



Holiday illness

Personal Injury

All you need to know about making a holiday illness claim from leading personal injury lawyers Irwin Mitchell.

“When I tried to deal with the tour operator myself, I got nowhere and I almost lost heart. Without the help of Irwin Mitchell’s travel team, I would have given up.”

Sheila

This information relates to the law and procedures in England and Wales. Please contact us if you need advice about the law and procedure in other legal jurisdictions.

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Recognised as leaders in holiday illness claims, our specialist team of travel lawyers help thousands of people claim compensation every year after their holidays are ruined by illness.

“May I take this opportunity to express our thanks for all your hard work in recent months. We have valued your professional approach and also the way in which you have explained various points to us. To know the matter has been in safe hands has meant a great deal to us.”

David

Whether you have become ill in a hotel, on a cruise or under other circumstances on holiday, you might be able to make a claim for compensation if someone is at fault for your illness.

Our previous clients range from individuals and families to groups of 1,000 clients or more who all became ill at the same hotel or resort. Recognised as the leading firm of solicitors in the UK for travel claims, we have helped more than 20,000 clients to claim compensation after holiday illnesses in countries across the world.

With us on your side, you can be confident that you will get the compensation and the answers you need to help you move on with your life. We understand how dramatically your life can be changed by serious illness and will work tirelessly to get the best outcome for you.

“Above all, we put you first.”

To talk to a **specialist advisor** today simply call **free** on **08000 23 22 33** or text **CLAIM** to **61993** and someone will call you back

Irwin Mitchell is one of the largest and most experienced personal injury law firms in the country. We are top-ranked in both Chambers and Partners* and the Legal 500* for work in relation to illness abroad and every year we recover thousands of pounds worth of compensation for our clients.

*Leading independent legal directories.

Our service

You may be worried about the prospect of making a compensation claim abroad, especially if you have already had the stress of dealing with the health service in a foreign country. The good news is that many claims can be made here in the UK, particularly if you booked your trip through a UK tour operator.

In the unlikely event that your claim does need to be made abroad, there's no need to worry. We have years of experience in helping people claim compensation around the world and our team includes lawyers fluent in French, German and Spanish, among other languages. Wherever you need to make your claim, we will work tirelessly for you and keep you updated in clear, easy-to-understand terms.

Campaign for improvements

Members of our team regularly lecture internationally, are consulted on international law reform issues and hold key positions in several leading international organisations including the Pan European Organisation of Personal Injury Lawyers, The Institute of European Traffic Law and the American Association for Justice.

We also have a long history of campaigning for improvements in health and safety. Our aim is always to improve the quality of life and levels of compensation for those who have suffered illness on holiday.

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Holiday illness claims usually need to be made within three years of you falling ill. However, that limit may vary depending on a number of factors including the nature of your illness, the country you were in when you became ill and who you intend to bring the claim against.

Do I have a case?

If you are unsure whether you have a claim, you or a family member just need to pick up the phone and talk it over with us. We'll assess your case free of charge, tell you what we think and then you can decide if you want to go ahead.

We can also offer a Free Legal Health Check if you already have an on-going personal injury case with another lawyer and you have concerns about how your case is being managed. We are frequently asked to take over cases for clients who have not received the level of service that they expected.

In these situations a lack of experience of dealing with specialist cases can lead to significant delays, a failure to obtain important interim payments and the possibility that cases are undervalued. This can mean that you miss out on the opportunity to take advantage of targeted rehabilitation and fail to receive all of the care, therapy and equipment that you need in order to obtain the best quality of life that is possible post your injury. It is OK to seek a second opinion from another solicitor or barrister and changing your legal representation should not cost you anything.

What are my chances of winning?

We have a long track record of winning compensation cases where the client initially thought they did not have a claim.

When you contact us we will give you realistic advice on the chances of winning based on the information you provide. It is not possible to give a definitive answer on any case. However, the more information we have the more accurate an assessment we can make.

We will always give you an honest, straightforward opinion.

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Don't worry about legal costs.

Contacting us for initial advice on your claim will cost you nothing – even our phone number is free to call.

If we advise you to pursue a claim with us, we will review all the options for funding it.

Options for Funding your Claim

There are a number of ways in which you could fund your case. These include:

- Conditional Fee Agreement, commonly known as a 'No Win No Fee' agreement.
- Legal Expenses Insurance – as part of your household or car insurance you may have legal expenses cover to help with any legal costs
- Trade Union – if you are a member of a trade union they may provide assistance for some legal issues.

If you do not have access to legal expenses insurance or trade union assistance, your best option is to consider a 'No Win No Fee' agreement. Even if you do have access to other funding options, a 'No Win No Fee' agreement may still be the best option for you.

When we discuss your claim in more detail we will tell you if the 'No Win No Fee' option is available or if we need to look at the other funding options above.

New Legislation

The Government introduced some changes to how legal costs and funding for personal injury claims will work from 1 April 2013. Due to these changes you will no longer be able to recover all of your legal costs from your opponent. Whilst all of your legal costs can no longer be recovered from your opponent, it is likely that you will still recover the substantial majority of your basic legal costs.

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How a 'No Win No Fee' agreement can work for you

If after reviewing all of the funding options with you and we recommend that our 'No Win No Fee' agreement in combination with an insurance policy designed to protect you is your best option, you can be reassured that there is no financial risk to you if you are unsuccessful*.

If you win:

- Your opponent will pay the majority of our basic legal costs and disbursements (e.g. court fees, medical reports)
- If you win, any costs not payable by your opponent will include:
 - The premium for your insurance policy to protect you fully against any risk of legal costs
 - Some of your basic legal costs which cannot be recovered from your opponent
 - A 'success fee' which compensates us for the risk that if it was unsuccessful then we would not recover any legal fees at all
- If you win, you won't have to pay a penny out of your own pocket until your claim has successfully come to an end and then any of the costs not paid by your opponent will be deducted from any compensation awarded to you
- If any disbursements cannot be recovered from your opponent these will be covered by your insurance policy
- There are no hidden costs. You will receive regular updates about the costs being charged to your case and any costs not recovered from your opponent will be deducted from any compensation awarded to you
- To help you with your legal costs, the Government has provided a 10% increase in the amount awarded to you for your pain, suffering and loss of amenity.

* Subject to entering into a 'No Win No Fee' agreement in conjunction with our Allianz Litigate insurance policy and complying with your responsibilities under its terms.

If you lose:

- We can promise you, there is no financial risk to you if your claim is unsuccessful*
- You won't have to pay a penny out of your own pocket whilst your claim is being pursued
- We would make no charge whatsoever to you
- You will be fully covered by your insurance policy for any disbursements
- You will be fully protected by your insurance policy from any of your opponent's legal costs
- There are no hidden costs. You will receive regular updates about the costs at key stages throughout your case so you are fully aware of the charges involved. If unsuccessful there is no financial risk to you*.

We will do everything we can to protect and support you to proceed with your claim and we will keep you updated at all times.

Remember, there is absolutely no financial risk to you or your family if you are unsuccessful.*

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The amount of compensation you receive will depend on the seriousness of your illness, how it has affected your life, how much money you have lost or will lose as a consequence - and whether you will need extra support in the future.

“We were very happy with the outcome of our case, especially as we were initially offered nothing from the tour operator. Irwin Mitchell were very professional throughout and we are very happy with the outcome.”

Chris and Michael

If you have suffered an illness whilst on holiday abroad you could be entitled to make a claim to compensate for:

- An amount to reflect the pain and suffering you have been through, not to mention any psychological trauma you may have experienced
- Any lost earnings, for instance if you had to miss work due to a delayed return
- Private medical treatment so that you don't have to wait on the NHS
- The cost of any care you may require
- The costs of any medical treatment abroad (including ambulance costs as well as hospital bills)
- An amount to reflect your loss of enjoyment of your holiday.

Typically compensation for illness cases totals several thousand pounds but in very serious cases compensation can be hundreds of thousands of pounds.

Individually assessed

We will advise you at the outset on how courts approach the assessment of compensation and how that will apply to your case. However, it is important to bear in mind that everyone is different and the consequences of the same injury will vary from person to person.

Keeping you informed

As we learn more about you and your circumstances, we will be able to provide a more accurate idea of the financial value of your claim. You can be assured that we will do everything we can to recover the maximum amount of compensation available to you and organise payment terms to suit your immediate and on-going needs.

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Once you have instructed us to claim on your behalf, we will investigate your case thoroughly by gathering witness evidence, medical and other expert evidence and by considering the financial impact of your illness on you and your family.

“Thank you so much for your help and patience. We really do appreciate all your help in this matter. It is so refreshing to deal with someone who returns all calls and emails when they say they will. Thanks again.”

Sue

Insurance

Once we have all the details of your case, a claim will be made against the relevant person or company, who usually have insurance. This can go one of two ways - either they decide to meet your claim or they do not.

Don't worry if a tour operator turns down your claim at first as this often happens - it does not mean that your claim will fail.

Out of court

The vast majority of cases are settled before they go to court. However, if your case is one of the few that is to be decided by a judge don't worry: it's perfectly normal and we'll be there to help you every step of the way.

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We don't just specialise in holiday illness claims. Irwin Mitchell has dedicated teams working in all areas of personal legal services, enabling us to deliver quick and efficient legal advice on anything from settling family disputes and wills or buying a house. Our ability to offer clients a wide range of such specialism "under one roof" is one of the key benefits of our services.

Our friendly professional staff give straightforward honest advice in all areas of personal legal services including:

- Divorce, children and family matters
- Buying or selling a house
- Wills, trust and probate services
- Personal injury or illness
- Questioning social, education and health care provision
- Support on making decisions about personal welfare and healthcare matters and how the Court of Protection can assist
- Employment difficulties
- Financial Planning including tax and trusts
- Planning or environmental decisions.

Whatever your legal issue our specialist staff will be pleased to help you sort it out – all you need to do is pick up the phone and give us call.

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Twitter: @fcotravel

Citizens Advice Bureau

Please visit your local CAB centre/or search online
Web: www.citizensadvice.org.uk
Twitter: @CitizensAdvice

Holiday Claims

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Looking for help with a claim?

Freephone 08000 23 22 33

www.irwinmitchell.com/personalinjury

Text claim to 61993 and someone will call you back

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† Consultations are by appointment only.

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