

NEWSLETTER ISSUE 07


**The
Legal Service**
Free advice when you need it most
by **stewartslaw**

Legal Service Newsletter - February 2017

The Legal Service is provided by Stewarts Law's pro bono team as part of the firm's commitment to help people with serious injury.

The service offers free advice to patients when they need it most.
To make a referral to the Legal Service, contact Kara Smith in the pro bono team at ksmith@stewartslaw.com or by phone on 020 7822 8000.

Pension advice for patient who was forced to leave her job

By Sabrina Price (Senior Paralegal)

The Pensions Ombudsman (PO) is an independent body set up by the government to consider any complaints that an individual may have with regard to how their pension is run or administered. This involves considering issues such as whether the pension provider has failed to follow their own rules or has given incorrect or misleading information. If the PO finds that there has been some wrongdoing, they have the power to direct a pension provider to make good financial loss that has been suffered, to take certain action or to compensate for any distress or inconvenience suffered.



The Stewarts Law pro bono team assisted Mrs White with a complaint to the PO. Mrs White suffers from severe chronic pelvic pain which has resulted in nerve damage

Mrs White's condition was so severe that it left her with no option but to leave her job, a position she had been in for almost two years. She was advised by her employer's occupational health doctor and by her employer's pension scheme, to apply for an ill-health pension. They did this even though they knew it was unlikely that her application would be successful because she had not been a member of the pension scheme for two years, a prerequisite to making a claim. Mrs White was assured that it would be worth making the application and spent considerable effort over six months preparing her claim. This caused a great deal of distress at a time when she and her family were coming to terms with her life-changing condition.

After submitting her application, Mrs White received confirmation that her application would be successful as she would be unable to return to any form of employment. However, four weeks later, she was told that a mistake had been made and that she was entitled to nothing.

Understandably, Mrs White was upset and frustrated. She asked the Stewarts Law pro bono team for help. We assisted Mrs White with a written complaint, in the hope that the pension provider would at least acknowledge their mistake and the upset that this had caused.

Having exhausted the complaints procedure, Mrs White referred the matter to the PO for an independent assessment. Unfortunately, the PO was unable to overturn the decision to reject her claim. This was because they could not change the fact that she did not have the requisite service, and the PO does not have the power to amend or override the laws in place. However, the PO acknowledged that Mrs White had suffered non-financial injustice as a result of maladministration and awarded the patient £200 compensation for the distress and inconvenience she had suffered.

Whilst the PO were unable to give Mrs White her ill-health pension, the compensation was, at the very least an acknowledgement, by an independent body, that a mistake had been made.

Mrs White commented:

“Without the continued support and help from Stewarts Law, I do not believe I would have been able to cope with seeing this matter through to its conclusion. Very soon after Stewarts Law took over dealing with my case, I was able to stop fretting and worrying because they took care of it all and gave me the confidence to realise that 'they were on my side' and 'fighting my corner'. It enabled me to focus on coping and managing my illness, which when it came to it, was far more important than a pension claim!”

News

Please click on the images for more information about a particular news story



Dale's #LifeBeyondInjury story - a spinal injury suffered whilst serving in the army

Dale was serving in the army when he received the posting he had been waiting for: six months in the Falkland Island. Whilst there, he was shot in a training exercise accident and suffered a spinal cord injury rendering him paraplegic and reliant on a wheelchair.



Emergency aeroplane evacuation incidents: James Healy-Pratt's views in PI Law Journal

James Healy-Pratt gives a valuable insight into the potential problems practitioners might encounter when dealing with claims after aviation accidents.



The revolutionary road to driverless vehicle technology

Stewarts Law responds to the Government's proposals to introduce driverless cars to the roads of Britain. In the race to get a fleet of driverless cars on the road by 2020, in July 2016 the UK Government launched a major consultation into the use of automated vehicle technology and advanced driver assistance systems.

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