

# What to do if bitten by a dog

*Advice from Cohen Cramer Solicitors*



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## Introduction

**Every year there are over 200,000 reported incidents involving dogbites in the UK. Many more go unreported.**

If you have been bitten by a dog we can provide you with the legal assistance and advice you need to bring a civil claim against the owner to recover compensation for your injuries and losses , where appropriate.

**Our guide sets out to answer those questions which we receive most frequently in relation to dog bite matters.**

If you have any questions relating to a dog bite claim please get in touch:

call : Mike Massen (solicitor and director) on 0113 2247804

email: [enquiry@claimfordogbite.co.uk](mailto:enquiry@claimfordogbite.co.uk)

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## Medical attention

**(always obtain professional medical advice)**



If you have sustained an injury as a result of a dog bite then you should seek medical advice as soon as possible. Any attack which results in a breaking of the skin requires medical attention. You may require a tetanus injection and/or a course of antibiotics to counter the possibility of infection.

Keep an eye on the wound in case you develop symptoms of infection.

When you attend for treatment, advise those treating you of the circumstances surrounding the attack. An accurate account of what happened can be useful evidence when bringing a claim later on.

We would recommend that you take some photographs of the injury. Such images are useful when making an initial assessment and valuation of your claim and can be used at a later date as evidence of the occurrence and extent of the attack.

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## Reporting the incident to the police



If the incident occurred while you were working, you should advise your employers of the situation and complete an incident report form.

If you feel it appropriate, then you should consider reporting the matter to the police. This is not compulsory, and you would not be prevented from

bringing your civil claim if you do not report the matter to the police.

Reporting a matter to the police can be helpful if you do not have the details of the dog owner (without their details you will not be able to make a civil claim) as the police have

If i report the incident to the police, what will happen to the dog?

In our experience, usually the owner will be asked to ensure that the dog is kept on a leash and muzzled when not out in public. Only in the most severe cases will a dog be considered for destruction.

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## Making a civil claim for compensation following a dog bite



We believe strongly in promoting responsible dog ownership but accept and acknowledge that sometimes dogs are the subject of poor training and handling.

If you have sustained an injury as a result of being bitten by a dog we can help you claim the compensation you deserve.

**We will need you to provide us with the details of the party who owned or had control of the dog at the time of the attack. Without these details we will be unable to pursue a claim on your behalf.**

For a review and assessment of your dog bite claim, get in touch with us today:

- Call: 0113 224 7851 (0779 381 2361 eve and w/ends)
- Email: [enquiry@claimfordogbite.co.uk](mailto:enquiry@claimfordogbite.co.uk)

## When can a claim for injuries made by a dog bite be made?

We can assist those who have been the victim of dog bites in the following circumstances:

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- while delivering a parcel, letter or food etc
  - where the owner has failed to control the dog
  - where an employer has failed to control a dog resulting in an attack on an employee
  - a bite injury sustained by a child
  - injury sustained as a result of a dog being used as a weapon or violent attack

## **Bringing a personal injury claim for a dog bite**

*Your claim will likely be brought under Section 2(2) of the Animals Act 1971 on the grounds that the owners knew of the animal's propensity to cause injury but failed to take such steps as required to prevent this incident or, in the alternative, on the basis of common law negligence or under Section 3 of the Dangerous Dogs Act 1991 inasmuch as the dog is regarded as dangerously out of control.*

## **Small claims limits for bringing a dog bite claim**

The small claims limit for personal injury compensation in these cases is £1000. This level of personal injury compensation relates to minor injuries only. If your injuries are more serious than this then you can instruct us to deal with your case on a no-win no fee basis. Below this level you can bring a low value civil claim in the Small Claims Court without the need to instruct solicitors.

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## Limitation advice for dog bite claims

Personal injury claims are subject to limitation periods which create deadlines for claims to be brought at court.

Personal injury claims must be issued at court within three years of the injury occurring or the date you became aware of the fact of it to give rise to a claim.

In the case of claims on behalf of children and persons who do not have mental capacity there are different deadlines. This limitation period does not start until someone reaches their 18th birthday so their claim will not be subject to the three-year deadline until they turn 18.

If a claimant is classed as lacking mental capacity then the limitation period will be calculated from the date of the claimants recovery in the event the loss of capacity is only temporary. If someone lacks capacity as a result of permanent disability the claim is not subject to a deadline.

## What you can claim

We would look to help you to recover compensation for:

- **Your injuries:** this includes the actual bite injury, any scarring, and any mental trauma that may result from the attack
- **Financial losses:** this covers lost income, damage to clothing and property, medical treatment costs (including prescription charges), and other losses resulting from the incident

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- **Future losses:** if you are unable to work in the long-term or if the injuries may cause you problems if you need to find a new job then these too will be included
  - Any other losses that have arisen as a direct result of the attack

## How much is my claim worth

At the outset, it can be difficult to give you a precise valuation of your claim. We value your claim based upon your injuries, and how they have affected you, in conjunction with the expert medical evidence which we will obtain in support of your claim.

In arriving at a valuation, we will take into account the following:

- The extent of your injury;
- The impact your injuries have on your day to day life and for how long you are affected by these;
- The degree of any scarring;
- Any psychological or mental trauma that you suffer as a result of the attack;
- Any other factors personal and specific to your personal situation.

Your claim for compensation for a dog bite injury is split into two main parts:

### 1. General damages

General damages are also known as the compensation which you receive for your pain, suffering, and loss of amenity ("PSLA") as a result of any injury.

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General damages can include physical injuries such as damage to the tendons and nerves as a result of a dog bite. You can also claim for any visible injuries such as any scarring as a result of the attack. In addition, if there are any psychological issues arising from the incident then these too will fall to be assessed as part of your claim for general damages.

To support your claim for general damages, we will seek to obtain a medical report from an independent expert. We will arrange for you to attend a medical appointment with a specialist located within your area. The specialist will review your medical records and following an examination of you, will prepare a medico-legal report.

The medical report will set out what injuries you suffered, how these were sustained, the impact these have had upon you and how long you are likely to continue suffering. This is known as the prognosis.

Once you have approved the medical report, we will send you our valuation and advise you regarding settlement options. We refer to past case law and guidelines issued by the judiciary when we value your claim.

## **2. Special Damages**

In addition to your pain, suffering, and loss of amenity we will also look to recover any financial losses which you have sustained as a result of your injuries.

These can include lost income if you are unable to work due to your accident-related injuries or need time off work for treatment at a later date. Sometimes with dog bite injuries there can be scarring which can be improved by means of surgery or

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camouflage make-up. Again, the costs of these can be recovered from the third party's insurers.

Incidental financial losses which can be claimed include over-the-counter medication and transportation costs for treatment.

We can also seek to recover costs in relation to gratuitous care. Gratuitous care is any help and assistance you receive from family and friends while you are recovering from your injuries. You can claim for this even though you may not have paid for such assistance.

## **Claim the compensation that you deserve.**

Our expert lawyers will obtain all the evidence that is required to ensure that you receive the compensation you deserve.

Your claim can be dealt with on a no win-no fee basis; this means that if your claim fails and you have complied with our terms and conditions you will not have to pay for the work we have done.

## **Start your claim today**

For a review and assessment of your dog bite claim get in touch with us today:

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- Email: [enquiry@claimfordogbite.co.uk](mailto:enquiry@claimfordogbite.co.uk)

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## Applying to the Criminal Injuries Compensation



### Authority (the “CICA”) following a dog bite

Frequently, we receive enquiries from victims of dog bite attacks whereby the owner of the dog cannot be traced or, if they can be traced, they do not have any appropriate insurance or

assets.. In the absence of the owner or a lack of insurance or assets, it can be very difficult to pursue a personal injury claim.

Quite often such victims ask if they can make an application to the CICA

The CICA is a government-funded organisation which awards payments to the victims of crimes of violence. It is this last definition that prevents an award of compensation being made by the CICA to dog bite victims, except in very limited circumstances.

### Applications to the CICA following a dog bite

The essential element of any application is an intention by the dog owner/party with control of the dog, to cause you harm. In the absence of evidence of such your application is likely to fail.

Whilst you may have sustained an injury because of the actions of the dog owner who has been charged with a criminal offence, it does not automatically mean that you were the victim of a crime of violence. By way of example, you may come home to find your house has been burgled and suffer an extreme shock reaction. You have suffered an injury – that is not in doubt – but it was not sustained as a result of a crime of violence and as such, no award of compensation can be made.

The CICA will only make payment in relation to a dog attack if it can be shown that the dog was used as a weapon in so much as it was deliberately set upon you, or a situation was

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orchestrated by the dog owner so that the attack upon you was inevitable. It is only within these narrow boundaries that a claim will be recognised and an award made.

## Qualifying for an award from the CICA

To qualify for an award, in addition to sustaining an injury you will need to show:

- the incident happened in the United Kingdom
- it happened within the past two years (or within two years of your 18th birthday)
- the matter was reported to the police in a prompt manner (within a maximum of 72 hours)
- you have cooperated fully with the police in their investigations.

For expert legal advice in relation to being bitten by a dog get in touch with us today.



**Mike Massen**

Director - Cohen Cramer Solicitors

