

Advice for people in England and Wales

who have suffered a
serious injury in a road
crash, and their families
and close friends

Produced by



If you would like any part of this pack explained over the phone, or need support,
you can call Brake, the road safety charity, on our

0845 603 8570

introduction

If you have been injured in a road crash, or if someone close to you has been injured in this way, this book is for you.

An injury caused by a road crash can be devastating. It is sudden, violent, and often has a far-reaching effect on the injured person's life and the lives of those around them.

This book aims to help you deal with procedures and issues that you may face. For example, it includes information on claiming compensation for an injury. It also includes contact details for organisations that can help people with particular types of injuries.

A lot of topics are covered in this book. You may find it helpful to keep it somewhere safe and refer to relevant sections when necessary, rather than read it all at once.

However, if the crash happened recently, you might wish to read the first sections now.

This book is mainly aimed at people with serious injuries including injuries which lead to life-long disability, and their carers. A carer is a family member, partner or friend who provides unpaid care to an injured person.

If you have a specific type of serious injury, such as a spinal cord injury or a brain injury of any degree of severity, it is strongly recommended that you contact one or more of the specialist organisations listed on pages 18 to 20 for specific advice and practical help.

Call the BrakeCare helpline on 0845 603 8570 if you want help relating to anything in this guide or for emotional support. You can go to www.brake.org.uk and click on 'support' for a version of this guide with hyperlinks to other important documents.

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Your police contact

A police officer is usually appointed to be your main police contact. They aim to help you deal with procedures, and any questions you have, relating to the police investigation.

Your police contact may be a Family Liaison Officer (FLO). An FLO is a police officer who has been trained to help people affected by serious crime. If you are not offered an FLO, and injuries sustained are very serious and likely to result in a criminal prosecution (see page 48), then you may want to ask the police if it is possible for an FLO to be assigned to you. This may or may not be possible depending on police resources where you live. Ask your police contact to write their name and phone numbers below and the times when they can be contacted:

Your police officer's contact details:

Name

Station phone number

Mobile phone number

Pager number

Your police contact should be able to:

- Help you with immediate tasks, such as informing other people
- Provide support
- Keep you informed of the police investigation and any court case
- Help you to manage any contact from the media
- Help answer questions you have, or direct you to someone who can

Other important contacts

It can be very difficult to remember things at this time of great stress. Use the space below to record names and phone numbers of other people you may need to talk to over the coming weeks and months.

Hospital

.....

GP

.....

Senior Investigating Police Officer (in charge of the investigation)

.....

Solicitor helping you with a claim for compensation (see page 33)

.....

Support agencies assisting you (see pages 13, 18 to 20 and 78 to 80 for contact details)

.....

.....

.....

.....

Local benefits office

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If someone is in Intensive Care or another specialist unit

If someone is very seriously injured, they will be treated in a hospital's Intensive Care Unit (sometimes called Critical Care Unit), or another specialist unit, to ensure they get the best possible care. They may need one or more operations.

A free guide by BrakeCare, *What happens in an Intensive Care Unit?*, is available. If your hospital doesn't give you a copy, call BrakeCare on 0845 603 8570 or log onto www.brake.org.uk to download it.

Additional help may be available from organisations that help people with particular types of injuries. A list of their contact details is on pages 18 to 20.

Spending a long time in a hospital can be exhausting and distressing for an injured person and for their family and friends. Staff will try to give you as much support as they can.

It can help to talk to someone about your feelings. Ask staff to put you in touch with a hospital counsellor or chaplain. It is not a sign of weakness to seek support from others.

If you are visiting an injured person, make sure you eat and drink regularly. It is important to think about your own welfare as well as the welfare of an injured person.

Immediate practicalities

An injury disrupts lives. There may be everyday responsibilities that need to be taken over by others, such as care of children.

If an injured person lives alone and is expected to remain in hospital for some time, someone will need to visit their home to check it is properly secured, deal with perishable food and look after any pets. It may be sensible to run heating at a low level to keep the property aired. It may be necessary to inform an insurer that the property is unoccupied.

If an injured person is conscious and capable of good communication, it is vital to consult with them before making any decisions.

Inform anyone who needs to know, or who may be able to help, such as relatives, or an employer, as soon as you are able, or ask if the police can do this on your behalf.

Family, friends and neighbours may be practical sources of help.

If someone close to you died in the crash

If someone close to you died in the crash, the police should have given you another free BrakeCare book called 'Advice for families and friends following a death on the road'.

If a child has been bereaved

If a child has been bereaved, you should also have been given our free children's picture book 'Someone has died in a road crash'. This book is suitable for children of all ages, to be read with their carers.

**If you haven't received these books, call our helpline
0845 603 8570.**

The police investigation

The police have a duty to try to find out what happened by gathering evidence and compiling it into a report. They submit this evidence to the Crown Prosecution Service. A police investigation can take several months.

Eye witness accounts

People involved in the crash, or who witnessed the crash or events leading up to, or after, the crash may be asked to give a statement. If you were not involved, but knew the movements of a person on the day they were injured, you may be asked to give a statement too.

Physical evidence

Crash investigation officers, who are usually specially-trained police officers, or employees of other specialist agencies, may investigate a crash in order to identify the cause and obtain evidence. These experts may photo, measure and video the scene and examine vehicles involved.

Medical evidence

Medical evidence may be provided by personnel who provided care at the crash site or in hospital. Medical evidence can include alcohol and drug tests on all drivers involved.

The police report

When police investigations have finished, the evidence is compiled into a report which is submitted to the Crown Prosecution Service (see page 50). You are not entitled to a copy of this report, but you may be able to get a copy. You may only be able to get a copy after any criminal proceedings have finished. If you wish to get a copy, you or a solicitor you are using (see page 33) can ask the police. You may or may not have to pay for it. If there is a charge, and you are pursuing a claim for compensation, your solicitor may be able to reclaim the charge as part of your claim.

Before reading a police report you may want to find out what it contains and consider if you want to see all its contents. Police reports often contain photographs taken at the time of the crash and sometimes detailed interviews with eyewitnesses. It may be possible for the police or your solicitor to remove anything you don't wish to see.

If someone died in the crash, the police investigation should comply with detailed standards laid down in The Association of Chief Police Officers' Road Death Investigation Manual. To view a copy, log on to www.acpo.police.uk

Media interest in the crash

Journalists often want to cover crashes and court cases that follow. Journalists may phone you, knock on your door or approach you at a court hearing. They may want to interview you. It is up to you whether you talk to a journalist or not. However, you cannot stop a journalist from publicising your name and where you are from.

Some people decide to talk to journalists to help raise awareness of the importance of road safety. In some cases, media coverage has helped find witnesses to crashes. Some people decide not to talk to journalists. If you don't want to talk to journalists, talk to your police contact. They may be able to handle many queries.

Police statements to the media

The police often release information about the crash or a court case verdict to the media. It may be possible, if you want, to include a statement from you. If you want to do this, talk to your police contact. Your police contact should give you copies of any press statements issued by the police about your case.

Talking to a journalist

Talking to a journalist can be hard, particularly if they are a stranger and they are asking you to talk about how you feel. If you decide to talk to a journalist, it can help to think in advance about what you might want to say. It can also help to ask the journalist in advance what questions they want to ask. Alternatively, you could provide a written statement.

Ask your police contact or your solicitor (see page 33) if there is anything you shouldn't talk about to journalists. If someone is charged with an offence relating to the crash, it is important not to make comments that could create problems for a police investigation or court case.

Making a comment or complaint about the media

If you are unhappy with a journalist's conduct or think a journalist has published or broadcast something incorrect or unfair, then you can make a complaint to the publication or TV or radio station.

If you are complaining about a publication, address your complaint to the editor or publisher. If you are complaining about a TV or radio station, address your complaint to the director. Sometimes the media offers to print or broadcast an apology. A newspaper or magazine may offer to print a letter from you.

Journalists are also governed by national codes of practice that require them to respect privacy and the feelings of people.

- **The Press Complaints Commission** code of practice governs newspaper or magazine journalists. To make a complaint if you think a newspaper or magazine journalist has broken this code, go to the website www.pcc.org.uk or phone 020 7831 0022.
- **The Office of Communications** code of practice governs TV and radio journalists. To make a complaint if you think a TV or radio journalist has broken this code, go to the website www.ofcom.org.uk or phone 020 7981 3000.

Some people affected by a road crash wish to campaign publicly for road safety. Pages 78 to 80 give details of organisations that can help you campaign.

If the crash happened abroad

If a crash happened abroad, there may be many added complications, such as language barriers and different legal procedures. Support is provided by British Consular staff based abroad at British embassies, High Commissions and Consulates, and in London in the Consular Directorate of the Foreign and Commonwealth Office.

If you haven't been told who you can speak to, you, or your police contact, can call the FCO on 020 7008 1500. Your police contact may be able to talk to someone on your behalf if you want them to.

How British Consular staff can help

These officials can help you in several ways. They can:

- Keep you informed about any procedures that local officials decide to carry out, such as a post mortem examination or police investigation.
- Pass on any concerns you have, for example if you want a death to be investigated and no investigation, or only a limited investigation, has taken place so far.
- Put you in touch with support agencies.

British Consular staff **cannot** investigate crashes abroad themselves, nor give legal advice.

The Foreign and Commonwealth Office cannot pay any of your costs, such as medical treatment or transport home. However, you may be able to claim back costs as part of a compensation or insurance claim (see page 33). For this reason, it is important to keep receipts.

Support from people who are close to you

After a serious crash many injured people, or those caring for them, find that visits from people close to them, such as any family or friends, are very helpful. Visits can help boost morale.

However, sometimes you, or someone you are caring for, may not feel like seeing people. This is understandable too.

Visits can be tiring for injured people. It may help to work out a 'visiting rota' for family and friends so that visits are not too frequent.

Caring for children

If a child has been seriously injured, or someone close to a child has been seriously injured, you will have particular concerns. Children's needs are, in many ways, like the needs of adults. They need to know what is happening, and feel loved and supported.

Usually it is better to explain to children what is happening, rather than keep them from the truth. Children have good imaginations and may imagine something that is even worse than the truth.

Hospital staff or support agencies listed in this guide can point you in the direction of support for children, or call the BrakeCare helpline on 0845 603 8570.

Strong emotions are natural and normal. For more information about feelings at this time see page 25.

Visiting the crash site

If you were not in the crash, you may want to visit the place it happened. If you want to visit, your police contact can tell you the precise location if you do not already know it. They may be able to accompany you, answer questions you may have and ensure your safety if it is a busy road.

What happens to a vehicle involved in the crash?

Any vehicles involved in the crash may be taken away for examination by the police, to find out if they were mechanically defective or to get more information about what happened in the crash. You can ask the police to tell you where vehicles are being kept and what is happening to a vehicle. You may want to see a vehicle. This should be possible. You can pay for an independent examination of a vehicle if you or your solicitor (see page 33) think this is necessary. If you wish to do this, tell your police contact. A list of accident investigators is available from the website www.itai.org

Informing a motor insurer

If you, or someone you are caring for, are responsible for the motor insurance of a vehicle involved in the crash, then you will need to tell the insurance company that the vehicle has been in a crash.

The police can give you basic details that the insurance company requests, such as the details of another driver. You do not have to tell them what happened, or who you think was to blame (although they may ask you).

Consulting a solicitor

You may be offered a solicitor by your motor insurer to help you find out if you can claim compensation. You are advised to consult a solicitor but you may or may not choose one offered by your motor insurer. You do not have to use a solicitor your insurance company suggests. See page 33 for how to choose a specialist solicitor.

Rehabilitation professionals

There are professionals who help seriously injured people to recover from injuries, or to adjust to life with disabilities. A programme of rehabilitation may last a few weeks or may continue for months or years. It can involve care in hospital and at home.

It is likely that short-term and long-term needs will be assessed while you or your loved one is in hospital. An assessment may include future needs for rehabilitation, help at home, housing adaptation and transport.

The assistance offered may include help from professionals whose roles are explained here:

Occupational therapists assess an injured person's level of physical functioning and the psychological impact of a crash. They put together a programme of treatment to help an injured person to regain their independence and lifestyle. They can also provide information and support to carers and advise on adaptations that can be made to the home and workplace, such as ramps for a wheelchair user.

Physiotherapists use techniques such as positioning and exercise. The purpose of physiotherapy is to improve or restore, if possible, a person's mobility and independence.

Clinical psychologists and neuropsychologists provide assessment and therapy for the psychological effects of head injury.

Speech and Language therapists work to improve a person's communication skills. This may include understanding and expressing both written and spoken language, and improving speech clarity. They can also help people who have difficulty swallowing.

Social workers can provide information on benefits, accommodation and transport. If you have not seen a social worker but think you need help, ask for an appointment.

Below are details of organisations that may be of further help:

UK Acquired Brain Injury Forum

Produces a national directory of NHS, private and charitable services for people with a range of injuries.

PO Box 355, Plymouth, PL3 4WD

Tel: 01752 601318

Email: ukabif@btconnect.com

www.ukabif.org.uk

Chartered Society of Physiotherapy

Provides lists of physiotherapists.

14 Bedford Row, London WC1R 4ED

Tel: 020 7306 6666

Email: enquiries@csp.org.uk

www.csp.org.uk

College of Occupational Therapists

Provides information on occupational therapists.

106 - 114 Borough High Street, London SE1 1LB

Tel: 020 7357 6480

www.cot.co.uk

Royal College of Speech & Language Therapists

Provides general advice and can direct callers to their local NHS speech and language therapy service.

2 White Hart Yard, London SE1 1NX

Tel: 020 7378 1200

Helpline: 0845 130 2704

Email: info@rcslt.org

www.rcslt.org

Maximise your income

Sick Pay

If an injured person is employed, it is usually possible to receive Statutory Sick Pay (SSP). SSP is a fixed sum of money. It is not linked to the injured person's wage. It is only paid for certain periods of time and is administered by the injured person's employer.

Anyone who is not entitled to SSP may be able to claim other benefits (see page 15).

Some employers choose to pay an employee's full wage, or a percentage of it, during a period of illness. The contract of employment will explain the employer's policy. An employer is not obliged to pay anything. Employers usually limit payments for sickness to a fixed number of weeks. If an injury will lead to a long period off work talk to your employer about what will happen.

Retirement for medical reasons

If you have a private pension scheme, it may be possible to obtain your pension early if injuries prevent you from returning to your job. Pension schemes define inability to work in different ways and you may need to prove that you meet your scheme's definition. You also need to check whether your scheme will impose any conditions about what you can do after you start drawing your pension.

Some employers are a valuable source of information and support.

Benefits

Whether an injured person is employed or not, it may be possible for them or a carer to claim benefits. Your local benefits office will be able to explain what is available. The Benefit Enquiry Line (freephone 0800 88 22 00) can tell you the location of your nearest benefits office. You can also go to www.jobcentreplus.gov.uk for information on benefits. Your Citizens' Advice Bureau may be able to help further if you find it difficult to explain a particular problem or have difficulty with forms (see page 87).

Some state benefits and allowances are stopped if there is a long stay in hospital. You may be asked to return payment books. Payments into a bank account may be stopped. You may be able to claim the benefit again when the stay in hospital ends.

Insurance policies

Life and critical illness insurance policies may make payments if someone is unable to work following an injury. This could include payments to cover a mortgage or credit card bills as well as lump sums or regular incomes.

Private health insurance may pay out money even if an injured person is being treated by the NHS. It may pay out sums for time spent in hospital, visits by family and recuperation and rehabilitation costs.

Trade unions, trade associations and employer-run schemes may also provide cover for some expenses.

If a holiday has to be cancelled it may be possible to claim through your holiday insurance.

Check all policies to see if you can claim.

Avoiding debt

Debts

You may have worries about debt or managing finances, particularly if an injured person's income is reduced. If there are likely to be problems with loan repayments (such as a credit card or a mortgage) or paying bills (such as rent) it is a good idea to try to tell the relevant organisations before payments become overdue.

You are unlikely to be able to arrange for a debt to be cancelled but it may be possible to arrange a short break from payments or 'interest only' payments.

Try not to ignore bills. Debts don't go away. In extreme cases, people who don't pay bills can be taken to court. If you need to borrow money, make sure you are being offered a competitive interest rate.

If you find yourself in financial difficulties, contact your Citizens' Advice Bureau for free advice (see page 87). If you are pursuing a claim for compensation, it is sometimes possible to obtain an early, partial payment. Your solicitor can advise you (see page 33).

At home

How much an injured person's home life changes after a crash depends on many factors. This includes the extent of injury, whether they live with their family or alone, and their type of housing.

If a person is seriously injured, resulting in long-term disability, changes may have to be made to their home. This could include ramps and wider doorways for a wheelchair user.

An injured person may also need a care assistant, or full-time help from a family member, to enable them to continue living at home. For some injured people, it is not possible to return to their home.

It is important that any necessary changes to living arrangements are assessed by an occupational therapist before an injured person leaves hospital (see page 12). If you find that you need more help at a later stage you should contact your local social services to arrange an assessment of your needs.

It can take a long time for a person with new disabilities, and their close family and friends, to adjust to any new way of life. Rehabilitation may continue for a long time after a person has left hospital.

Family, friends and neighbours may be willing to help in any way they can. Do not be embarrassed to ask for, or to accept, help. There are also many organisations that may be able to help. These are listed on the next pages.

Disability organisations

The following organisations may be able to provide help specific to your needs. They are listed alphabetically:

BackCare

Providing information on back conditions and how to manage back pain.

16 Elmtree Road, Teddington, Middlesex TW11 8ST

Tel: 020 8977 5474

Email: info@backcare.org.uk

www.backcare.org.uk

Brain and Spine Foundation

Supporting brain and spine injured people.

7 Winchester House, Kennington Park

Cranmer Road, London SW9 6EJ

Tel: 0207 793 5900 Helpline: 0808 808 1000

Email: info@brainandspine.org.uk

www.brainandspine.org.uk

Changing Faces

Supporting adults and children who have a disfigurement.

The Squire Centre, 33-37 University Street, London, WC1E 6JN

Tel: 0845 4500 275

Email: info@changingfaces.org.uk

www.changingfaces.org.uk

Child Brain Injury Trust

Provides information and support to children and young people with an acquired brain injury, and their families.

The Radcliffe Infirmary

Unit 1, The Great Barn, Baynards Green Farm, Nr Bicester, Oxon, OX27 7SG

Tel: 01869 341075 Helpline: 0845 6014939

Email: helpline@cbituk.org

www.cbituk.org

Dial UK

A network of 140 local disability information and advice services run by and for disabled people.

St. Catherine's Hospital, Tickhill Road, Doncaster DN4 8QN

Tel: 01302 310123

Email: informationenquiries@dialuk.org.uk

www.dialuk.info

Disability Alliance

Publishes the Disability Rights Handbook and provides information on disability benefits and services and qualifying criteria.

Universal House, 88-94 Wentworth Street, London E1 7SA

Tel: 020 7247 8776

Rights advice service: 020 7247 8763 (Mon and Wed, 2pm - 4pm)

Email: office.da@dial.pipex.com

www.disabilityalliance.org

Disabled Living Foundation

Provides advice and information on living equipment for disabled people.

380-384 Harrow Road, London W9 2HU

Tel: 020 7289 6111 Helpline: 0845 130 9177

Email: info@dlf.org.uk

www.dlf.org.uk

Headway - the brain injury association

Headway provides information, support and services to people with a brain injury, their family and carers, through numerous support groups and day care centres across the UK. It also provides a dedicated telephone helpline.

7 King Edward Court, King Edward Street, Nottingham, NG1 1EW

Tel: 0115 924 0800 Helpline: 0808 800 2244

Email: enquires@headway.org.uk

www.headway.org.uk

Limbless Association

The Limbless Association provides information, advice and support for people without one or more limbs. It has a network of volunteer visitors.

Queen Mary's Hospital, Roehampton Lane, London, SW15 5PN

Tel: 020 8788 1777 Helpline: 0845 230 0025

Email: enquiries@limbless-association.org

www.limbless-association.org

Royal National Institute for the Blind (RNIB)

Information, advice and support for anyone with impaired sight.

105 Judd Street, London WC1H 9NE

Tel: 020 7388 1266

Helpline: 0303 123 9999 (Mon to Fri, 9am - 5pm)

Email: Helpline@rnib.org.uk

www.rnib.org.uk

Speakability

Provides information on speech therapy services and local self-help groups for people with communication disabilities following a head injury.

1 Royal Street, London SE1 7LL

Tel: 020 7261 9572

Helpline: 080 8808 9572

Email: speakability@speakability.org.uk

www.speakability.org.uk

Spinal Injuries Association (SIA)

SIA is a self-help group for people with spinal cord injuries.

Its services include information, advice and publications, including a guide to living with spinal cord injury. *Moving Forward 3* is available from SIA, price on application.

SIA House, 2 Trueman Place, Oldbrook, Milton Keynes, MK6 2HH

Tel: 0845 678 6633

Freephone information line: 0800 980 0501

Email: sia@spinal.co.uk

www.spinal.co.uk

Your local Citizens' Advice Bureau may be able to advise you further about specialist services or support groups in your area. See page 87.

Caring for an injured person

Being a carer can be physically and emotionally draining. If you are planning to care for an injured person, or if you already do, it is important that you have support.

Contact your local social services department for an assessment of your needs as a carer.

If you work, tell your employer about your carer responsibilities. They may be able to allow you to work different hours that suit you better.

You may also find it helpful to contact the following organisation:

Carers UK

Provides information and support to carers.

20 Great Dover Street, London, SE1 4LX

Tel: 020 7378 4999

Carers Line: 0808 808 7777 (Wed and Thurs, 10am -12pm and 2pm - 4pm)

Email: info@carersuk.org

www.carersuk.org

Disability in the workplace

Many disabled people who can work find that working - whether paid or voluntary - helps to improve their quality of life and their self-esteem.

Injured people with long-term disabilities may be able to return to their previous job. Sometimes this requires changes to a workplace, such as an installation of a ramp for a wheelchair user.

However, some injured people are unable to return to their previous job or career. Loss of earnings can be taken into account when claiming money for injuries (see page 37).

Advice on working with a disability can be obtained from the Disability Employment Adviser (DEA) at your local Job Centre Plus. The DEA can provide information about a range of different schemes to help a disabled person return to work, including training schemes and a scheme that funds alterations to a workplace to make it possible for a disabled person to work. Go to www.jobcentreplus.gov.uk for more information.

Rehab UK

Rehab UK helps people with a brain injury into suitable employment or further education through individually-designed rehabilitation programmes.

Borough Buildings, 58-72 John Bright Street, Birmingham, B1 1BN

Tel: 0121 616 3900

www.rehabuk.org

Disability and driving

Some disabled people need a car, scooter or a powered wheelchair to get about. For some drivers, getting back behind the wheel after a crash marks an important stage in the recovery process. However, the Drivers Medical Group of the DVLA (Driver and Vehicle Licensing Agency) **must** be informed of any injury that may affect driving. This includes impaired limb function, certain visual disorders and head injuries which required treatment for more than one day in hospital.

The DVLA will then, with your permission, seek information about your fitness to drive from your GP or hospital consultant. Following assessment of your case it will decide whether or not you are fit to drive. It may add special conditions to your licence.

To contact the Drivers Medical Group, write to Drivers Medical Group, DVLA, Swansea SA99 1TU, telephone 0870 600 0301 or email eftd@dvla.gsi.gov.uk. You can get more information about driving after an injury from the DVLA website at www.dvla.gov.uk

If you have any doubts at all about your ability to drive again, it is important to get expert advice. Mobility centres across the UK can evaluate your eligibility to hold a licence, as well as any needs for car adaptations. To find a mobility centre near you, visit the website www.mobility-centres.org.uk

Alternatively you can find out more about driving after serious injury from:

Queen Elizabeth's Foundation Mobility Centre

Damson Way, Fountain Drive, Carshalton, Surrey SM5 4NR

Tel: 020 8770 1151

Email: info@mobility-qe.org

www.qefd.org/mobilitycentre

Motability is a national charity which provides disabled people with the opportunity to lease or hire purchase a car, scooter or powered wheelchair in exchange for their Higher Rate Mobility Component of their Disability Living Allowance.

Motability

City Gate House, 22 Southwark Bridge Road,

London SE1 9HB

Tel: 0845 4564566

www.motability.co.uk

Failing to inform the DVLA of an injury that could affect your driving invalidates your licence and is an offence.

Coping with emotions and feelings

When someone is injured in a road crash, it can be traumatic for the person injured and close family and friends. People react in many different ways and it is natural and normal to experience strong emotions.

This section outlines some feelings you may experience and provides practical advice to help you cope.

I can't believe it has happened

It can be very hard to come to terms with the fact that the crash really happened. The shock can be hard to bear - particularly if an injury is likely to result in a life-long disability or scarring or if someone died in the crash. It may all seem unfair – 'why me?' is a common thought.

If only..

It is common to mull over the circumstances leading up to the crash and wonder if you, or others, could have done anything to stop it happening. 'If only' is a usual and particularly painful thought process.

I feel so angry

The injustice and senselessness of an injury on the road often leaves people feeling angry. It is common to feel angry if someone is being held responsible for the crash. It is common to feel angry with society for not treating road safety seriously. It is common to feel angry and scared about what the future may hold.

Many people find it helps to share thoughts and emotions with others. This may be a friend, relative, counsellor or carer, spiritual or religious leader. Crying may help. It can be better to express feelings than hold back tears.

I worry all the time

It is common to suffer feelings of anxiety and panic after such a traumatic event. You may worry about the safety of yourself or other loved ones on the road.

You may have flashbacks (when you feel the crash is happening all over again) or vivid thoughts and dreams. It is also common to feel tense or restless. You may also find you forget things and have difficulty concentrating.

I can't cope

Stresses previously taken as being part of life can sometimes become unbearable. You may get upset at small things as well as the big things.

Nobody understands

Sometimes well-meaning people might say inappropriate things which can be hurtful, such as 'accidents happen' or 'you'll get over it'. Some may even behave as if nothing has happened - often because they are afraid they may say the wrong thing.

Many people affected by a road crash are unhappy with the punishment given to someone who was held to blame. It can also be hard to bear if there is no-one to blame, or if you or a loved one was in some way to blame.

Plans are wrecked

Plans for the future may be wrecked. It may be difficult to make new plans or make big decisions.

It helps to remember that all these feelings are normal and have been experienced by many people in such circumstances. You are not alone. Turn to pages 78 to 80 for organisations supporting people affected by road crashes.

Getting through each day

Bottling up feelings is not a good idea. You may find you can express your feelings through talking to others. You may find you can express your feelings in a creative way, such as through hobbies or mounting photographs of the person who has died.

It is easier to make mistakes at times of severe stress.

Take extra time and care if you or a loved one is driving, cooking, or doing other potentially dangerous jobs.

Seek external help from people close to you, and the organisations listed on pages 78 to 80 and 18 to 20. Some organisations can put you in touch with other people in your area who have suffered similar injuries. Counselling or therapy can also help. Page 28 explains how.

Some people become dependent on stimulants or tranquilisers. It is not helpful to resort to alcohol or cigarettes. Tranquilisers prescribed by a doctor may be helpful in the short term but some can become addictive.

Try to relax. You may find it helps to listen to your favourite music or take a few moments out to think peaceful thoughts.

Accept any strong feelings you have as normal. You are bound to be affected by what has happened. Try to avoid big decisions unless you feel you can cope.

Take each day as it comes. Find something to look forward to, such as a visit from a friend or a holiday.

It is more than a month since the crash. What help can I ask for?

Many people affected by a serious road crash find their initial shock symptoms subside, and they do not need further help. Many other people find their symptoms do not subside, and sometimes get worse.

You may find that hospital staff or your GP offer you the chance to see a professional counsellor or therapist, for free. If not, you can ask for an appointment. You should be offered an assessment of your needs by an NHS professional who has particular expertise in helping people who have been affected by a traumatic event. This can help ensure you get the right help.

If you are suffering symptoms such as distressing thoughts, disturbed sleep patterns, or feeling highly anxious and jumpy, and the crash happened a month or more ago, you may have a common condition such as Post Traumatic Stress Disorder (PTSD) or depression. An assessment of your needs should be carried out by a specialist professional to help identify your symptoms and appropriate treatment. For example, if PTSD is diagnosed, you should then be offered a course of confidential talk-based therapy called Cognitive Behavioural Therapy (CBT). You should be offered a minimum of five to 12 sessions and you may need more.

Drug treatments can help some people but are not recommended by the NHS as preferable to talk-based therapy. The NHS says drugs should not be offered to you in preference to therapy if you have PTSD. NHS guidelines on PTSD (National Institute for Health and Clinical Excellence guideline no. 26) can be viewed at www.nice.org.uk

If you are not diagnosed with PTSD but you are feeling very low, it may still help to have a course of appropriate talk-based therapy.

Will I get assessed and treated straight away?

The NHS often has waiting lists. Whether someone can assess you straight away, then refer you for a course of therapy that starts straight away, may depend on local resources or the severity of your symptoms. However, your GP should try to ensure that you are seen as soon as possible. Alternatively, you can consider paying for private treatment, if you are able to do so.

Lists of providers of therapists who can assess your needs, some through the NHS, some privately, are available from the following:

- British Association for Behavioural and Cognitive Psychotherapies (BABCP) T: 0161 797 4484 Email: babcp@babcp.com
W: www.babcp.com
- British Association for Counselling and Psychotherapy
T: 01455 883300 Email: bacp@bacp.co.uk W: www.bacp.co.uk
- Disaster Aftercare Services T: 0870 765 0368
- United Kingdom Council for Psychotherapy T: 020 7014 9955
Email: info@ukcp.org.uk W: www.psychotherapy.org.uk
- www.uktrauma.org.uk

If you have a solicitor helping you with a claim for compensation, they may be able to help you access an assessment and therapy.

Should I consider talk-based therapy for a child?

Children can suffer from, and can be assessed for, PTSD. If a child is diagnosed with PTSD, the same therapy, provided by a therapist who is trained and experienced in working with children, is appropriate.

If you need someone to talk to straight away, call The Samaritans on 0845 790 9090. The Samaritans is a counselling line, open seven days a week, 24 hours a day, for anyone in need. It is staffed by trained volunteers who will listen to you sympathetically. You can also email jo@samaritans.org

Some of the organisations listed on pages 18 to 20 and 78 to 80 also have helplines you can call.

Motor insurance - what it covers

Motor insurance is very important. It provides cover in case of death, injuries and damage to vehicles and property.

Drivers involved in a crash resulting in injury are required by law to provide their motor insurance details to all parties involved.

If your case involved someone else's vehicle, you should ask for the driver's motor insurance details from the driver or the police.

If an injured person was in a vehicle, make sure that the insurer of that vehicle is told about the crash, and provided with the insurance details of any other vehicle involved. This will enable any claim for vehicle repairs to be dealt with quicker (see page 32).

Claiming money for injuries may take much longer. To find out if you have a claim, you will need to consult a specialist solicitor as soon as possible (see page 33).

If the driver of another vehicle was uninsured, or your case was a 'hit and run' and the driver has not been traced, then it may still be possible to claim money for injury through the 'Motor Insurers' Bureau' (MIB). In some cases it may also be possible to claim for vehicle repairs. Your insurance company or solicitor will advise you.

If you need to contact MIB directly for any reason, call 01908 830 001 or write to MIB, 6-12 Capital Drive, Linford Wood, Milton Keynes MK14 6XT or visit www.mib.org.uk

Claiming money for damage to a vehicle

If an injured person was in a vehicle which was damaged or 'written off' in the crash, a claim for vehicle repairs or a replacement vehicle can be made through the vehicle's insurance company, dependent on the type of motor insurance.

There are two types of cover:

1. Comprehensive cover

If motor insurance is comprehensive, the insurer will pay for any necessary repairs to the vehicle, or pay its 'write off' value, regardless of who caused the crash.

2. Third party cover

If motor insurance is third party only, the insurer will not pay out for any damage to the vehicle even if the driver was not to blame for the crash.

However, if someone else's vehicle is proved to have caused the crash, it should be possible to claim money for your vehicle repairs from the insurer of the other vehicle. Your vehicle's insurer or your solicitor will be able to advise you.

Whichever type of insurance cover is in place, if a driver caused a crash and caused damage to other vehicles, their motor insurance will pay for the repair or replacement of those other vehicles.

Finding a personal injury solicitor

An injured person may be able to claim money to compensate for injuries sustained in a crash. It is vital to consult a specialist solicitor who is experienced in claiming money for road crash injuries. These solicitors are called **'personal injury' solicitors**.

Most personal injury solicitors will offer initial advice *for free*, to establish whether or not a claim may be possible. They may also be able to handle a whole case *at no direct cost to the injured person* (see page 46).

Lists of experienced personal injury solicitors can be obtained from:

- **The Motor Accident Solicitors Society (MASS)**
Tel: 0117 925 9604 www.mass.org.uk
- **The Association of Personal Injury Lawyers (APIL)**
Tel: 0115 958 0585 www.apil.org.uk
- **Headway (for specialists in head injury)**
Tel: 0808 800 2244 www.headway.org.uk
- **Spinal Injuries Association (for specialists in spinal injury)**
Tel: 0800 980 0501 www.spinal.co.uk
- **The Law Society** (for members of the Solicitors Regulation Authority personal injury accreditation scheme)
Tel: 0870 606 2555 www.lawsociety.org.uk
- **The Legal 500** (for lists of legal firms by size, region and type of work undertaken) www.legal500.com

You may have used a solicitor in the past, perhaps to help you buy a house. However, it is recommended that a solicitor used at this time must have experience in dealing with personal injury claims.

Choosing the right personal injury solicitor

To make sure a solicitor has appropriate experience, ask:

- Are you a member of the associations listed on page 33?
- How many traffic claims have you handled in the past year?
- Have you handled claims similar to this one recently? For example, claims with the same type of injuries? If so, can you describe these claims?
- How many of these claims were successful?
- What is the biggest claim you have handled?
- Will you handle this case, or will you pass it on to other solicitors who I haven't yet met? If so, can I meet them before hiring your company?

Also, consider whether the solicitor listens to your questions and answers them with care.

If you are in any doubt about your choice of solicitor, you can consult another. Some claims take years to process, so it is very important that you are happy with your solicitor of choice.

You may find that the personal injury solicitor you want to use is some distance from your home. However, you can do a lot over the phone, through the post, or by fax or email. Some solicitors may be prepared to visit you at home, particularly if injuries mean travel is difficult.

When to hire a personal injury solicitor

A personal injury solicitor should be chosen **as soon as possible** so they can start work on a claim. It is important to pursue claims while witnesses can remember what happened and before important evidence is lost.

Claims by adults **must** be 'commenced at court' within three years of the crash or from the date when it first became apparent that an injury had been suffered as a result of the crash.

Three years may sound a long time but claims can take some time to prepare. Sometimes it takes time to determine the severity of the injuries and the long-term effect on the injured person's life both at home and at work. Evidence needs to be collected and medical reports need to be obtained from doctors.

The time limits are extended for children and also for adults who have mental health problems which prevent them from managing their own financial affairs.

A good solicitor will ensure that they have all the relevant information before proceeding with a claim.

Personal injury claims explained

The purpose of a personal injury claim is to award money to compensate for injuries.

Money can only be awarded if a driver was at least partly responsible (liable) for injuries. The money is usually paid by that driver's insurance company, or by the MIB if the driver was uninsured (see page 31).

Awarding money for injuries and financial losses is a matter of civil law and is **not** dependent on the driver being found guilty in a criminal court of any traffic offence. Civil law requires a lower degree of proof of blame compared with criminal law.

Even if an injured person was partly responsible for the crash, it may still be possible to obtain an award from a driver whose actions were also partly responsible.

Your solicitor has to prove that a driver failed to ensure the safety of a person who was injured, and that this failure caused the injuries.

If it appears that a claim has a reasonable prospect of success the solicitor will pursue the claim on their client's behalf. It is their job to ensure that a claim is dealt with in a professional manner and, if successful, to ensure that the injured person is awarded as much money as possible.

Amounts of money awarded vary from case to case and are dependent on many factors. The next section explains how to find out if you may be able to claim, what you may be able to claim for, and the process of making a claim.

What can be claimed?

Money can be awarded as 'damages' to compensate for several types of loss. These are explained below:

Awards for injuries

Money may be awarded to compensate for pain and suffering and for injuries. This is called a 'general damages' award.

The size of any award of damages is determined by the severity of injuries and the suffering they have caused.

The award will take into account the effect on an injured person's life, for example, inability to play sport or enjoy other recreational activities as a result of the injuries suffered.

Damages may also be awarded for emotional or psychological suffering caused by the crash such as Post Traumatic Stress Disorder (see page 28).

Awards for financial losses

Money may be awarded to compensate for money already spent or lost as a result of injuries. These past losses are called a 'special damages' award.

Special damages may include:

- loss of earnings
- medical fees and equipment
- mobility aids and special housing
- carers (professionals or relatives)
- travelling expenses

Future Losses

Money may be awarded to compensate for expenses that will be incurred in the future as a result of injuries.

Awards for future losses may include:

- loss of future earnings, including likely pay rises and promotions
- loss of pension rights
- on-going medical costs, eg. physiotherapy
- medical fees and equipment
- mobility aids and special housing
- carers (professionals or relatives)
- travelling expenses

Your solicitor will be able to advise you what claims are appropriate in your case.

Proving a claim

If a solicitor proceeds to make a claim on someone's behalf, that person is called a **claimant**.

The party that is being claimed against is called a **defendant**.

In order to succeed with a claim, it will be necessary for your solicitor to prove that **a driver was at fault** (see page 36), causing the claimant's injuries. (In rare instances, it is possible to make a successful claim from a Government body called the Criminal Injuries Compensation Authority if someone else other than a driver is proven to be at fault - for example, if someone threw a brick at a car.)

The extent of injuries suffered as a result of the crash will need to be proven by medical reports from doctors. Financial losses, such as loss of earnings, will also need to be substantiated by an employer, or an accountant if the injured person is self-employed.

The defendant and his/her insurance company has the right to ask their own solicitors to **check** the injuries and losses stated by your solicitor. They may carry out their own investigations to check a claim is accurate.

This can all take time. Also, challenges to evidence by the defendant may be upsetting. However, both sides have the right to ensure that any award that is being considered is accurate.

It is important to keep all receipts to enable past financial losses to be calculated accurately and without dispute.

How long does it take until an award?

A claim can take several months but sometimes in the case of serious injuries it can take several years.

The time taken depends upon:

- how long it takes to collect all the evidence, including medical reports describing the severity of injuries and their long-term effect;
- whether the defendant disputes liability for the claim or the amount being claimed.

It is not necessarily in a claimant's best interests to ask for a claim to be settled early in order to get the money quickly. This could result in less money being awarded than an injured person is due. However, if a claim is likely to take some time it may be possible to receive an **interim payment** (see below).

Interim payments

If an injured person is suffering financial losses as a result of injuries, but is still awaiting an award of compensation, their solicitor can ask the defendant for partial payment now. This is called an interim payment.

This is particularly useful if an injured person has temporarily or permanently given up paid work, or needs to pay for treatments, such as physiotherapy.

Will the claim be heard in court?

In most cases, claims for compensation are settled through negotiations between solicitors and insurance companies rather than in court.

If a claim is approaching the three year time limit (see page 33) it may be necessary for your solicitor to 'issue' your claim at court. However, it is still likely that your solicitor will be able to negotiate a settlement without it going to court.

However, a claim may be heard in court if:

- the defendant does not accept blame for the crash.
This is called a 'liability trial';
- the defendant admits liability, but disputes injuries or losses.
This is called an 'assessment of damages'.

If the claimant is a child, or an adult who does not have the capacity to deal with his/her own financial affairs, any settlement negotiated by a solicitor on their behalf will have to be approved by a judge at a short hearing.

Court proceedings will usually take place in a County Court or High Court and be heard by a judge without a jury. The hearing is usually heard in a court nearest to where the claimant lives.

How quickly can a case be heard in court?

To obtain a date for a court hearing, a solicitor has to 'issue proceedings' against the defendant. The time it takes to get a court date depends on the amount being claimed.

If the claim is between £1,000 and £15,000, the court will probably offer a date within six months.

If the claim is for more than £15,000, the case may take longer to be heard.

The courts encourage the claimant and defendant to continue their efforts to negotiate a settlement prior to their court date.

Sometimes your solicitor may want to involve a lawyer called a barrister in your case, either to give an expert opinion or to represent you at a court hearing.

Offers of settlement

At any stage, a claimant or a defendant can offer to settle the claim for a specific sum of money. This is called a '**Part 36 offer**'.

An offer by the defendant may be less than the amount you are trying to claim. You and your solicitor will need to decide whether to accept or reject the offer.

If an offer is accepted, then this amount will be the final award. In addition, reasonable legal costs will be paid by the defendant's insurers. The case is then closed.

If an offer by the defendant is rejected, and the award eventually obtained is **higher**, either through negotiation or a hearing at Court, then this will be the final award, plus reasonable legal costs.

If an offer by the defendant is rejected, and the award eventually obtained is **equal to or less than** the sum offered, then the claimant will probably be ordered to pay the costs incurred by their solicitor, and by the defendant's solicitor, from the date when the offer was made.

It is very important that any offer by the defendant is carefully considered by you and your solicitor.

What happens if the case goes to court?

If a case goes to court, all decisions will be made by a judge. There is no jury involved.

The judge will rule who was to blame and the size of any award of damages.

A judge can also make decisions about the fairness of legal costs charged by the solicitors acting for either side, although this is often left until a later date.

If an award is made to a child, the judge will usually order that the money is invested for that child until s/he is 18. If the award is substantial a **trust** can be set up for the child.

Appeals

If you disagree with a judge's ruling, you should talk to your solicitor.

Appeals can be made but there are limited grounds for doing so. Appeals must be made within strict time limits. These time limits are usually within one or two weeks of the judge's ruling.

To proceed with an appeal your solicitor must show that the judge was wrong or that the decision was unjust because of a serious error in procedure. In most cases your solicitor will have to obtain the permission of another judge to go ahead with an appeal.

Talking to your solicitor

Your solicitor should be able to explain what is happening in straightforward terms and be available to talk to you regularly, over the phone or in meetings. They should be happy to answer any of your questions.

It is a good idea to keep notes of conversations with your solicitor and copies of correspondence so you can keep track of your claim. You can keep a note of your solicitor's name and phone number on page 2.

Ensure you know who is handling your case. Sometimes several people in a solicitor's office may work on your case.

Complaining or changing solicitor

If, at any stage, you are unhappy with the service you are getting from your solicitor you can ask to speak to the partner in the practice responsible for looking after clients, often called the complaints partner. If you remain dissatisfied, it may be possible to change solicitor. The organisations listed on page 33 will be able to give you advice about alternatives.

If you have a serious complaint about a personal injury solicitor, you can complain to their governing body, the Law Society, through its Legal Complaints Service. Call its helpline on 0845 608 6565 or go to the website www.legalcomplaints.org.uk for more information on making a complaint.

Your solicitor should progress your claim as quickly as possible but it may take many months or even, in some cases, years to be resolved. It is best to be prepared for delays so ask your solicitor how long your case is likely to take.

Paying your solicitor

If you are awarded money, the other side will usually have to pay most or all of your legal fees.

The other side will also usually pay for any other costs your solicitor has incurred, as long as these costs were reasonable. These costs, such as the cost of medical reports, are called disbursements. In some cases, the other side may not have to pay these costs. Your solicitor can advise you.

If your claim is unsuccessful, you may be liable for your legal costs and those of the other side. However, there are a number of ways to pay for any legal costs you incur that do not require you to be able to afford to pay much, if any, money.

1. Legal expenses insurance

You, or a person who died, may be insured for legal expenses in the event of a road crash. It is worth checking the details of motor and house insurance policies, credit card policies, benefits of any memberships of trade unions or associations, or employment benefits. Your solicitor can help you to do this.

2. Paying by conditional fee agreement

To protect you in case your claim does not succeed, many solicitors offer a conditional fee agreement, often called a no win, no fee deal. This means your solicitor only receives payment for their work on your behalf if you win. You do not pay any legal fees upfront and you do not pay legal fees if your case is unsuccessful.

In return, you have to buy an insurance policy. The insurance policy (or legal expenses policy), covers you against having to pay the other side's costs and disbursements, and the premium should be reasonably priced. Your solicitor will be able to give you details of insurance policies.

Also, your solicitor may charge a success fee if your case succeeds, in addition to receiving their costs from the other side. The success fee is an additional 12.5 percent on top of your solicitor's fees.

Your solicitor's fee, including the success fee, is paid by the other side if you win your case. It should not be deducted from your award except in certain exceptional circumstances, which should be explained to you.

3. Paying upfront

Some people choose to pay their solicitor themselves, as they go along.

However you fund your claim, you will need to consider the possibility of losing your claim. If you do, you may be liable to pay the costs of the other side and not be able to reclaim any legal costs you have paid out for your own solicitor. Your solicitor can advise you.

Do not pay by contingency fee

Someone called a claims assessor, claims farmer, or claims management company may offer to handle your claim for a straight percentage of your award, sometimes as high as a third (called a contingency fee). You may see adverts offering the services of claims assessors on TV or in the press, or on leaflets.

A contingency fee is not the same as a conditional fee, although, confusingly, it may be referred to as a no win, no fee agreement. If you are awarded a lot of money you may have to pay an unreasonably large amount of money to the claims assessor. Sometimes, this is not made clear at the start.

Claims assessors are not personal injury solicitors. They can negotiate with the other side, but they cannot take a claim to court. They are neither qualified nor regulated to the standards of solicitors.

Avoid contingency fees and claims assessors

You may be contacted by a 'claims assessor' who offers to handle your claim in return for a straight percentage of any award of damages.

This means that if you were awarded a large amount of compensation you would have to pay an unreasonably large amount of it as fees to the claims assessor. Sometimes, this is not made clear at the start by the claims assessor.

This type of payment method, known as a contingency fee, is not recommended. It is not the same as a Conditional Fee Agreement, although, confusingly, it may be referred to as a 'no win, no fee' agreement.

Claims assessors do not have to possess any legal qualifications and are not governed by the Law Society or other legal rules.

Contingency fees and claims assessors should be avoided.

Criminal charges

If someone is thought to be responsible for a crash, that person may face charges and a criminal prosecution. A criminal prosecution is brought by the Crown Prosecution Service (CPS), an independent prosecuting authority, on behalf of the Crown.

The purpose of a criminal prosecution is to find out if someone has broken the law and to punish an offender. If a police investigation indicates that someone was responsible for a crash and acted in a manner that was criminal, charges may be brought by the police. Charges can be brought against more than one person.

The CPS advises the police on charges to bring or reviews prosecutions started by the police. It decides whether there is enough evidence to proceed, and whether a prosecution is 'in the public interest'.

Sometimes the CPS needs more evidence to make a decision and asks the police to investigate further. The CPS will not necessarily proceed with the most serious charge. The CPS sometimes decides that no case can go ahead because there is not enough evidence or because a person who could be charged is likely to die.

Decisions are made by CPS lawyers who consider the law, the evidence and whether it is in the public interest for a particular prosecution to go ahead. It is the duty of the CPS to ensure the right person is prosecuted for the right offence and all the relevant facts are given to the court.

Whether or not a criminal prosecution will happen depends on the details of your case. Sometimes nobody is prosecuted following a crash.

How is someone charged?

A person may be arrested and taken to a police station to be charged with an offence. Alternatively, the police may arrange for a person to be issued with a court summons, which tells them the charge and summons them to appear in court to answer this charge.

If you have questions about your case you can ask to talk to the CPS official responsible for it. They can explain decisions. The CPS is guided by its Code for Crown Prosecutors. You can get a free copy by calling 020 7796 8000 or from www.cps.gov.uk

Code of Practice for Victims of Crime

The Criminal Justice System (made up of the police, the CPS and the courts) has a Code of Practice for Victims of Crime. This Code tells you your rights to support from these agencies before, during and after a criminal prosecution.

Sections 5.18 and 5.19 require the police to keep you informed of any interviews they carry out with criminal suspects. You must be notified within five working days of someone being charged with an offence relating to your case and told court dates in advance.

If your case goes to court, and you want to attend a hearing, section 8.4 requires court staff to ensure that, where possible, it is arranged for you to sit in a separate waiting area to an accused person or their friends, and sit away from them in the public gallery in court. Section 7.9 requires the CPS to try to ensure that someone from the CPS is introduced to you at court and answers your questions.

You can download the full Code from www.cjsonline.gov.uk (This website includes a shorter guide on the code but this does not currently mention your rights as a victim of a road crash.)

Criminal charges that may be brought

Dangerous driving

Section 2 of the Road Traffic Act 1988

(as amended by the Road Traffic Act 1991, s.2)

The law states that: 'A person who drives a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.'

The definition of dangerous driving is that:

- a) the way a person drove fell far below what would be expected of a competent and careful driver; and
- b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

It is also dangerous driving if it would have been obvious to a competent and careful driver that driving a vehicle in its current state (for example, with defective brakes or other defective safety-critical components) would be dangerous.

This offence can be tried in either a Crown Court or a magistrates' court. The maximum penalty is a prison sentence of two years and an unlimited fine in the Crown Court, or a prison sentence of six months and a £5,000 fine in a magistrates' court. The driver must be disqualified from driving for a minimum period of one year. They must take an extended driving test to regain a licence.

Careless driving

Section 3 of the Road Traffic Act 1988

The law on careless driving states: 'If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.'

The law distinguishes between 'dangerous' driving and 'careless or inconsiderate' driving. The definition of careless and inconsiderate driving is that the standard of a person's driving fell below (rather than far below) what is expected of a competent and careful driver.

This offence is tried in a magistrates' court. The maximum penalty is a fine of £5,000. The driver can be disqualified from driving. If not, the licence record must be endorsed with three to nine penalty points.

Driving when under the influence of drink or drugs

Section 4 of the Road Traffic Act 1988

The law states that: "A person who, when driving or attempting to drive a vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence."

A driver whose driving is impaired through alcohol can be charged with this offence, even if s/he is under the legal limit for drink-driving.

A separate charge, **Driving with alcohol concentration above the prescribed limit** (section 5(1)(a) of the Road Traffic Act 1988), exists for drivers who are over the legal limit. This charge can be brought even if it cannot be shown that a person's driving ability was impaired. It is also an offence to refuse to provide a specimen.

Both charges are heard in a Magistrates' Court. The maximum penalty for both offences is imprisonment for six months and an unlimited fine. Anyone convicted must be disqualified from driving for at least one year (or at least three years if it is their second offence within ten years).

Charges for seriously injuring someone by using a defective vehicle

If someone has caused a serious injury by using an unsafe vehicle (for example, a lorry with defective brakes or tyres), the driver, the owner, the driver's boss, or all these people could be charged. A charge of dangerous driving (see page 52) can sometimes be brought.

There may be a charge of failing to comply with Construction and Use Regulations. Construction and Use Regulations impose various requirements relating to brakes, tyres, steering and other safety-critical components including tachographs (which record the hours a lorry or bus driver has worked) and speed limiters (that restrict the speed of lorries and buses).

In addition, bosses of lorry and bus companies must hold a special licence issued by a traffic commissioner. Traffic commissioners have the power to take this licence away from bosses who break safety rules (see page 82).

Breaches of Construction and Use regulations are heard in a Magistrates' Court. There is a range of maximum fines which can be imposed for different offences, the most severe of which is £5,000.

Aggravated vehicle taking (often called 'joy riding' in the media)

Section 12(A) of the Theft Act 1968

This offence is committed when a person takes a vehicle without the owner's consent or other lawful authority for his own or another's use, or, knowing that any vehicle has been taken without such authority, drives it or allows himself to be carried in it or on it and at any time after the vehicle was unlawfully taken, whether by them or by another, and before it was recovered:

- a) the vehicle was driven dangerously on a road or other public place; or
- b) owing to the driving of the vehicle, injury or death was caused to any person; or
- c) owing to the driving of the vehicle, damage was caused to any property; or
- d) owing to the driving of the vehicle, damage was caused to the vehicle.

The offence is tried in a Crown Court or magistrates' court. The maximum sentence in a Crown Court is fourteen years' imprisonment if a death was caused and an unlimited fine. The maximum sentence in a magistrates' court is six months' imprisonment and a £5,000 fine. The driver must be disqualified for a minimum of one year. If dangerous driving was proven the convicted person must pass an extended driving test before a full licence can be obtained.

Failing to stop or report an accident (often called 'hit and run' in the media) Section 170(2) and Section 170(3) of the Road Traffic Act 1988

A driver involved in a crash is required to stop at the scene and give their details. If they don't, they are required to report the crash to a police officer 'as soon as reasonably practicable' and within 24 hours. This offence is committed if a driver doesn't do this.

This offence is tried in a magistrates' court. The maximum penalty is a prison sentence of six months and a fine of £5,000. The driver can be disqualified from driving. If not, the licence record must be endorsed with five to ten penalty points.

‘Wanton or furious driving causing bodily harm’,

Section 35, Offences against the Person Act 1861, as amended by section 28 the Road Safety Act 2006

Bad driving offences in the Road Traffic Act 1988 (as amended by the Road Traffic Act 1991 and the Road Safety Act 2006) must take place on a public road or in a public place. By contrast, the offences of ‘Wanton or furious driving causing bodily harm’, as well as the charges of murder or manslaughter, can be committed wherever the driving takes place, including, for example, on private land.

This offence is tried in a Crown Court. The maximum penalty is a prison sentence of two years and an unlimited fine. The driver can be disqualified from driving or their licence endorsed with three to nine penalty points.

Driving otherwise than in accordance with a licence

Section 87(1) of the Road Traffic Act 1988 (as amended by the Road Traffic Act 1991, section 17)

A person commits this offence if they drive when they do not hold a driving licence, or if they do not comply with the conditions of their licence.

This offence is tried in a magistrates’ court. The maximum penalty is a fine of £1,000. The driver can be disqualified from driving. If not, the licence record must be endorsed with three to six penalty points.

Driving without insurance

Section 143(1)(a) of the Road Traffic Act 1988

If a person drives a vehicle on a road, or any other public place without motor insurance, they have committed this offence.

This offence is tried in a magistrates' court. The maximum sentence is a fine of up to £5,000 and eight penalty points.

Driving while disqualified

Section 103 of the Road Traffic Act 1988

If a person drives while disqualified from driving they commit this offence. A person may also be charged with this offence instead of 'Driving otherwise than in accordance with a licence' (see above) if they do not comply with the conditions of a provisional licence gained after a period of disqualification.

This offence is tried in a magistrates' court. The maximum penalty is a prison sentence of six months and a fine of £5,000. The driver can also be disqualified from driving. If not, their licence is endorsed with six penalty points.

Aiding and abetting

Someone who encourages another person to commit an offence may also be guilty of that offence. For example, if a passenger in a vehicle encourages the driver to drive dangerously, the passenger may also be guilty of driving dangerously. This can also apply in the case of a company that uses drivers (such as a lorry or bus operator) and allows those drivers to drive dangerously, or use vehicles in a dangerous condition. The company, or a manager within the company, may be charged.

Aiding and abetting offences may be tried in either a magistrates' court or a Crown Court, depending on the seriousness of the offence. Generally the same penalties apply, although length of licence disqualification may differ.

Bringing a private prosecution

It is sometimes possible for a member of the public, rather than the Crown, to prosecute another person for a criminal offence. This is called a private prosecution. This process is very costly and you cannot claim legal aid.

Sometimes, the Government introduces new charges, or changes the definition of charges, or changes the maximum penalty for an offence. More information on charges and penalties can be found on the Crown Prosecution Service website www.cps.gov.uk

Attending court

You are entitled to be informed of the dates of all criminal court hearings, either by your police contact or by a special unit called a Witness Care Unit (run by the CPS and the police). This should happen within one working day of your contact being told the date by the court (see section 6.4 of the *Code of Practice for Victims of Crime*) (see page 75).

Criminal cases and appeals are nearly always held in public. This means that, if you want to, you can attend, although you don't have to. The information below may help you decide if you want to or not, and help prepare you if you do decide to attend.

Support in court

If you decide to attend a court hearing it may help to have support. There is no limit on the number of friends or family who can go with you, although there will be restrictions on the number of seats available in the public gallery (see below). Your police contact may also be able to attend with you.

The charity Victim Support provides a support service in court for you called the Witness Service. This service helps all victims of crime in court. You don't have to be a witness to use it. The service provides trained volunteers who can support you in court and give you information about court procedures and, if you are a witness, support you in giving evidence. They can arrange an accompanied visit to the court before the hearing to familiarise yourself with court facilities. Many people find this helpful.

**For details of your local Witness Service call 0845 30 30 900 or go to www.victimsupport.org.uk
For details of other support charities, go to pages 18 to 20 and 78 to 80.**

Knowing the facilities at court

Some courts are modern and have good facilities. Others have few. It may help to familiarise yourself in advance with the location of court rooms, any quiet room where you can sit and wait for a hearing to start (see below), toilets and any café.

The Code of Practice for Victims of Crime (section 8.4) (see page 75) requires court staff to ensure that, where possible, it is arranged for you to sit and wait in a quiet room, away from the accused (if they are not already in custody) and away from any of their friends.

Seeing the accused or their friends around the court house

If you were not in the crash, court may be the first place that you see the accused or any of their friends. Many people find this hard, particularly if the accused, if they are on bail, is sharing the same facilities as you such as toilets and a café. Having a quiet room to sit and wait in (see above) can help.

Where you can sit in the court room

In the court room you, as well as friends of the accused and any journalists, can sit in the public gallery. (If you are a witness, you will not be able to go in until you have given evidence.) The Witness Service should be able to arrange for you to sit in a different part of the gallery to any friends of the accused.

The court is required under the Code of Practice for Victims of Crime (section 8.4) (see page 75), to try to seat you away from any of the accused's friends in court.

What you will see and hear, and how you may feel

Evidence is presented in court for the benefit of the judge and jury. Sometimes you may not be able to see evidence being discussed (such as diagrams or videos). If you can see evidence, some of it may be particularly upsetting. You may also strongly disagree with some things said in court by a lawyer for the accused.

If you think you may get upset and need to leave the court room, you can. You are allowed to leave and re-enter a court room quietly. While you are in court you are required to sit quietly and not talk.

Understanding what is happening in court

The Government's Code of Practice for Victims of Crime (section 7.9) (see page 75) requires the Crown Prosecution Service (CPS) to ensure that someone from the CPS connected with the prosecution of your case is introduced to you at court and answers any of your questions.

You can talk to your police or CPS contact about this.

Court room changes and delays

Sometimes a court building has many court rooms in it. Sometimes the court room in which your case will be heard changes. Sometimes, the start time of a hearing is delayed or a hearing is postponed to another day. If you are being supported by the Witness Service (see page 60) or your police contact, they should be able to ensure you are kept up to date with what is going on.

If you are asked to be a witness in court

If you are a witness, you will already have given a statement (see page 5). In some cases this statement can be used as your evidence in court. In other cases you may have to give evidence in court.

Being a witness in court is a new experience for most people. You can discuss any concerns you have about giving evidence with the lawyer who called you as a witness. The police and, as necessary, your Witness Care Unit (see page 60), should assess your needs.

Your Witness Care Unit should provide you with a DVD called *Going to court: a step by step guide to being a witness*. This DVD is available in different languages. You can download the DVD at www.direct.gov.uk/goingtocourtvideo. Your Witness Care Unit should also give you a leaflet called *You are a prosecution witness*. You can also download this leaflet on the website www.hmcourts-service.gov.uk under 'court information and addresses'.

Victim Support (see page 60), or another support charity (see pages 18 to 20 and 78 to 80) may also be of help.

Special measures for vulnerable or intimidated witnesses

Witnesses who are vulnerable or intimidated may be able to give evidence with the assistance of special measures. These measures include live television links or screening (so that you cannot see the accused and they cannot see you), hearings in private, use of an intermediary and allowing a video-recorded statement to act as evidence at trial.

The court has to follow guidelines regarding who is eligible for special measures. If you want to find out if you can use any of these measures, talk to the lawyer who is calling you as a witness. The lawyer has to apply to the court for use of special measures and the court decides whether they will allow you to use them or not.

Courts where charges are heard

Less serious offences, known as summary offences, are heard in a magistrates' court. This court can only sentence offenders up to a maximum of six months' imprisonment for any offence. More serious offences, known as indictable offences, are heard in a Crown Court.

Some offences are known as either way offences. An either way offence can be heard in a magistrates' court. If a magistrates' court thinks a case is more serious and cannot be dealt with adequately in the magistrates' court, it can send the case up to the Crown Court. In court, the accused person is often called the defendant.

Preliminary hearings and length of trials

A prosecution may start with one or more short hearings which don't include witnesses being called, before the main trial goes ahead. These short hearings have several purposes, including giving the lawyers an opportunity to raise and discuss legal arguments that may affect the case, and to discuss the availability of witnesses. The objective of these hearings is to help a trial proceed smoothly without unnecessary delays.

Cases can take longer than expected to come to court. This may be for many reasons, such as a need to trace witnesses or obtain documents prior to a court hearing. Court hearings may also start late, be cut short or postponed.

The CPS will be able to explain to you what is likely to happen at a planned hearing and how a case is progressing.

What happens in a magistrates' court?

Cases in magistrates' courts are usually determined by lay magistrates. Lay magistrates are trained volunteers who sit in threes with one as chairperson. They are not legally qualified but they sit with a legally qualified clerk. In some magistrates' courts there are legally qualified district judges who sit alone. Magistrates decide whether the accused person is guilty or not (unless the accused has already pleaded guilty). If a verdict is guilty, magistrates then sentence. Magistrates do not wear robes or judicial wigs.

Magistrates' court trials

The accused person is required to appear in a magistrates' court to plead guilty or not guilty. (The court sometimes allows an adjournment so an accused person can decide their plea.) If they plead guilty, the magistrates will hear the facts of the case and then sentence them. If they plead not guilty the case is adjourned and a date is set for a trial.

Magistrates' court trial dates may be set some time ahead to allow the lawyer for the accused person and the lawyer for the Crown Prosecution Service (CPS) time to prepare their cases. Sometimes trial dates are postponed, occasionally at the last minute.

The lawyers who speak in court for each side are either barristers or solicitors. Barristers specialise in speaking in court. Solicitors may also speak in court. This often happens in a magistrates' court.

The lawyer for the CPS presents evidence to support the prosecution's case. The lawyer for the accused person then presents their case. Both lawyers may read statements from witnesses and call witnesses to give evidence. Witnesses such as police crash investigation officers and eye witnesses may be called. Photographs, videos and diagrams may be shown. The lawyers can cross-examine witnesses. This means that a witness called by either side can be questioned by the other side. The accused person can choose not to give evidence.

After the evidence has been presented the lawyers sum up their cases and the magistrates consider the verdict. If the verdict is guilty, the magistrates pass sentence. Sometimes magistrates require further information, such as the financial circumstances of the guilty person, before sentencing. This may mean sentencing is postponed until a future hearing.

Magistrates' courts are sometimes held in buildings which serve other uses, such as town halls.

What happens in a Crown Court?

Cases heard in Crown Court are determined by judges and juries. The judge and the lawyers wear robes and judicial wigs.

If the accused pleads not guilty, their guilt or innocence is determined at trial by 12 jurors. Jurors are chosen at random from the community. Sometimes particular jurors are dismissed prior to the trial on the request of a lawyer and replaced. Ten out of 12 jurors must find an accused person guilty to secure a conviction. The judge decides on matters of law and the sentence if an accused person pleads guilty or is found guilty after a trial.

Crown Court trials

The accused must first appear in a magistrates' court, where the charge is read out. The case then goes to Crown Court. The first hearing at Crown Court usually takes place seven days after the magistrates' court appearance, if the accused is in custody, or up to two months later if the accused is on bail.

The accused may enter a plea of guilty or not guilty at the first Crown Court hearing but, more commonly, the judge will set a date for a second hearing when a plea will be entered. If the accused pleads guilty the judge will sentence (see page 68). This may be on a later day. If they plead not guilty a date is set for a trial. A trial date may be many weeks or months ahead.

At Crown Court trial the evidence for the prosecution is presented by a barrister or Crown Advocate instructed by the CPS. Barristers and Crown Advocates specialise in representing people in court. The accused usually hires a lawyer to speak for them. This lawyer is usually a barrister.

The lawyers present evidence to the judge and jury to support their cases. The lawyers may read statements from witnesses and call witnesses to give evidence in court. Expert witnesses such as police crash investigation officers and eye witnesses may be called. Photographs, videos and diagrams may be shown to the jury.

The lawyers can cross-examine witnesses. This means that a witness called by either side can be questioned by the other side. The judge can also question witnesses. The accused person can choose not to give evidence.

After the evidence has been presented the lawyers sum up their cases. The jury retires to consider its verdict. Sometimes courts find the accused not guilty of a serious charge but guilty of a lesser charge or part of a charge.

If the verdict is guilty, the judge considers the sentence. The judge may hear arguments by the defence for a light sentence. The judge may delay sentencing to consider the case. They may ask the National Probation Service to submit a report on the offender.

Youth Courts

Youth Courts deal with young people who have committed criminal offences, and who are aged between 10 and 17. Youth Courts are part of magistrates' courts. Up to three specially-trained magistrates hear a case. If a young person is charged with an offence which, in the case of an adult, is punishable with 14 years' imprisonment or more, the Youth Court can send them for trial at the Crown Court.

If a young person is aged between 15 and 21 and found guilty, they may be sent to a Young Offenders Institution (YOI) instead of prison. A YOI is a secure facility like a prison – inmates cannot leave until they are released. Nearly all YOIs are run by the Prison Service.

Pleas in mitigation and background reports

Before an offender is sentenced their lawyer will advise the judge or magistrates about any mitigating factors that they think might reduce the sentence, such as an offender's stated remorse.

The judge or magistrates may ask for background information about the offender. Sentencing may be delayed to a later date so this background information can be provided and the judge or magistrates can give further thought to the sentence.

The verdict

At trial, there are three possible verdicts: guilty, not guilty, and, in some cases, not guilty of an offence charged but guilty of a lesser offence.

If the verdict is not guilty, the accused goes free and cannot be tried again on the same charge except in very rare circumstances. Sometimes during the trial an accused person changes their plea from not guilty to guilty, or guilty of a lesser offence.

Sentencing

Judges and magistrates are independent and decide sentences.

The prosecuting lawyer and any jury do not. However, judges and magistrates take account of a number of things when sentencing:

- whether the offender pleaded guilty or not. If the offender pleaded guilty, then the judge can discount (reduce) the sentence. The discount depends upon when the offender pleaded guilty;
- the level of sentences in similar cases in the past. This is called case law;
- guidelines on sentencing. The Sentencing Guidelines Council produces official guidance on sentencing. Information on guidelines in cases of bad driving can be found on the website www.sentencing-guidelines.gov.uk Magistrates also follow additional guidelines;

- the powers of the court. A Crown Court can issue much tougher penalties than a magistrates' court;
- any pleas in mitigation or the findings of background reports (see page 68); and
- whether a warning, community order (see below) or fine are appropriate rather than prison.

A court will rarely impose the maximum penalty and sometimes imposes a much lower penalty. If you don't understand the basis for a sentencing decision talk to the CPS. If you are unhappy with a sentence you can make a comment or complain. See page 75 to 77 for how to do this.

Community orders

Sometimes a road traffic offender is given a community order (often called a community sentence) rather than a prison sentence. This means they have to serve their sentence in the community rather than in prison, under the supervision of the National Probation Service.

The judge or magistrates can impose up to 12 different requirements, such as 40 to 300 hours of unpaid work on behalf of the community, a curfew, or a requirement to attend an offender training course (for example a course on the dangers of speeding or drink driving). If an offender fails to comply with the requirements they may have to go back to court.

More information about community orders is available on the website www.cjsonline.gov.uk

Restorative justice

Restorative justice is about offenders being encouraged to make efforts to make amends directly to the people they have harmed. The Government supports restorative justice because it gives victims a greater voice, allows victims to receive an explanation of offenders' actions from the offenders themselves, and helps make offenders feel responsible for their actions.

An example of restorative justice could include a meeting with an offender that is guided by a facilitator. In this meeting you explain how the crime has affected you and the offender explains their actions and apologises. Another example would be correspondence between you and the offender by letter.

Your involvement in restorative justice is entirely voluntary. If you are offered it, you may want to consider it carefully and how it may make you feel. If you aren't offered restorative justice but you want it to take place, you can talk to the CPS (see page 50) or your police contact.

More information is available on the website
www.homeoffice.gov.uk

Appeals by an offender

Following a criminal case a convicted person may appeal against their conviction or sentence. They can also apply for bail and in some cases may be released while waiting for their appeal.

If the case was heard in a magistrates' court

An appeal by someone against their conviction or sentence in a magistrates' court will be heard in a Crown Court by a judge who sits with lay magistrates. There is no jury.

The Crown Court has the power to quash the conviction or to change the sentence imposed by the magistrates.

If the case was heard in a Crown Court

Many appeals by people against their convictions in a Crown Court are not given permission by the courts to go ahead.

If an appeal does go ahead following a conviction in a Crown Court, it is heard in The Court of Appeal. The Court of Appeal has various powers. These include upholding the conviction, changing the conviction to a conviction for a different offence, quashing the conviction, changing the sentence, acquitting the person, or ordering a re-trial.

Appeals by the prosecution

The prosecution has no automatic right to appeal a decision in a magistrates' court. However, in limited circumstances involving an error of law, the prosecution may appeal a magistrates' court decision. This appeal is made to the High Court.

The CPS has no power to appeal against a verdict of not guilty in a Crown Court. The CPS can request the Attorney General to consider referring a sentence imposed by a Crown Court for causing death by dangerous driving, careless driving while under the influence of drink or drugs or manslaughter

to the Court of Appeal on the basis that the sentence is 'unduly lenient'. If you think a sentence for one of these charges was too lenient you can also write to the Attorney General (see page 76) expressing your concerns.

Appeals to the House of Lords

Either the prosecution or the offender may appeal to the House of Lords where there is a point of law being questioned that is of general public interest.

When can appeals be lodged?

All appeals must be lodged within 28 days and sometimes sooner.

You are entitled to be informed of any appeals (see paragraphs 6.12 and 6.13 of the Code of Practice for Victims of Crime) (see page 65). You can ask your police or CPS contact whether or not an appeal has been lodged by the offender or the CPS and the progress of an appeal. They can also tell you the date of an appeal, if you want to go, or its outcome, if you don't want to go.

Challenging a decision through judicial review

A few bereaved families have challenged the Crown Prosecution Service in the High Court for not bringing a serious charge. These challenges have used a process called judicial review. The High Court has the power to rule that the CPS should reconsider bringing a serious charge. This process is very costly unless you can qualify for legal aid.

Will a prisoner serve their whole sentence?

Offenders serving sentences of less than 12 months will be released half way through their sentence. If they commit another offence before the end of their sentence they may be required to serve the rest of their sentence in custody as well as being punished for the new offence.

Offenders serving sentences of more than 12 months serve their sentence partly in custody and partly in the community. Many are released automatically half way through their sentence on licence. A licence has conditions attached such as supervision by a probation officer. If an offender fails to comply with their licence conditions they may have to go back to prison.

Some offenders serving sentences of more than 12 months are not released automatically after serving half their sentence. This is because they are serving public protection sentences or life sentences. This means consideration has to be given to whether the offender will re-offend in the same way if they are released. The decision whether or not to release an offender serving a public protection sentence or a life sentence is made by the Parole Board.

Public protection sentences may include sentences for the offences of death by dangerous driving, careless driving whilst under the influence of drink or drugs, aggravated vehicle taking and wanton and furious driving causing bodily harm. A public protection sentence may be imposed in these cases if the court is satisfied that there is a significant risk to the public of serious harm if the offender re-offends in the same way.

An offender is sometimes released early under the Home Detention Curfew scheme. This allows offenders to complete their sentence under curfew in the community. Its purpose is to help an offender reintegrate into the community and to help prevent re-offending.

Some prisoners may also be released on temporary licence for a reason, such as to attend a funeral, and then have to go back to prison.

The National Probation Service is responsible for offenders who are in the community on licence. For more information go to the website www.probation.homeoffice.gov.uk

The Prison Service runs a helpline for people who are worried about the release of a prisoner or have received unwanted contact from a prisoner. Phone 0845 7585 112 between 9am and 4pm. At other times, or busy times, you may reach an answer machine.

Will I be told when a prisoner is going to be released?

The National Probation Service runs a Victim Contact Scheme for people who have been the victim of a violent crime and where the offender has been sentenced to a year or more imprisonment.

A probation victim liaison officer can visit you in your home and answer any concerns you have about the offender or questions you have about when they might be released. They can also arrange for you to be kept informed of the offender's release date.

This scheme may be particularly appropriate if the offender normally lives in your community and you are worried that they may pose a danger to you or people around you when they are released.

To find out if you are eligible for this scheme, call the Prison Service helpline for victims on 0845 7585 112. A leaflet about the scheme is available from the website www.probation.homeoffice.gov.uk

Having your say about the Criminal Justice System

Below is information about how to make a comment or complain to the authorities about the Criminal Justice System. Authorities generally welcome feedback and you have a right to have your voice heard.

The Code of Practice for Victims of Crime

The Code of Practice for Victims of Crime sets out what standards you should expect in your dealings with the Criminal Justice System.

The standards cover access to information, provision of support and participation in proceedings if you are a witness.

You can download a copy of the full code from the Criminal Justice System website www.cjsonline.gov.uk. A summary leaflet about the code is also on this website.

The police

If your comments are about a police force ask for a copy of their complaints procedure. You can also write to the force's chief constable. If you are not satisfied with the reply, you can contact the Independent Police Complaints Commission, 90 High Holborn, London WC1V 6BH. T: 0845 300 2002. Email: enquiries@ipcc.gsi.gov.uk W: www.ipcc.gov.uk

Witness Care Unit

If your comments are about the service you received from a Witness Care Unit (a joint initiative between the police and the CPS to help you in court) you should write to the unit setting out your complaint. If you are not satisfied with the reply you can refer your comments, through a Member of Parliament, to the Parliamentary Ombudsman for consideration (see page 77).

The Crown Prosecution Service (CPS)

If your comments are about the CPS you can write to the Chief Crown Prosecutor in the relevant area. You can find their details at www.cps.gov.uk. If you are not satisfied with the reply you can contact The Director of Public Prosecutions, 50 Ludgate Hill, London EC4M 7EX.

The CPS is answerable to parliament through the Attorney General, the government's chief legal adviser. You can write to the Attorney General, 20 Victoria Street, London SW1H 0NF.

Her Majesty's Courts Service

If you want to comment on, or complain about, the service that you have received from anyone working in Crown, county, magistrates', or coroner courts, you should write to the **Chief Clerk of the Court**. You should expect to receive a reply within five working days from the date your complaint was received.

If you are not happy with a reply you receive, you can write to the **Area Director** and ask them to reconsider the answer you have been given.

The Area Director is the person responsible for the administration of all the courts in their area. Their address can be obtained from the court you initially wrote to. The Area Director should acknowledge your letter within two working days from the date it was received, and you can expect to receive a full reply within 10 working days.

If you are not satisfied with a reply you receive from the Area Director, you can write to the **Customer Service Unit**, 1st floor, 102 Petty France, London SW1H 9AJ. T: 0845 456 8770. They should acknowledge receipt of your letter within two working days from the date your complaint was received and you can expect to receive a full reply within 15 working days.

Verdicts of **judges and magistrates** can only normally be changed through appeals (see pages 71 to 72). However, if you are commenting on, or complaining about, the behaviour of a judge or magistrate (for example, if you thought they said something in court that was inappropriate) you should write to the Office for Judicial Complaints, 4th Floor, Clive House, 70 Petty France, London SW1H 9EX. T: 020 7189 2937.

The Ministry of Justice

If you have comments about the Criminal Justice System, you can also write to the Ministry of Justice, the Government department responsible for running courts and for victims' rights. You can write to the Secretary of State for Justice, 102 Petty France, London SW1H 9AJ.

T: 020 7210 8500 Email: general.queries@justice.gsi.gov.uk

W: www.justice.gov.uk

The Home Office

The Home Office is responsible for reviewing criminal law and penalties for traffic offences. The Home Office is also responsible for policing issues, including setting priorities for police forces. Information for victims can be found on the Home Office website. You can write to the Home Secretary at The Home Office, 2 Marsham Street, London, SW1P 4DF.

T: 020 7035 4848 Email: public.enquiries@homeoffice.gsi.gov.uk

W: www.homeoffice.gov.uk

The Parliamentary Ombudsman

The Parliamentary Ombudsman carries out independent investigations into complaints about UK government departments and their agencies.

If you are not happy with a response to your complaint, you can take it to the Parliamentary Ombudsman through your MP. Details of how to contact your MP are on page 83. To find out about the Parliamentary Ombudsman, go to www.ombudsman.org.uk

Contact a road safety group

You may wish to contact a road safety group which is working with government and other agencies to make improvements to the criminal justice system regarding road death cases (See pages 78 to 80).

Charities that promote road safety

You may wish to help promote road safety issues. There are several organisations that do this. Some also offer advice and support to road crash victims and have support helplines.

Brake, the road safety charity

Promotes road safety through community education programmes, resources, and national and local campaigning by staff and a network of volunteers. Coordinates national Road Safety Week. Its support division BrakeCare provides services for people affected by road crashes, including free support literature for adults and children (including this guide), a helpline, website information, and contact with people who have suffered a similar experience. Helpline 0845 603 8570 or email helpline@brake.org.uk
To join, volunteer and for all road safety queries: 01484 559909 or email brake@brake.org.uk
W: www.brake.org.uk and www.roadsafetyweek.org.uk
Brake, PO Box 548, Huddersfield HD1 2XZ

Car Accident Victims Organisation

Offers support and information to people injured in road crashes.
Helpline 0845 833 1537
Email: caraccidentsupport@googlemail.com
W: www.caraccidentsupport.org
Sheaf House, Holland Fen, Lincoln, LN4 4QH

Learn + Live

Works to stop deaths and injuries of young drivers and passengers including campaigning for improvements in driver training and licensing. It is run by bereaved parents and offers advice and support for other families who have suffered the loss of a young person where drink or drugs were not involved.

T: 01384 292571 Email: office@learnandlive.org.uk

W: www.learnandlive.org.uk

PO Box 7, Kingswinford, West Midlands DY6 9QZ

RoadPeace, the road victim charity

Established in 1992, RoadPeace campaigns for justice for victims and road danger reduction, including through local groups and the Safer Streets Coalition. RoadPeace's national helpline for crash victims offers information and support based on expertise, empathy and understanding, supported by free literature written from the perspective of road victims and the experience of thousands of cases.

Helpline 0845 4500 355 (open 5 days a week, 9am-5pm) or email helpline@roadpeace.org

W: www.roadpeace.org

Office phone 020 7733 1603 or email: info@roadpeace.org
245a Coldharbour Lane, London, SW9 8RR

RoSPA (Royal Society for the Prevention of Accidents)

RoSPA's road safety department raises awareness about the causes of road crashes and promotes measures to help prevent them. This charity does not provide support services for road crash victims.

T: 0121 248 2000 Email: help@rospa.com W: www.rospa.org

Edgbaston Park, 353, Bristol Road, Edgbaston, Birmingham B5 7ST

**SCARD (Support & Care After Road Death & Injury)
incorporating CADD (Campaign Against Drinking and Driving)**

Two charities working together providing emotional and practical support to anyone bereaved, injured or affected by a road death or injury. Offers road safety education workshops for schools and organisations.

They offer a helpline staffed by experienced volunteers 365 days a year. Additionally offer literature including on coroners and inquests, criminal and civil law, appeals and private prosecutions. They will also help you access counselling and free legal advice.

Helpline 0845 123 5542 (open 7 days a week, 9am-9pm)

Office phones 0845 123 5541/43

Email info@scard.org.uk and info@cadd.org.uk

W: www.scard.org.uk and www.cadd.org.uk

PO Box 62, Brighouse HD6 3YY

Government bodies with responsibility for road safety

The Home Office

The Home Office is responsible for setting priorities for police forces, reviewing charges and penalties for traffic offences, and for victims' rights.

T: 0870 000 1585 Email: public.enquiries@homeoffice.gsi.gov.uk

W: www.homeoffice.gov.uk

Home Secretary, The Home Office, 2, Marsham Street, London SW1P 4DF

The Department for Transport

The Department for Transport is responsible for road safety policy in many areas of road safety, from producing guidance for local authorities (on topics such as speed limits), to reviewing road safety legislation (such as banning hand-held mobile phones, or the drink-drive limit). It commissions research on road safety topics and runs national publicity campaigns including road safety TV campaigns. It oversees the work of several 'executive agencies' (see below).

T: 020 7944 8300 W: www.dft.gov.uk

Road Safety Minister, The Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR

The Highways Agency

The Highways Agency is the executive agency responsible for operating, maintaining and improving all motorways and major trunk roads in England.

T: 08457 504030 Email: ha_info@highways.gsi.gov.uk

W: www.highways.gov.uk

Chief executive, The Highways Agency, 123 Buckingham Palace Road, London SW1W 9HA

VOSA (Vehicle and Operator Services Agency)

VOSA is the executive agency responsible for administering annual testing of vehicles. It is also responsible for carrying out enforcement checks on the maintenance standards of lorries, buses and coaches, and their compliance with laws including driver hours' rules.

T: 0300 123 9000 Email: enquiries@vosa.gov.uk

W: www.vosa.gov.uk

Chief executive, VOSA, Berkeley House, Croydon Street, Bristol BS5 0DA

Driver and Vehicle Licensing Agency

The DVLA is an executive agency promoting road safety and general law enforcement by maintaining registers of drivers and vehicles, and it collects vehicle excise duty (tax).

T: 0870 240 0009 W: www.dvla.gov.uk

Chief executive, DVLA, Swansea SA6 7JL

Driving Standards Agency

The Driving Standards Agency is an executive agency responsible for administering driving tests. It also promotes safe driving and publishes the Highway Code.

T: 0115 936 6666 Email: customer.services@dsa.gsi.gov.uk W: www.dsa.gov.uk

Chief executive, DSA, Stanley House, 56 Talbot St, Nottingham, NG1 5GU

Local authorities

Local authorities are responsible for local roads that are not motorways or major trunk roads. Highway engineers are responsible for these roads' design, repair, markings and speed limits. Road safety officers run pedestrian and cycle training for children, manage school crossing patrols, and run local publicity campaigns on road safety. You can find their contact details in your local phone directory.

The Association of Chief Police Officers

The Association of Chief Police Officers' road policing committee has some responsibility for determining policing policy on traffic, drugs, alcohol and victim support. Other policies are determined by the chief constable of each force.

T: 020 7084 8950 Email: info@acpo.pnn.police.uk W: www.acpo.police.uk

President, Association of Chief Police Officers, First Floor, 10 Victoria Street, London SW1H 0NN

Traffic commissioners

Traffic commissioners are regionally appointed officials with responsibility for licensing companies to operate lorries, buses and coaches. Traffic commissioners have powers to issue and take away an operator's licence. For details of your local traffic commissioner log on to

www.tan.gov.uk or phone the Department for Transport on 020 7944 8300

Important contacts listed elsewhere in this guide

Criminal Justice System: Turn to pages 75 to 77 for details of agencies you can contact if you have comments about the Criminal Justice System.

Personal Injury Solicitors: Turn to page 33 for details of organisations listing personal injury solicitors.

Your political representatives

Your local councillor

If you are worried about a particular local traffic problem your local councillor may be able to help. You can find out their contact details by phoning your local council.

Your Member of Parliament (MP)

Your MP's job is to represent your interests in Parliament. You may want to write to or meet him/her to discuss any aspect of your case which you think s/he could act upon. You can find out the name of your MP by going to www.locata.co.uk/commons or calling parliament on 020 7219 4272. You can write to your MP at the **House of Commons, London, SW1A 0AA**

Organisations representing road users

You may wish to contact an organisation representing a type of road user.

Cycling organisations:

Cyclists' Touring Club

Parklands, Railton Road, Guildford, GU2 9JX

T: 0844 736 8450 Email: cycling@ctc.org.uk W: www.ctc.org.uk

Sustrans (developing paths for walkers and cyclists and Safe Routes to Schools)

National Cycle Network, 2 Cathedral Square, College Green,
Bristol BS1 5DD

T: 0117 926 8893 Email: info@sustrans.org.uk

W: www.sustrans.org.uk

Motorcycling organisations:

British Motorcyclists Federation

2 Oswin Road, Brailsford Industrial Estate, Braunstone, Leicester, LE3 1HR

T: 0116 279 5112 Email: enquiries@bmf.co.uk W: www.bmf.co.uk

Motorcycle Action Group

PO Box 750, Rugby CV21 3ZR

T: 01788 570065 Email: central-office@mag-uk.org

W: www.mag-uk.org

Pedestrian organisations:

Living Streets

4th Floor, Universal House, 88-94 Wentworth Street, E1 7SA

T: 020 7377 4900 Email: info@livingstreets.org.uk

W: www.livingstreets.org.uk

Commercial vehicle operator groups:

Freight Transport Association

Hermes House, St John's Road, Tunbridge Wells TN4 9UZ

T: 01892 526 171 W: www.fta.co.uk

Road Haulage Association

35 Monument Hill, Weybridge, Surrey KT13 8RN

T: 01932 841 515 Email: weybridge@rha.net W: www.rha.net

Motorist groups:

ETA (Environmental Transport Association)

68 High Street, Weybridge KT13 8RS

T: 0845 389 1010 Email: eta@eta.co.uk

W: www.eta.co.uk

Green Flag

Promotes road safety and produces road safety research
in partnership with Brake

Cote Lane, Pudsey, Leeds LS28 5GF

T: 0845 246 1557 Email: member-queries@greenflag.com

W: www.greenflag.co.uk

Institute of Advanced Motorists

510 Chiswick High Rd, Chiswick, London W4 4RG

T: 020 8996 9600 W: www.iam.org.uk

RAC Foundation for Motoring

89-91 Pall Mall, London SW1Y 5HS

T: 0207 747 3445 W: www.racfoundation.org

Your Citizens' Advice Bureau (CAB)

If you need any other contacts your local Citizens' Advice Bureau may be able to help. It can provide access to free, impartial and confidential advice, including on financial and legal matters. For your nearest CAB, you can look in your phone book or search the CAB website's online list of its offices on www.citizensadvice.org.uk

