

NO CASE TOO SMALL

DAMIAN BRADLEY AND STEVE BARKER ON THE TRANSFORMATIVE IMPACT OF REHAB IN MODERATE AND EVEN MINOR TRAUMA CASES

Historically in personal injury claims, real focus on rehabilitation has only been prioritised in catastrophic injury cases, where life-changing injuries demand urgent and specialist intervention. Yet this narrow view overlooks the transformative impact rehabilitation can have in moderate and even minor trauma cases. A fractured limb or musculoskeletal injury may not be life-threatening, but without appropriate intervention, these injuries can have long-term effects on health, employment, and independence. Rehabilitation should therefore be considered in every case, regardless of severity.

This approach is supported by the Personal Injury Pre-Action Protocol, which cites rehabilitation at paragraph 4 and recommends parties should consider 'as early as possible whether the claimant has reasonable needs that could be met by medical treatment or other rehabilitative measures.' The Rehabilitation Code is also directly referenced at paragraph 4.2 as 'likely to be helpful in considering how to identify the claimant's needs and how to address the cost of providing for those needs.'

Claimant lawyers should therefore look to integrate rehabilitation from the outset, ensuring injured individuals receive, as appropriate, access to physiotherapy, psychological support, and vocational assistance early in the process. This shortens recovery times, improves outcomes, and helps injured people return to work or daily life more quickly.

The NICE guidelines also support this approach, emphasising that rehabilitation should be based on complexity of need rather than the headline severity of the injury. HCML's own rehabilitation data reflects this: clients with moderate trauma injuries who received early intervention showed faster recovery, reduced complications, and improved functional outcomes.

The solicitor's role

The Rehabilitation Code makes it clear that irrespective of liability, parties have a duty to address the rehabilitative needs of the claimant. Under the Code, rehabilitation is intended to operate outside the litigation process and so the claim itself should not act as a barrier to addressing the claimant's needs.

Getting an Immediate Needs Assessment (INA) is the starting point of effective rehabilitation. For solicitors dealing with these cases, commissioning the INA promptly and with precision is critical. Early instruction under the Rehabilitation Code of Best Practice (2015) ensures a collaborative approach between

claimant and compensator, speeding up agreement on next steps. Timing is crucial: delays in commissioning an INA often lead to deterioration in both physical and psychological health, making recovery slower and more expensive. Similarly, obtaining consent at the outset for communication between all parties prevents unnecessary administrative delays and ensures the process remains compliant with data protection regulations.

Delaying rehabilitation until litigation progresses to a certain stage can result in poorer outcomes for the client

Real-life example: Moderate trauma case

Mr X was a 46-year-old client who suffered a lower limb fracture following a road traffic collision. Although classified as a moderate injury, the impact was profound: his mobility was severely limited, he experienced heightened anxiety, and daily tasks such as childcare and shopping became difficult or impossible.

The INA highlighted these barriers and informed a rehabilitation plan that included weekly physiotherapy to rebuild strength, occupational therapy to adapt his home environment, hydrotherapy for pain management, and cognitive behavioural therapy (CBT) to address anxiety. Practical support, such as help with transport to appointments, removed logistical barriers that might otherwise have delayed progress.

The outcomes were significant. Within 12 weeks, Mr X was able to return to work, initially on reduced hours and with additional support. His mobility and confidence improved markedly, and his reliance on family members decreased. This case shows that when rehabilitation is integrated early, even moderate trauma cases can deliver transformative results for both the client and the claim. By taking a biopsychosocial approach, this ensured Mr X's physical, emotional, and social needs were addressed holistically, leading to a quicker and more sustainable recovery.

Best practice

Successful rehabilitation requires solicitors to take a proactive and collaborative approach. Early instruction, ideally within days of the injury being reported, is one of the most effective steps a claimant's solicitor can take. Providing a clear, detailed briefing to the rehabilitation provider ensures the assessment and subsequent recommendations are tailored to the client's specific circumstances.

Collaboration between all parties, the solicitor, insurer, medical professionals and rehabilitation provider, supports a seamless process and helps avoid duplication or gaps in service. Continuous monitoring of the rehabilitation plan allows adjustments to be made as the client's needs evolve, ensuring that the support remains effective and relevant.

There are pitfalls to avoid. Delaying rehabilitation until litigation progresses to a certain stage can result in poorer outcomes for the client. Over-reliance on NHS provision, while valuable, may leave gaps that prolong recovery and hinder return to work. Psychological and vocational barriers should not be overlooked; a physically recovered client who remains anxious or unprepared to resume employment is unlikely to achieve a full, sustainable recovery. Finally, ensuring recommendations are clinically justified and well-evidenced facilitates a smoother approval process and greater buy-in from all parties.

Measurable benefits

The case for rehabilitation is both clinical and economic. Early, targeted intervention helps clients return to work more quickly, reduces dependency, and minimises secondary complications. HCML's data shows that in moderate trauma cases, early rehabilitation can reduce recovery times by up to 30 per cent. For injured claimants, the benefits are an improved quality of life, restored independence, and greater confidence in both the legal process and the professionals supporting their recovery.

Rehabilitation also strengthens client relationships. Solicitors who advocate for early, comprehensive support are seen as proactive, empathetic, and committed to the individual's best interests. This not only enhances the client experience but also reinforces trust and confidence in their legal team.

In summary, rehabilitation should not be a reserved consideration for the most serious of cases. Every injury has the potential to disrupt a person's life, strain relationships, and hinder independence. Claimant solicitors can drive better outcomes by obtaining early access to a wide range of private treatment for their injured clients irrespective of the liability position in the claim, by embedding rehabilitation as a standard step in every personal injury claim.

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