



Supporting Those with a Brain Injury

Family & Relationships

Personal injury and illness can have dramatic, and even life-changing, impact for the person injured and those close to them. We provide empathy and understanding when it comes to family and relationships.

What kind of support do we offer?

Our family team understands how a serious injury can place financial and emotional stress on your family, and that compensation is only part of the story. Our experts are on hand to offer advice and assistance on divorce, cohabitation agreements, pre- or post-nuptial agreements, as well as other family matters.

We can help you access the specialist services you may need, and, where possible, fund this through a successful compensation claim. We also seek to help you with receiving the earliest possible support with any financial stresses and strains that may arise following an injury, or illness if you're unable to work.

Protecting your future plans

For us, protecting your interests include anticipating possible changes in personal circumstances. It's not unusual for relationships to change for the better or worse after a serious injury or illness and it's wise to be prepared and not be left financially vulnerable.

Circumstances can change – buying a house with a new partner, getting married, or experiencing relationship breakdown could all have significant consequences for your financial situation.

A compensation award isn't ring-fenced if a relationship breaks down, even if it's held in trust or administered by the Court of Protection. Meaning, a court could make an order paying a portion of the damages to their former husband or wife or requiring that your home be sold.

We can help individuals to plan for themselves and their family, for better or worse. We have the expertise to support and guide you through the legal process to help protect and secure your financial position.



Couldn't have asked for a better service. Irwin Mitchell was there for me every step of the way, and never too busy to take my calls.

Charles
5* Trustpilot review

How can we help?

We can discuss and advise on the steps which should be taken to protect injury damages, wherever held, whether you're in an established relationship already or entering a new one.

A pre-nuptial agreement (entered before marriage) or a post-nuptial agreement (entered during marriage) spells out exactly what happens to the funds and assets owned by both parties in the event of a relationship breakdown. We can create custom agreements with the specific goal of safeguarding a compensation award.

If you're planning to live with a partner, we can advise on, and draft, a cohabitation agreement to regulate financial arrangements during the relationship and set out what would happen if the relationship ended.

We can advise on a declaration trust to ensure your home is protected and preserved after it has been adapted to meet their needs.

We can assist in navigating the divorce process as quickly and smoothly as possible, working efficiently to achieve outcomes that are tailored to specific needs.

If you've been prevented by an ex-partner from seeing your children, we can help to put into place the appropriate legal arrangements and support.

We can also help those who have been served with injunctions or other legal documents as a result of false allegations.

For those who are in abusive or controlling relationships, we can obtain injunctions or occupation orders excluding third parties from properties.

Why choose us?

Our family team is a natural choice. We've worked alongside our personal injury teams for many years and developed a key understanding of the issues that face clients who have suffered brain injuries. We take a holistic approach and provide cost-effective solutions. With experience and expertise in all forms of family matters, we offer unrivalled guidance and methods to support you whatever your circumstances.

We're one of the largest specialist teams in the country with the broadest geographical reach. We're all expert negotiators and litigators, and we also have collaborative lawyers for an alternative approach to family law. We offer *the expert hand with the human touch* to provide you with compassionate support and guidance, allowing you the peace of mind to focus on what matters to you.

Relationships after brain injuries

By Alice Hall, Serious Injury Solicitor and Sarah Balfour, Partner in the Family Team

Tragically, the impact of an injury is almost never felt solely by the injured person themselves. The ripple effect is often felt by partners, children, the wider family, friends, and colleagues.

Early care, hospital visits, and discharge planning can take up a lot of time following an injury. Usually leaving little time for adjusting and coming to terms with an injury, as well as what it means for those around them. Even with extensive care and support plans in place, family members will often carry on caring for the injured person. However, it's common that they'll get little to no formal support themselves.

The grief and trauma of coming to terms with the loss of that person 'pre-injury,' can often be overwhelming and can be a really difficult process especially when going through it alone.

Another common worry is appreciating the scale of the care that will be required. Especially if the person who is injured doesn't understand their injury. Despite it completely altering all sense of 'normal' life as it was before.

In their 2018 report, brain injury charity Headway [investigated the impact on relationships following a brain injury](#). The charity found several key reasons as to why relationships broke down after brain injury. These factors included a lack of knowledge about brain injuries, having less time to spend with one another, and the difficulties associated with managing brain injury effects. While those findings are in the context of head injury specifically, it isn't difficult to see how any sort of injury could cause challenges to relationships.

Relationship advice

It's important that when our experts support someone through their personal injury claim, we ensure they understand the possibility of a relationship breaking down. This means we need to understand how we can best support our clients by providing them with comprehensive advice. Especially as a change in personal relationships could have an impact on their case.

For example, if an injured person's care claim is partially or entirely reliant on the care provided by their partner, a breakup in the relationship could have a substantial impact on their claim because, it may need to be presented in a different manner. This can then influence the value, and other factors such as accommodation may need to be considered. We understand it's impossible to predict every outcome.

However, if an injured person expresses issues in their relationship then we can ensure they receive the correct advice and support.

It's important that there's an understanding about the effect a relationship breakdown could potentially have on their case. This of course needs to be done with sensitivity and discretion. Equally, the advice shouldn't have any influence on the decisions that a couple make about their relationship.

Can you protect a settlement?

There are other practical considerations that you should be aware of. For example, awards of damages aren't automatically ring-fenced in the event of relationship breakdown. Meaning it's important to consider how they want to protect their potential settlement, while also taking in to account relationship circumstances.

Sarah Balfour, Partner in our Family Team, added: "On divorce some heads of loss within a personal injury claim can be more 'vulnerable', including past losses, future loss of earnings and pension. Damages received in relation to, for example, future care and therapy, are usually less open to attack but it depends on the circumstances.

"Ultimately, if a married party was to divorce and they couldn't agree financial arrangements between them then the court would decide the terms. The court has a very broad discretion, but the important point is that any and all damages, in theory, received in any personal injury settlement, are potentially open for consideration in such proceedings.

"Consideration should always be given in the final settlement order as to the breakdown of the final settlement so that the court is aware of what was awarded for each head of loss. There are other options to consider, including pre or post-nuptial agreements which set out how assets, including any current or future damages award, would be divided in the event of separation. While these documents aren't strictly binding in current law, if entered correctly, they can be very persuasive to the family court."

It's essential that when going through this sort of situation, comprehensive advice is given about this issue and not just the effect on a personal injury claim. This is because you may want to think about the practical considerations of managing and protecting any potential award post settlement.

Get in touch

If you or a loved one has suffered a brain injury, our team of serious injury specialists are here to support you. Separately, if you're in a relationship and have thought about a separation or if you're experiencing a relationship breakdown. Our team of family law experts can advise you on a range of issues including, protecting your assets, navigating your separation, arrangements for your children.



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