

### How is compensation assessed?

Once liability is established the parties must agree or the courts decide how much compensation is to be awarded to the Claimant for the injury suffered.

Compensation is divided into two types of damages; special and general. Special damages are made up of easily quantifiable losses such as medical bills, ripped clothing, damaged property and absence from work that was caused by the injury.

A schedule of special damages is submitted to the Defendant who may agree or attempt to negotiate the amount claimed. The damages awarded under this category are designed to reimburse the Claimant for expenses and financial loss caused by the accident. It is advisable to keep accurate records and receipts to ensure as much as possible is recovered.

The second category is general damages. These seek to compensate the Claimant for the pain and suffering they have sustained as a result of the injury and to compensate for future loss of earnings. The assessment of compensation for damages can be complicated as it requires a monetary value to be placed on pain and suffering. The exact amount any individual Claimant is entitled to will vary depending on the severity of their injuries and estimated recovery time.

The same injury may also have a different impact on one Claimant compared to another and the levels of compensation will vary accordingly. A solicitor will be able to give an estimate of the levels of compensation a Claimant can expect to receive by comparing the facts with previous similar cases. The Judicial Studies Board also publish guidelines on levels of compensation for particular injuries but no two cases are the same meaning an assessment of compensation can never be an exact science.