer 2009



Legal Helpline 0845 355 0845

Negligent driving ends 20 years of service

A PARAMEDIC FROM Cheltenham was forced to medically retire after he sustained injuries in an accident at work.

David Williams, 59, was attending to an unconscious patient in the rear of a moving ambulance when, suddenly, a vehicle turned across the path of the ambulance causing a collision.

The ambulance, which had blue lights illuminated and the siren on, was forced to brake abruptly but ultimately could not avoid the accident. David, who was sat sideways to the front of the ambulance, was thrown forwards and then onto the floor of the vehicle.

Initially, he was completely unable to move. He was immediately aware of upper back pain, a numb right arm, tingling legs and an injury to his head. Another ambulance arrived at the scene and took him to his local hospital.

David had been a paramedic for 20 years but his injuries prevented him from returning to this role. After six months off work due to the severity of his injuries, he tried to return to work on light duties with the support of his employer. However, he continued to suffer a weakness in his right arm and hand which meant that he couldn't easily hold a pen or a cup.

He was medically retired by his employer who was unable to find a suitable alternative role for him within the Ambulance Service. This had significant financial implications for his family.

In his spare time, David had a range of hobbies and interests. He used to be

in the Sea Cadets with an active role as an instructor. He also used to go sailing every week and canoeing every couple of weeks. None of these activities are now possible. His injuries are too painful and too restrictive.

David and his wife are also foster carers. At any one time, they would look after around three teenagers. Prior to his accident, David used to provide a significant amount of domestic support to his wife both in terms of housework, gardening and DIY. After his accident, David could not do these activities because of the lifting and bending involved, as well as the impaired use of his right hand. His wife was forced to cope with all of these tasks as well as looking after the children.

The other driver's representatives accepted responsibility for causing the accident on his behalf. However, they continued to dispute the amount of compensation that David should receive. As a result, Thompsons Solicitors, who represented David in his claim for compensation, were forced to issue court proceedings to resolve his claim. Ultimately, David received £105,000.00 in compensation.

Emma East, acting for David Williams, said: "We are pleased to have been able to help David secure a financial settlement. While no amount of money can properly compensate David for the dramatic changes to his life, we hope that the compensation can at least provide some security for him and his family in the future."

Runaway van injures council worker

ANDREW HARRIS, a Teignbridge District Council worker, suffered a broken nose, bruising and concussion when the handbrake on his works van failed.

Andrew worked in the Street Cleansing Department collecting clinical waste from various locations. He parked the van and went to collect the bags of waste.

As he walked back to the van, it started to move towards him. There was not much room between the van and the fence behind him so he instinctively put his hands up to push against the van.

He didn't have time to move out of the way and became pinned between the van and the fence. The bumper of the van was pushed against his nose and the back of his head slammed against the fence.

Although he managed to wriggle free, he broke his nose and was concussed.

He struggled to get a mobile phone signal but eventually contacted his employer who arranged for him to be taken to the local Accident and Emergency Department.

It was later discovered that the van's hand brake had failed. Andrew's injuries were very unpleasant but they could have been a lot worse. Lynn Macey, who represented Andrew, negotiated with his employer's representatives and he received £3,500 compensation for his injuries.



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Turkey and tomatoes don't mix

A PRE-BOOKED holiday to Turkey was ruined for one Dorset man when he visited his local supermarket a couple of weeks before his holiday.

Allen Orchard, 55, from Wimborne visited his local Asda on his way home from work. As he was carrying his shopping basket to the till he walked along the fruit and vegetable aisle when his right foot went from under him.

He fell onto his back and hit his shoulder on the side of the aisle. Allen felt immediate pain at the base of his spine and around his hip following his impact with the floor. He was shocked and stunned as the first aider came to treat him.

The fall was due to a stray tomato that Allen had slipped on. He was helped by store staff back to his car but as the evening wore on his pain increased and he became more stiff and bruised.

He was determined not to let his

symptoms stop him from going on holiday. However, he suffered an excruciatingly painful flight as he was not able to sit comfortably.

While on holiday, he tried to go on one of the hotel excursions but was in too much discomfort and pain. The beach was only 150 metres from the hotel but he was unable to lie on it due to the pain.

As a result of the supermarket's failure to ensure that the floor was free from slipping hazards, Allen received £8,000 in compensation for his injuries and his out of pocket expenses caused by the accident.

Stephen Loach from Thompsons Solicitors said: "This case emphasises the benefits of being a member of a trade union. The legal service benefits for UNISON members allow all members to gain legal support for accidents in and out of work."

Raised paving slab ends employment

A SITE MANAGER at an infant school in Dorset lost his home as a result of the injuries he suffered in an accident at work.

David Craner from Bridport in Dorset had worked at the Wyke Regis Infants School for 10 years before his accident happened, undertaking general caretaker and janitor duties.

He was pushing a trolley across a paved area alongside the school playing fields when the trolley hit a raised slab. As it did, he was jolted forwards and felt a sharp pain in his right knee.

David continued to suffer from pain and had difficulties walking. He saw a physiotherapist and took anti-inflammatory tablets regularly. However, when the pain did not subside after a few weeks, David was referred to his local hospital for x-rays. He was diagnosed with a torn cartilage.

Some months later, he had an operation to remove a piece of the cartilage in his knee. After that he was keen to return to work. His employer wanted him to be assessed by

Occupational Health before he returned. Unfortunately, the report concluded that David was unlikely to return to manual work.

David's employer was unable to find him a suitable alternative to manual work and his employment was terminated. His home was linked to his employment and his employer served him with a notice to quit.

David then worked in a supermarket but found that being on his feet for long periods of time was too difficult. He secured other part time work in his efforts to return to the labour market but the hours he could work were limited.

Stephen Loach from Thompsons Solicitors said: "We were able to obtain £12,000.00 in compensation for David Craner. He had previously reported the problems with the paving slabs to his employer but no remedial work was undertaken. It is crucial that hazards in the workplace are rectified as soon as possible to prevent injuries such as this from happening."

Care worker injured by faulty hoist

SALLY KIMBERLEE, 26, from Cheltenham in Gloucestershire was employed as a care worker when she suffered an injury at work.

Sally worked at a college for 16-25-year-old students with various learning and physical disabilities.

She was helping a colleague to get one of the students onto the toilet using a hoist. However, due to staff shortages, her colleague was called away. Meanwhile, the strap on the hoist was moving and slipping down rapidly and, while Sally tried to operate the remote control on the hoist and support the student, the student jolted suddenly and Sally felt a popping sensation on her back.

Since the accident, the hoist has been replaced. Sally has been unable to return to this role and has taken up an administrative position instead.

Laura Murray from Thompsons Solicitors who represented her said: "Sally has been fortunate to have had a great deal of support from family and friends since the accident. But, ultimately, the compensation that she was awarded in the sum of £9,250 will not compensate for her inability to return to a job that she found rewarding and fulfilling."

About Thompsons

Thompsons Solicitors is the most experienced trade union and personal injury law firm in the UK, dedicated to acting only for injured people and never for insurance companies and employers.

Thompsons has earned a formidable reputation for fighting hard to ensure the maximum compensation. We have over 85 years of experience working with unions and their members.



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