

What am I entitled to for pain and suffering after an injury?

This is a common question from many of the clients we see in relation to **personal injury claims**. They want to know their entitlement to compensation for pain and suffering resulting from their injury and the impact that it has had on their daily routines.

This could be from injuries arising from **public liability, medical negligence** or another incident or accident which has lead to a personal injury.

Injuries sustained in **motor vehicle accidents** use a different scheme for pain and suffering, so **please click here** to find out more about the injury scale value.

Injuries sustained at work that are part of a claim under the RTWSA Act also are treated differently, **please click here to find out more about the Return to Work scheme.**

What is ‘pain and suffering’?

Under the present system for injury compensation, one of the elements of compensation is non-economic loss; that is the non-financial loss a person has suffered because of the incident. It’s often referred to as “pain and suffering”.

Presently, to calculate an injured person’s non-economic loss, a “prescribed scaled points allocation system” is used with a sliding scale from 0 points to 60 points depending on the severity of the injury.

Calculating non-economic loss

A rating of 0 reflects a person who has suffered minimal injuries which resolve almost immediately and have no lasting impairment, such as a bruise.

A rating of 60 points on the scale is the worst imaginable injury and is often described as resulting in a person suffering almost complete loss of use of their body and their means of communicating and being kept alive by machine only, on a permanent basis.

Each point on the scale equates to a dollar figure for a specific year; that is the scale amounts change each year, usually going up. The amount you may be entitled to is calculated with the scale amounts set in the year of your accident. It should be noted that such amount is relatively modest in comparison to other damages which can be claimed in respect to a compensable injury.

Calculating the rating (from 0 to 60) as to where certain injuries sit on the scale considers a number of factors including but not limited to:
• the severity of the injuries
• the effects of the injuries on that person’s daily lifestyle
• past and ongoing treatment
• ability to undertake various tasks or functions and
• their need for assistance.

Points awarded in previous cases with similar circumstances and effects may also be taken into account.

To make sure you get the compensation you are entitled to and deserve, it is imperative that professional legal advice is obtained.

As you can see, there are a lot of factors to take into account and use of the scale is not cut and dry; it can be complex.

How can Andersons help?

If you would like more information about pain and suffering compensation, please call our offices on 8238 6666 or email enquiry@andersons.com.au