

Schedule School

Fingers on lips as leading personal injury practitioners walk you through all things schedules.

Webinar 3 - Aids and Equipment

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STEWARTS
THE LITIGATION SPECIALISTS

The **Schedule School** seminars will develop the Schedule of Loss for our fictional Claimant, Penny Foster. The relevant facts of Penny Foster's claim, which we will refer to throughout our seminars, are outlined below,:

"Penny Foster was born on 23 May 1983. On 17 March 2019, Penny was seriously injured in a road traffic accident when a negligent driver collided with her vehicle. Penny sustained multiple injuries, including a spinal cord injury which has rendered her paraplegic. Due to the accident, Penny is now a wheelchair user.

Following the accident, Penny was hospitalised and subsequently transferred to a spinal rehabilitation centre. Four months post-accident, Penny was discharged home. The two bedroomed terraced house which Penny owns was unsuitable for her needs. As a result, Penny is currently renting an accessible bungalow and continues to undergo intensive therapy.

At the time of the accident, Penny was working as a primary school teacher and lived with her boyfriend, John, and their Labrador, Murphy.


Penny always intended to have children. She had wanted to advance her career before starting a family but she and John had started talking about having a child at the time of her accident. Penny and John's plans were put on hold as a result of the accident, but they would still like to have a child in a few years' time, once Penny has found permanent accommodation and set up her care regime. They would hope to be in a position to have a child perhaps when Penny is 41 or 42.

Penny now has significant needs for care, rehabilitation, medical treatment, aids, equipment and accommodation.

Penny's life expectancy is now 75.

The date for the Joint Settlement Meeting ["JSM"] has been set as 1 September 2021.

Mencap –v- Tomlinson [2021]

The Case	The Potential Implications	The Decision 

Aids and Equipment

The *Rialis* Principle – A v Powys Local Health Board [2007] EWHC 2996 (QB) per Lloyd Jones J

1. Reasonableness
 - Is it reasonable?
 - Is it required?



2. Price and Therapy

Cost	NHS	Frequency

Past Losses

Wheelchair	Commode



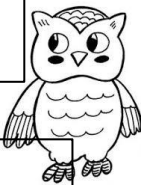
Future Losses



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Newer Equipment

Exoskeletons



Questions for next time