
SARAH WADDINGTON

SOLICITORS

HOLIDAY SICKNESS SOLICITORS

As seen on The Victoria Derbyshire show and Rip off Britain

Helping you claim
compensation if you were sick
on a package holiday abroad



www.sarahwaddingtonsolicitors.co.uk



THANK YOU FOR CHOOSING SARAH WADDINGTON SOLICITORS

With offices in the North and South of England, our firm works on behalf of clients throughout the UK, specialising in personal compensation claims.

Holiday illness cannot only ruin holidays, they can change lives.

If you went on a package holiday (an all-inclusive break with flights and accommodation booked together) you are protected by the Package Holidays and Package Tours Regulations 1992. These laws outline that the tour operator is responsible for your safety and wellbeing during your holiday.

As of the 1st January 2018 the new Package Travel Directive (2015/2302/EU) will be applicable. These changes give holiday-makers extra protection.

If you contract an illness due to poor hygiene or lack of care, you have a right to claim compensation.

Professional representation can make all the difference and unlike a claims agency we are qualified to directly issue legal proceedings to fight for your compensation if necessary.

The team here at Sarah Waddington Solicitors will handle the entire process on your behalf to help you receive the compensation you deserve.

We look forward to assisting you.

Sarah Waddington
Principle Solicitor

Client Care Pack: Important Information

You have been sent a client care letter and litigation & dispute client care booklet. Please take the time to read through these documents carefully and contact us if you have any questions.

We are unable to act on your behalf until we have received signed instruction back from you.

Other Services Available:

- Holiday Complaints
- Flight Delay Compensation
- Personal Injury Claims (at home and abroad)
- Spanish Mortgage 'Floor Clause' Refunds^{*1}
- Spanish Property & Conveyancing^{*1}
- Spanish Wills & Probate^{*1}

See website for more information.

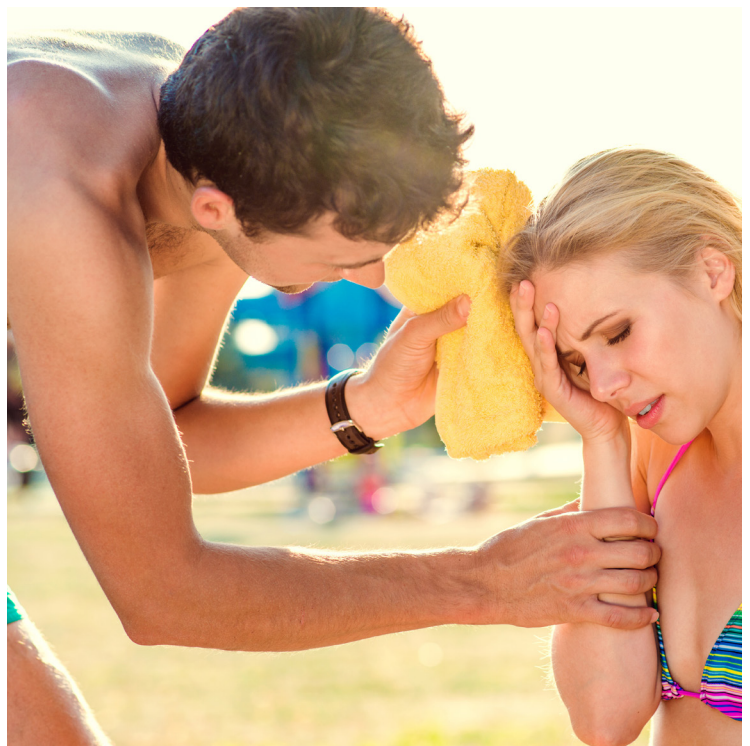


Holiday Illness Claims

Whether it is with friends or family, we all look forward to our annual holidays. We never expect or prepare for the effects of being ill on holiday nor do we expect illness to ruin our holidays.

When travelling abroad you expect high standards of health and safety across all aspects of your accommodation and resort. Unfortunately, we are sometimes disappointed and too many holidays are ruined by people becoming ill from poor food hygiene or by suffering an injury from negligent standards of care.

This ultimately results in lost days and nights of your carefully planned holiday and can even leave you with possible long-term health issues, which you do not fully appreciate the full extent of until much later.



The holiday sickness compensation process can be lengthy and complicated but our expert solicitors will ensure that your claim is dealt with professionally and sensitively from start to finish.



Holiday Illness Claims Process

Here at Sarah Waddington Solicitors we believe it is important for you to make a fully informed decision before instructing a solicitor to act on your behalf.

We understand that legal information can sometimes be complex so we have put together this simple guide to illustrate the typical process we will undertake for a holiday illness claim.

1	We receive your initial enquiry
2	We assess your case and if we believe you have a valid claim open a file
3	<div>We send you our client care pack, including details of our No Win No Fee agreement, our holiday illness questionnaire and details on how to instruct us to take on your case</div> <div>We are unable to act on your behalf until we receive signed instructions back from you. Please do this as soon as possible</div>
4	<div>Typically we will use the evidence gathered in the questionnaire to compile a witness statement on your behalf</div> <div>Once you have agreed on the final draft of your witness statement, you will be asked to sign a statement to verify that it is an accurate record of your instructions</div>
5	We file a claim with your tour operator. They then have 6 months to investigate your claim



Holiday Illness Claims Process continued...

6	If the tour operator admits liability we then instruct a medical specialist to prepare a report
	In most cases the medical specialist will be able to prepare their report based on the information you provide in your questionnaire and you will not need to go for an examination

7	We send the medical report to you to review
	Please check the medical report carefully and if happy, approve and send it back to us

8	We send the medical report to the tour operator for them to make an offer for compensation and enter into negotiations with them
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9	We share the tour operator offer with you along with our recommendations and take your instructions to accept the offer
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10	Agree a settlement with the tour operator
	You receive your compensation

Summary of our process:

- Provide a completely free, no obligation initial assessment
- Advise if we believe you are legally entitled to compensation
- Offer our services on a No Win No Fee basis (if we believe you have a valid case)
- Compile a witness statement
- File a claim with your tour operator
- Organise a medical assessment
- Keep you updated as the case progresses, providing you with copies of all correspondence and answering any queries you may have

Please note that this example process is based on the tour operator admitting liability without the need for legal proceedings to be issued.



Holiday Illness Claims Evidence

All cases should be supported by some form of evidence, whether that is photographic proof of the poor hygiene at your resort, or medical records for example. If you do not have evidence to support your case, and we feel that there is a chance the claimant is not being honest about their illness, we will not pursue the matter any further.

We will never take on a case if we do not believe the claimant to be genuine.

Providing false information to claim compensation is fraud, which is a criminal offence.

There have even been cases where fraudsters seeking holiday sickness compensation have been sent to prison.

If we find that you have lied about any part of the claim we will immediately stop your case, and you will be billed for all of the work we have completed for you since you instructed us to work on your behalf.

Failure to provide all necessary information could result in termination of your claim, and work that has been completed will be billed directly to the claimant.

You can view the SRA's guidance around Holiday Sickness Claims on their website here:

<http://www.sra.org.uk/solicitors/code-of-conduct/guidance/warning-notices/Holiday-sickness-claims--Warning-notice.page>





Medical Reports

In order to process your holiday illness claim we have to obtain a medical report from a specialist.

In most circumstances the medical specialist will be able to prepare their report based on the information you provide in your questionnaire and you will not need to go for an examination.

It is often the case that you have fully recovered from your illness by the time you seek compensation from your tour operator. However, if your illness is ongoing you may be required to go for a series of medical examinations to assess your condition.



We want to handle your claim as quickly as possible and for this reason we use a separate specialist agency to organise our medical reports. They handle the arrangement of all appointments and the gathering of any additional medical information required such as hospital notes and doctor's records.

The agency charges a fee for their services but we can recover this back from the tour operator as part of your claim, along with any additional fees such as medical examinations and reports.

You will not have to pay any up-front fees.



Common Illnesses

GASTROENTERITIS

This is an infection of the bowels (food poisoning) and is most commonly spread when bacteria, which is found in faeces, meets the mouth. This easily occurs when people handling food do not wash their hands after using the toilet, or you come into contact with contaminated objects or food, which is then eaten. The effects of Gastroenteritis can be very serious and could lead to Norovirus, E-Coli and Salmonella.



CAMPYLOBACTER

This is the most common cause of food poisoning and is considered responsible for more than 280,000 cases of food poisoning in the UK alone each year. Symptoms such as lethargy and diarrhoea can last for a few days or several weeks, with stomach cramps.



SALMONELLA

This is very common when you have eaten contaminated food. Young children and the elderly are particularly susceptible because of weakened immune systems. Most people will recover without treatment but this can take 12-72 hours, with symptoms such as diarrhoea, stomach cramps and vomiting.

E-COLI

This is a type of bacteria that lives in your intestines. Most types are harmless but in some cases the diarrhoea can contain blood. With the most extreme cases resulting in kidney failure and even death. The most at risk from E-Coli are those people with a weakened immune system.

NOROVIRUS

This virus causes diarrhoea and vomiting, most noticeably occurring on cruise ships. This is as a result of the more confined conditions, which allows the virus to spread easily from one person to another.



Frequently Asked Questions

How do I know if I'm eligible to make a claim for holiday sickness?

In order to be able to claim for holiday sickness, your sickness must have been caused by the hotel or tour operator. Because of this, it's much easier to claim for sickness on package holidays to all-inclusive destinations (including cruise ships).

Generally speaking you need to have been ill for a week or more. If you have records of visiting a doctor or even being hospitalised, this will help with your claim. However, if you did not seek medical attention but experienced one or more symptoms of holiday sickness you could still be entitled to compensation.

Can I make a claim for an illness in any country?

Yes. If you fell ill whilst on holiday and it was the hotel's fault, you could be able to claim, no matter what country you were staying in. Some of the more popular locations we have dealt with are Egypt, Dominican Republic, Cuba, Tunisia, Turkey, Spain and Mexico. If you were staying at an all-inclusive on a package holiday, and booked through a UK tour operator, we should be able to help you claim compensation for your holiday illness.

Do I have to be on a package holiday to be able to make a holiday sickness claim?

We can make a direct claim against the individual hotel, business, company or person that was at fault, however this will depend on the law of the country you were in. Therefore, the outcome will vary on a case-by-case basis.

Our expert holiday illness legal team can advise you on the eligibility of your claim, on a **no win, no fee** basis.

How long does it take?

Every claim is different, and will depend upon the severity of the illness, the tour operator's response time and the destination of your holiday. We would expect a holiday sickness case to take up to 12 months. If the resort in question has had multiple claimants with the same or similar illnesses this time is likely to be reduced.

Legally, tour operators are entitled to 6 months to investigate your claim internally.

How much can I claim?

Each claim is different and your settlement will be dependent on your individual case. Whether you were struck down with norovirus on a cruise, or suffered food poisoning on a package or all-inclusive holiday, Sarah Waddington Solicitors can help you claim compensation for your ruined holiday, recovering amounts of £700 up to £40,000 depending on the length and severity of your illness.

Is it only all-inclusive resorts you can claim against?

Not always! As long as there is evidence that a particular company was at fault you can still make a claim. If you become sick on holiday where you were eating and drinking at a number of different establishments, it can be more difficult to prove who was at fault. But our team can advise you on whether or not you could be able to make a claim.



Frequently Asked Questions

What is a package holiday?

A package holiday is a trip abroad organised by a travel agent (whether that agent is online or a person). A package holiday will include arrangements for transport and accommodation (e.g. flights, transfers and a hotel), made at an inclusive price.

To be classified as a package holiday your trip must have included at least 2 of the following components:

- Transport (e.g. flights, trains, coaches and ferries. Please note that free transfers from the airport to a hotel are not included)
- Accommodation (e.g. hotel or a berth on a cruise ship)
- Other tourist services that form a significant proportion of the package (e.g. car hire)
- The holiday must have been sold at an inclusive price

What are the changes to EU law affecting Package Holidays from January 2018?

As of the 1st January 2018 the new Package Travel Directive (2015/2302/EU) will be applicable. These changes will give holiday-makers extra protection.

The new Directive will now apply to 3 forms of travel combinations, these are:

- **Pre-arranged packages** - This is your 'typical' package holiday. Ready-made holidays from a tour operator made up of at least 2 elements: transport, accommodation or other services, e.g. car hire. You can read more about this in the question above.
- **Customised Packages** - A selection of components for the same trip, booked by the traveller and bought from a single business, online or offline. In short, this will allow the traveller to create a unique bespoke package holiday, and still be covered under EU regulations.
- **Linked Travel Arrangements** - This will include looser combinations of travel services. For example, if the traveller books a flight from one website, and then they receive a confirmation email which includes an advert for a hotel offer. If that hotel is booked within 24 hours this will be covered by the EU regulation. In these cases the traveller should be informed that they are not being offered a package holiday, instead, their pre-payments will be protected.

Customers must receive understandable information on the package and should be informed of the protection they benefit from under the new package holiday rules.



Frequently Asked Questions

What happens if I change my mind about claiming?

You have the right to change your mind about claiming and can do so by contacting your solicitor and instructing them to stop working on your case. However, if you do change your mind about claiming before the case has been settled, you will be required to pay for the work that we have carried out on your behalf. It's important to be sure that you want to make a claim before you instruct us to start working on your case. If at any point you have any doubts or concerns about your claim you can contact your dedicated solicitor, who will be able to provide you with all the information and advice you need for peace of mind.

How do Sarah Waddington Solicitors get paid?

When you instruct us to work on your behalf we ask you to sign a Conditional Fee Agreement - a document designed for your peace of mind - stating that when we do win your claim, we will only ever take a fee of 25% of the compensation you are awarded. This is a fixed fee; it won't increase no matter how much work we have to do for you. If you are not already insured with before the event insurance or ATE (After the Event Legal Expense Insurance), you will need to purchase this so that you don't have to pay any legal costs to the other side. Purchasing ATE also means that you are insured in the unlikely event we do not win your claim, so if that happens, you won't have to pay us a penny.

What is a witness statement?

This is a signed document recording the evidence of a witness. A witness statement is a formal document which contains your own account of the facts relating to the issues arising in a dispute. Comments made in your statement should be limited to fact and descriptions based on opinion should be kept to a minimum.

Who needs to give a witness statement?

We will ask the parties who were affected by the illness while they were on holiday to complete a witness statement.

How will your statement be prepared?

Typically we will use the evidence gathered in the holiday illness questionnaire to compile a witness statement on your behalf. Once this is completed we will send this draft to you for your comments, amendments and approval. Once you are happy with your witness statement we will ask you to sign the document, along with a 'Statement of truth', confirming that the details held within the document are accurate.

What is a witness statement for?

The purpose of the witness statement is to provide written evidence to support your case, that will, if necessary, be used in evidence at court. The statement will be used as the basis of the case, to prepare letters and other legal documents, we will also base any advice we give to you on your instructions given in the witness statement. The statement is a very crucial part of the case, it is, therefore, important to ensure that it is accurate and comprehensive. Your instructions in your own words are central to your case success.

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Deptherapy our chosen charity. Deptherapy provides specially adapted scuba diving programmes for wounded, injured and sick serving UK armed service personnel and veterans who have suffered life changing mental or physical challenges. or more information please visit

Specialist Holiday Sickness Solicitors
Information Booklet

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