

Sports Injury Claims

In the current climate of Covid-19 restrictions there has been a real focus on staying fit and healthy. Exercise has long been expounded to counteract the stresses of modern life. The saying “no pain no gain” synonymous with pushing yourself to the limit physically and mentally. Endurance sports are a common trend with the middle age. Running, jumping, dancing, falling synonymous with children. So it is no surprise that with sports, come sport injury claims.

If you are injured at a sporting event- whether as a participant or spectator you may be entitled to claim for any injuries inflicted. Though a certain amount of risk is involved in most games, especially team sports such as football, hockey, cricket, other sports such as horse riding, ice skating and cycling also carry risks and some accidents that occur during a game/ sporting activity can warrant compensation because of the nature of the occurrence.

In order for you to be in a position to make a sports injury claim, the injury must have taken place under abnormal circumstances – i.e.

- Harm caused by the recklessness of the other party such as a tackle carried out during a rugby game but done inappropriately
- Poor coaching- a coach advising an inexperienced player to attempt a manoeuvre which they have not had appropriate training on;
- Being instructed to play on a field of a court that is uneven or riddled with holes as it has not been maintained properly or inappropriate safety nets or corner flags utilised.
- An ice rink not swepted appropriately prior to you attending such that the ice is not fit to be skated on due to its poor maintenance.
- A cycling route provided by the Council for an event with thousands of competitors with dangerous pot holes not filled or speed bumps not appropriately highlighted to competitors
- *Sports injury claims* can be made by the old and young alike. School children can incur injuries during a PE lesson or on outdoor climbing frames with monkey bars. Younger children particularly- the under 7's - need to be properly supervised by adults at school when on monkey bars for example as their upper body strength on monkey bars is typically not adequate to navigate the same.
- Children can be injured on playground surfaces if the non-slip surfaces are not maintained adequately and cause a trip hazard or the surface is worn aware. Dental injuries for young children particularly can be costly over their lifetime.
- Inadequate play apparatus provided by holiday clubs and after school clubs can present hazards also- children being allowed to bring their own scooters for example to a club must be checked to be safe, an unsafe toy/ scooter without the appropriate handle cover could cause a risk of a serious injury- a cut to the face from the corner of a scooter bar for example without the rubber end could lead to a crescent scar for life. Scarring injuries notoriously can cause psychological injury to a child also.

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An ideal way to prove negligence is through the utilisation of witnesses and they will be key to success in such claims. If there were any witnesses to your accident, it is key to note down their information as soon as possible to enable you to obtain a contemporaneous statement from them.

In addition, anyone with an intimate knowledge of the event leading to your injury can also be a key witness as to the procedure involved- i.e. a coach from another sports club/team who can confirm that the tackle utilised was illegal will be critical to success in proving the negligence. A competitor who frequently takes part in similar events who has a working knowledge of the notifications standardly given to cyclists to warn of speed bumps or an organiser who can confirm that similar events specifically avoid certain routes due to the dangers of multiple speed bumps on a downhill stretch with poor visibility, for example, can all assist in proving negligence.

There must be proof, however, that the other party was in the wrong and because of that, the injury resulted.

These sports injury claims may include broken bones, head injuries, fractures, and torn ligaments etc. They may be more minor- soft tissue, or more significant. Compensation can be claimed for the physical and psychological injury caused by a sporting injury – this is referred to as *pain suffering and loss of amenity* and all financial losses as a result of an injury may also be claimed- referred to as *Special Damages*.

The pain suffering and loss of amenity claim is a sum that reflects the length of time taken to recover and the impact of the injury on day to day life, work, care commitments and hobbies.

The financial losses to the individual vary dramatically; a professional player who earn their income through sports, who is left incapable of playing anymore due to the negligent act can include compensation for all future lost earnings. In case the injury leads to death, the family can make the claim and get compensated for their loss, their dependency on the deceased, and in addition, all expenses incurred as pertains to the funeral.

If the injury is severe and requires constant care and rehabilitation needs, accommodation, and vehicle modifications, all of these will be incorporated as a future loss of the claimant.

A major loss to an individual who is not a professional could be *loss of chance* as a result of an injury- a budding basketball or football/rugby player who could have gone onto become a professional will have a significant potential loss of earning if a serious injury was to hamper their career. Not a loss that all of us have but to be considered particularly in young children and young adults sporting injury claims.

A facial injury leading to scarring can lead to the need for camouflage assessments and makeup and for life to learn to camouflage the same.

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More common/ less serious injuries are likely to attract the following losses:

- Lost earnings as a result of the injury travel to hospital/ GP appointments and pain medication to more significant
- Care and assistance from family or friends due to your inability to perform everyday chores/ responsibilities.
- Travel expenses – torn ligaments or a fractured ankle can lead to you being incapable of driving/ walking to work/ or catching public transport. .
- Loss of enjoyment of an upcoming holiday – ruined because you cannot now go on all the excursions planned.
- Race subscriptions for additional events that you cannot now attend due to the injury.
- Medication costs, medical aids, and appliances such as wrist/ankle supports, physiotherapy bands, a more support pillow/mattress to aid sleep to name but a few.
- Damaged property such as road bikes, helmets, gloves, cycle helmet cams, specialist sports clothing hockey sticks, etc.
- Private physiotherapy, acupuncture, chiropractic treatment etc. required to get you back to pre-accident fitness levels

For you to be able to make a sporting injury personal injury claim there is a procedure to be followed and the key early tasks to do are as follows:

1. Get treatment from your GP/ Hospital immediately post-injury
2. Note down your witnesses who were at the event and investigate potential industry-standard witnesses.
3. Keep a note and receipts of all losses incurred from the date of the accident
4. Instruct a solicitor to assist you as soon as possible after the negligent act to ensure crucial witness evidence does not get lost.