



THOMPSONS
SOLICITORS

STANDING UP FOR YOU

Working with us:
Important information about
your personal injury case

Our pledge to you

Thompsons Solicitors has been standing up for the injured and mistreated since Harry Thompson founded the firm in 1921. We have fought for millions of people, won countless landmark cases and secured key legal reforms.

We have more experience of winning personal injury and employment claims than any other firm – and we use that experience solely for the injured and mistreated.

Thompsons will stand up for you by:

Staying true to our principles – regardless of how difficult our job is made by government, employers or the insurance industry

Remaining committed to the trade union movement, working closely with them and with professional associations for the benefit of working people everywhere

Thompsons pledge that we will:

Work solely for the injured or mistreated

Refuse to represent insurance companies and employers

Invest our specialist expertise in each and every case

Fight for the maximum compensation in the shortest possible time

Be open and transparent about fees and costs

standing up for you

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The Spirit of Brotherhood
by Bernard Meadows

About Thompsons

At Thompsons – the UK’s most experienced personal injury law firm – we only work for the victims of accidents and injuries.

We never represent insurance companies or employers.

Thompsons has led the way in creating new laws for working people by:

- Bringing the first group cases for asbestos
- Establishing that people who had been exposed to asbestos, but had not worked directly with it (known as ‘neighbour’ cases) could bring claims
- Fighting the claims that established the right to compensation for welder’s lung
- Winning the first stress claim case in the UK
- Succeeding in the case of *Cox v MOJ* to extend the law on vicarious liability
- Winning key cases for injured people suffering from bladder cancer, silicosis, latex allergy and occupational asthma
- Recovering for our clients the highest average compensation - out of hundreds of law firms in the miners’ scheme cases
- Taking on board the cases that established the right of workers to get compensation for deafness.

And every year, we recover more than £200 million in compensation for people who don’t make legal history, but for whom we fight just as hard.

We don’t just deal with personal injury. We are also proud to help trade union members with issues such as dismissals, discrimination and equal pay through our specialist Employment Rights department.

To find out more about Thompsons, visit www.thompsons.law or call **0800 0 224 224**.

Our aim

We strive at all times to provide a high-quality service and a standard of care in which you can be completely confident. Our aim is to get the maximum compensation for you in the shortest possible time.

That means we will:

- Use plain language
- Keep in touch regularly
- Respond quickly
- Keep you fully informed
- Give independent advice.

Our lawyers

All of Thompsons' lawyers receive extensive training relating to personal injury law.

If your lawyer wants to meet with you, rather than discuss the circumstances of your claim over the phone, they will arrange an appointment to meet you at a time and a place to suit you. They will also make any adjustments necessary to accommodate any disability you may have.

Our offices

Our network of UK offices are open during normal office hours (Monday-Friday, 9am-5pm).

If you need to contact us outside these hours, just ring and leave a message and we will call you back. Remember to tell us your case reference number – you will find this on the letters we send you.

Alternatively, we can be contacted by email if you would prefer this.

Emails

If you contact us by email, or you give an email address, we will assume you do not object to us using that address to contact you. If at any time you wish for us to stop contacting you via email, just let us know.

Our equality and diversity policy

Equality and diversity are at the heart of what we do.

Thompsons is committed to promoting equality and diversity in all our dealings with you. Tell your lawyer about anything that will help us communicate with you or help you participate in mediation, meetings or court proceedings.

Complaints

We are committed to providing the highest quality legal service to our clients. If you have any problems with the handling of your case we hope you will let us know straight away.

Thompsons has a procedure in place to help resolve any complaints promptly and fairly. This is available on request from the Branch Manager at your local office, or you can view a copy at www.thompsons.law/about/governance-and-regulation.

If any complaint cannot be resolved using this procedure, you can ask the Legal Ombudsman at **P.O. Box 6806, Wolverhampton, WV1 9WJ** or call **0300 555 0333** to consider your complaint.

Normally, you need to bring a complaint to the Legal Ombudsman within six months of receiving a final written response from us about your complaint, and within six years of the date of the act or omission about which you are complaining (or three years of the date you should reasonably have known there were grounds for complaint if the act or omission was more than six years ago). Please note, the Legal Ombudsman will not accept complaints about issues that took place before 6 October 2010.

We are regulated by the Solicitors Regulation Authority. Further details can be found at www.sra.org.uk.

Responsibilities

We have certain responsibilities that we owe you.

These include an obligation to:

- Review your case regularly
- Advise you of any changes in the law
- Advise you of any circumstances and risks we know about that could affect your case
- Negotiate a settlement in your case if that is possible, but issue court proceedings if not.

We will always discuss with you any major steps you take in your case.

We need you to:

- Tell us what you want us to do clearly, accurately and within reasonable time limits
- Provide us with all the documentation we need within the time we need it
- Keep safe any documents that might be needed for a future court case
- Tell us of any change in your address or contact details straight away
- Tell us if you are considering declaring yourself bankrupt, are bankrupt, or have in the past been bankrupt.

What do we have to do?

To receive compensation, you have to prove that someone else was to blame for your injuries. So the first thing we have to decide is whether your case is one that will succeed.

We will write to you with details of next steps at the outset of your claim. These might include obtaining medical evidence and gathering information from witnesses to support your claim.

In cases where estimated damages are less than £25,000, there is a claims process which is meant to reduce the length of time it takes to recover compensation, however, much still depends on whether or not the other side admits they were to blame.

The defendant normally has a period of up to three months from when they receive the claim to confirm whether or not they admit fault.

We will ask for compensation for your pain and suffering (both in the past and possibly the future), as well as any expenses that you incur because of the accident or illness. Types of expenses could include travelling expenses to see a doctor and/or the cost of prescriptions or any loss of wages. It's really important to keep any relevant receipts.

Negotiations

We will always try to settle your claim if possible, rather than issue court proceedings.

We may advise that it would be in your best interests to arrange to hold a joint settlement meeting with the defendant. This would involve all parties attending a meeting with a view to discussing any outstanding issues and reaching a settlement. This can take place either before or after court proceedings are issued.

If the defendant denies liability or fails to put forward a reasonable offer in settlement of your claim, so long as we think your claim has reasonable prospects of succeeding, we will recommend that court proceedings are started. If this happens, we will keep you closely informed about all steps in the court process.

Whatever we do, it will be with your consent.

Bringing your claim

We know you are honest, but the insurers defending your claim will try to show you aren't telling the truth.

The insurance industry is keen to reduce claims and maintain its profits.

Of course, it's never been acceptable to make up what's wrong with you or how badly affected you are by an injury, but the concept of 'fundamental dishonesty' has now been introduced in personal injury cases. If, through exaggeration of your condition or its impact (including any financial losses), the court finds that you have been fundamentally dishonest, your compensation can be taken away and you may even have to pay the other side's legal costs.

It's more important than ever that you:

- Tell us anything that might affect the value of your claim
- Are completely open with any doctor we ask to report on your injuries
- Provide any expert you see in the course of your case with clear and truthful details about your symptoms and how they affect you at work and in your personal and social life.

If you have any questions, you can email or call the lawyer working for you. You can find their details on the letters you get from us.

Medical examinations

We may ask you to undergo a medical examination to show the cause and extent of your injuries and their effect on you. The doctor is very likely to be someone you have not seen before as it is important they are independent.

This is nothing to be worried about and is a way of strengthening your case. The medical expert may wish to have sight of your medical records. If the expert does want to see them, we will send you forms of authority to sign for the release of your records from your GP or the hospital you attended.

If you are still experiencing symptoms as a result of the accident, we can look at ways of supporting you to have appropriate treatment to help you get better. This treatment is often referred to as 'rehabilitation'. For example, you may need physiotherapy after your accident or you may require counselling if the accident has caused you psychological distress.

Discrimination

As a result of your accident or injury, you may be entitled to protection from disability discrimination (for example, being passed over for a promotion or even being dismissed by your employer) under the Equality Act 2010.

This law defines disability as a physical or mental impairment, which has a substantial and long term adverse effect on your ability to carry out normal day-to-day activities. 'Long term' means at least 12 months.

If you think you have been discriminated against, you should tell your lawyer. They will talk to you about other organisations or lawyers that might be able to help you. You can also contact Citizens Advice. You must act quickly because there is a time limit of three months in which to make a tribunal claim from the date of the discriminatory act. For more information, please visit www.acas.org.uk/disability.

Benefits

If you have an accident at work, on the roads or elsewhere, are the victim of an assault or develop an industrial disease which causes you to have time off your usual work, you may be entitled to state benefits.

It is important to report the accident or illness to your employer immediately and complete the appropriate forms. You should also report it to the regional Jobcentre Plus disablement office as soon as possible, a list of which can be found at www.gov.uk/dwp. It will then issue a declaration that you had an accident or illness, which should help to reduce delays if you decide to claim benefits at a later date.

If you are in any doubt about what you may be eligible to claim, ask the person dealing with your case. You may have to repay any benefits you receive from your compensation package, but again we will explain all this to you.

The Citizens Advice Bureau or the Department for Work and Pensions (DWP) can help with processing any claims.

Statutory Sick Pay

Statutory Sick Pay (SSP) is paid to employees by their employer for up to 28 weeks if they are off sick from work.

To qualify for SSP, you must be incapable of work for four or more days. A GP's fit note is normally required after seven days of absence.

It is important to tell your employer you are sick before its deadline or within seven days if they do not have one.

SSP is payable at a fixed rate and is treated like other earnings. It is therefore subject to tax and National Insurance, but it is not means-tested nor is it dependent on National Insurance contributions. However, your earnings must at least equal the Lower Earnings Limit, which changes every year. Up-to-date rates can be found at www.gov.uk.

Your contract of employment may provide for payment of occupational sick pay over and above SSP, so it's worth checking.

Agency workers are entitled to SSP providing the above criteria are met.

Universal Credit

Universal Credit is replacing Jobseeker's Allowance, Housing Benefit, Working Tax Credit, Child Tax Credit, Employment Support Allowance and Income Support.

Applicants have to accept a 'Claimant Commitment' if they wish to get Universal Credit, and this is an agreement that the applicant will complete certain tasks.

Further information is available by calling the Universal Credit helpline on **0800 328 5644** or via textphone on **0800 328 1344**. Alternatively, you can visit www.gov.uk/universal-credit.

Employment and Support Allowance

Employment and Support Allowance (ESA) is paid to anyone whose incapacity means they have to be off work for longer than 28 weeks, however, this is being replaced by Universal Credit (see page 13).

There are two types of ESA.

The first is a contribution and income-based ESA only available to people who are entitled to receive the severe disability premium. To receive the contributory element of ESA, the applicant must have paid sufficient National Insurance contributions or have sufficient credits. To receive the income-based element of ESA, an applicant is assessed financially and their level of savings and household income looked at. The income-based element is payable even if an applicant does not have sufficient National Insurance contributions or credits.

Applicants must have a Work Capacity Assessment while the claim is being processed. Applicants will also be expected to take appropriate steps to help prepare for work, including attending a series of work-focused interviews with a personal advisor.

Applicants with an illness or disability that is too severe to undertake any form of work-related activity will get increased financial support and will not be expected to prepare for a return to work.

Applicants with a terminal illness will have claims fast-tracked and will not be expected to participate in work-focused, health-related assessments.

Contribution and income-based ESA can be claimed by calling **0800 169 0350** or via textphone on **0800 023 4888**. Alternatively, you can fill in an ESA1 form and post it or take it to your local Jobcentre Plus.

The second type of ESA is the 'new style' ESA. This can be claimed by completing a NSESAF1 form (available online or from your local Jobcentre Plus) or by contacting the Universal Credit helpline on **0800 320 5644** or via textphone on **0800 328 1344**.

Other Benefit Payments

Working Tax Credit

Working Tax Credit is paid to low paid workers, with or without children, who are in full-time paid work. It has been replaced by Universal Credit for most people. Only those who get the severe disability premium, or got it within the month before the claim, can receive Working Tax Credit.

Child Tax Credit

This means-tested benefit is paid to families with children, whether they are in paid work or not. You do not have to have paid National Insurance contributions to qualify and it has been replaced by Universal Credit for most people. Only those who get the severe disability premium, or got it within the month before the claim, can receive Child Tax Credit.

Industrial Injuries Disablement Benefit

Industrial Injuries Disablement Benefit (IIDB) is payable if you are disabled as a result of an accident at work or a disease caused by a job.

To qualify you must (generally) establish:

1. You were employed
2. You suffered a personal injury in an industrial accident or are suffering from a prescribed industrial disease
3. As a consequence, you are disabled and are defined as having at least 14% disablement.

Jobcentre Plus has a list of diseases known to have a link to particular occupations and these are known as 'prescribed industrial diseases'.

IIDB is not means-tested, nor is it subject to National Insurance contributions, and it doesn't affect any other National Insurance benefit, such as Incapacity Benefit or your pension. However, IIDB will affect any income-related benefits that you or your partner receive, such as Income Support, Housing Benefit and Council Tax Benefit.

Do not delay in claiming because IIDB cannot be paid for a period more than three months before the date of your claim. However, you are not able to obtain the benefit for the first 90 days (not including Sundays) after your accident and you should therefore consider claiming two months after the accident.

The Jobcentre Plus medical will assess the percentage disablement. No payment will be made if your disability is assessed as less than 14%. If you are assessed to have more than 14% disablement, the amount of benefit payable will depend upon the percentage of disability.

If the assessment is less than 14%, providing it is registered at the time of assessment, it can be added to subsequent assessments in respect of further industrial accidents or disease. Even if each assessment is less than 14%, a payment of benefit will be triggered if, when added together, the assessments exceed 14%.

Awards of benefit are made for the period you are expected to continue to suffer from the relevant loss of faculty and can be made for an indefinite period.

Personal Independence Payment

This benefit is currently payable to those aged 16 to 64 who have a long-term health condition or disability and difficulties with activities related to daily living or mobility.

To be eligible, you must have had the difficulties for three months and you must expect them to last at least nine months (unless you are terminally ill and you don't expect to live more than six months).

Daily living and mobility are each made up of two components: standard and enhanced. It depends on how your condition affects you as to whether you get one or both of these components.

Claims can be made by calling **0800 917 2222** or via textphone on **0800 917 7777**.

There are special rules which apply if you were born after 8 April 1948, are aged over 65 and were previously receiving Disability Living Allowance. In this situation, you will be invited to apply for Personal Independence Payment and you do not need to do anything until you are contacted by the Department of Work and Pensions.

NHS Injury Benefits

The NHS Injury Benefit Scheme forms part of the terms and conditions of NHS employment. Benefits are available to NHS employees who have suffered an injury attributable to their duties.

Where the accident, disease or other health condition was sustained before 31 March 2013, an application can be made for Temporary Injury Allowance (TIA) or Permanent Injury Benefit (PIB). Where the accident, disease or other health condition occurred after 31 March 2013 the application will be for Injury Allowance. The Injury Allowance scheme is administered by employers.

If compensation is received for an injury, this will be taken into consideration when the level of Injury Benefit award is assessed. This may mean that some or all of any NHS Injury Benefit may need to be paid back from any compensation received. This is why it is important for you to tell us if you are receiving any of these benefits.

If you have queries about your entitlement to these benefits you should seek advice or raise them with your human resources department.

Civil Service Pensions Injury Benefits Scheme (CSPIBS)

The CSPIBS scheme provides benefits to members who suffer reduced earning capacity as a result of injury at work suffered in the course of official duty. It is a 'no fault' scheme and entitlement to benefits does not mean that a member necessarily has a personal injury compensation claim that is likely to succeed.

It should also be noted that if a member does successfully pursue a claim for compensation against the employer and is in receipt of

these injury benefits, they will be taken into consideration and will probably have to be repaid upon settlement of the personal injury claim. Claims may be made by a surviving spouse or civil partner, children or parents in the event of death.

Members wishing to apply for these injury benefits are advised to contact their union and/or their department/agency's superannuation section in the first instance.

And finally

If you are satisfied with the way we handled your case, please recommend us to your family and friends.

We can also help members of your family, with personal injury claims, as well as offering no win, no fee terms to a friend if they get injured.

“Could not have had a better service than I received with Thompsons Solicitors. The solicitor was the most thoughtful and helpful person, he returned my calls promptly and kept me informed on a regular basis.” **David**

“The level of professionalism from beginning to end made me feel comfortable and secure in our judgement. I have nothing but praise to you and your firm. I would definitely recommend you.” **Robert**

“From the start of my case through to settlement my solicitor kept me up-to-date with every detail, which I thought was excellent. I was always impressed with Thompsons.” **Carol**

Useful contacts and information

Brake

A national road safety charity
01484 559909
www.brake.org.uk

Citizens Advice Bureau

Provides free advice to help people resolve legal and financial problems
www.citizensadvice.org.uk

Criminal Injuries Compensation Authority

Compensates victims of violent crime in England, Scotland and Wales
0300 003 3601
www.cica.gov.uk

Department for Work and Pensions

For information about benefits
www.gov.uk/dwp

Motor Insurers' Bureau

Compensates the victims of negligent uninsured and untraced motorists
01908 830 001
www.mib.org.uk

Financial Ombudsman

The ombudsman will help with any complaints you may have about your motor insurer
0800 023 4567
www.financial-ombudsman.org.uk

Health and Safety Executive

Protection of people's health and safety
www.hse.gov.uk

Royal Society for the Prevention of Accidents

Promotes safety and prevention of accidents in all areas of life
0121 248 2000
www.rospea.com

Headway

The Brain Injury Association
0808 800 2244
www.headway.org.uk

Mesothelioma UK

The National Mesothelioma Resource Centre
0800 169 2409
www.mesothelioma.uk.com

Road Peace

The National Charity for Road Crash Victims
0845 4500 355
www.roadpeace.org

UKABIF

The United Kingdom Acquired Brain Injury Forum
0845 608 0788
www.ukabif.org.uk

Terms and conditions

About Thompsons Solicitors LLP

Legal status

Thompsons Solicitors is the trading name of Thompsons Solicitors LLP, a Limited Liability Partnership registered in England and Wales (registered number OC356468) and regulated by the Solicitors Regulation Authority. The Solicitors Regulation Authority handbook can be found at www.sra.org.uk. The word 'partner' used in relation to Thompsons Solicitors refers to a member of Thompsons Solicitors LLP. A list of members of the LLP is available for inspection at each office.

Thompsons Solicitors LLP registered office is at **Congress House, Great Russell Street, London WC1B 3LW.**

Telephone: **0207 290 0000**
Email: enquiries@thompsons.law.co.uk

What is an LLP?

LLP status is an alternative to the traditional partnership model. It is an alternative corporate structure that gives the benefit of limited liability and more flexibility.

Insurance

The LLP, as required under the Solicitors Indemnity Rules, maintains professional indemnity insurance. That insurance is with W/R/B Underwriting of **14th Floor, 52 Lime Street, London EC3M 7AF**. The policy number is LI1939993.

VAT

Thompsons Solicitors LLP is registered for VAT purposes with VAT registration number 227 857 923.

Financial services

The firm is not authorised under the Financial Services & Markets Act 2000. We are, however, included on the register maintained by the Financial Conduct Authority so that we can carry on insurance mediation activity, which is broadly the advising on, selling and administration of insurance contracts. The register can be found at www.fca.org.uk/register. This part of our business, including arrangements for redress if something goes wrong, is regulated by the Solicitors Regulation Authority.

Privacy information

Your information and privacy is important to us.

We collect information about you to provide legal services to you. We use the information to:

- Give you legal advice and help with your case
- Detect and combat fraud
- To identify you before disclosing confidential information or making payments
- For analysis to help us manage our practice
- To help trade unions improve protection and rights for working people and the victims of accidents.

We will never sell your details to third parties. During or after your case we may need to pass information about you to other people such as:

- Your trade union
- The other side
- Witnesses
- The Courts or Tribunals
- Barristers
- Medical experts
- Other experts
- Regulators
- Insurers.

We will tell you who we are sending your information to and what information we are sending unless prevented by law.

We may need to pass your information to the Information Commissioners Office, the Legal Ombudsman or the Solicitors Regulation Authority if you make a complaint about us to them.

We may also disclose information to authorities such as the police, the official receiver and the Inland Revenue, but only with your agreement or where we are required by law to do so.

For further information on how your information is used, how we maintain the security of your information and your rights to access information we hold on you, please contact risk&compliancebirmingham@thompsons.law.co.uk.

Vetting of files

External firms or organisations may conduct audit or quality checks on our practice. These external firms or organisations are required to maintain confidentiality in relation to your files.

Outsourcing of work

Sometimes we ask other companies or people to do work to help your case, such as a company to instruct a medical expert to make sure this is done promptly. These external firms or organisations are required to keep your information confidential and to only use it for the specified purpose.

Money laundering

Thompsons Solicitors is required to obtain evidence of the identity of its clients.

Storage of documents and personal information

In most cases, we keep files for seven years after the file is closed. We will tell you at the end of your case how long we will keep file for and the reason why we need to keep it. At the end of that period we will destroy the file. We will not destroy documents you ask to be kept in safe custody. We will return any of your documents to you if you ask for them. We may keep copies of these but we will tell you this.

Personal information other than your file of papers, such as our electronic case management system data, will be kept for longer than seven years to help us manage our service.

Further information about privacy

Thompsons LLP is on the register kept by the Information Commissioners Office. For further details go to www.ico.org.uk.

If you have a concern about the use of your information we hope you will let us know straight away by using our complaints procedure or by contacting the Head of Risk and Compliance via email at risk&compliancebirmingham@thompsons.law.co.uk.

If your question or complaint cannot be resolved, you can contact the Information Commissioner by calling **0303 123 1113** or visiting www.ico.org.uk.

For further information about privacy and data please visit www.thompsons.law/about/governance-and-regulation.

Funding your claim

What are the funding arrangements for my case?

We ask you to sign an agreement called a Conditional Fee Agreement (CFA). As long as you comply with the conditions of the CFA and take out any insurance we recommend, if your case is lost you won't have to pay anything towards your opponent's costs of the action.

No hidden charges

So that we can offer a truly no win no fee agreement, we will 'carry' the costs that must be paid in pursuing your case – things like court fees and for medical reports – as we go along. We will not send you bills to pay as your case progresses or charge you for our work until the end of the case.

If you win

If you win your case, we will seek to recover all of our basic fees, disbursements and interest on costs from the other side.

Success fees

We charge you a success fee at a flat rate if you win, because we take the risks if you do not win. The amount we charge depends upon when your case concludes and, while it cannot be recovered from your opponent, is calculated as a percentage of the basic charges we can recover from your opponent. It cannot be more than 100% of our basic charges.

Where a success fee applies, it is usually payable out of your damages. Any success fee that we charge in your case will be explained to you by the person dealing with your claim and confirmed in writing. It will never be more than 20% of your:

- a) general damages for 'pain, suffering, and loss of amenity' (that is the legal jargon for the damages you receive for your injury itself); and
- b) damages for financial loss, other than future financial loss, net of any sums recoverable by the Compensation Recovery Unit of the Department for Work and Pensions.

Insurance

In the majority of claims we will advise you to take out insurance before we issue proceedings.

The insurance is known as After the Event (ATE) insurance and will insure you against the risk of having to pay the other side's costs, which arise if you are late in accepting an offer to settle from your opponent or the court doesn't award you more than what your opponent has previously offered. If we do recommend that you take out a policy of insurance, and you accept that recommendation, the cost of the insurance premium cannot be recovered from your opponent and will be deducted from your damages.

In certain case types, such as clinical negligence, we recommend that insurance is taken out at an earlier stage. In high-value personal injury, clinical negligence and some other cases, a higher premium is likely to apply.

If we think insurance is appropriate we will discuss this with you. It is important you comply with the conditions of your Conditional Fee Agreement (CFA) and ATE insurance policy.

You may already have insurance

Before entering into a CFA with you we are required by law to check if you already have any legal expenses insurance that would cover the cost of your case. For example, your household and contents insurance policy may offer legal expenses insurance as part of the package.

You will be sent a questionnaire about home or other insurance. You will need to complete and send this back to us.

Provision of investment services

Thompsons is not authorised under the Financial Services and Markets Act 2000 to provide financial advice, but we are able in certain circumstances to offer a limited range of investment services to clients because we are members of the Law Society. We can provide these investment services if they are an incidental part of the professional services we have been engaged to provide.

If you would like any further explanation, advice or other information about legal costs, the funding arrangements for your case or any other matter, please do not hesitate to ask.

0800 0 224 224

For more information, please visit

www.thompsons.law



The information contained in this booklet is not a substitute for legal advice. You should talk to a lawyer or adviser before making a decision about what to do. Thompsons Solicitors is a trading name of Thompsons Solicitors LLP and is regulated by the Solicitors Regulation Authority.

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standing up for you