

THE JUDICIAL COLLEGE GUIDELINES

The Judicial College

Guidelines for the assessment of general damages in personal injury cases Sixteenth Edition

Foreword to the Sixteenth Edition of the Judicial College's Guidelines for the Assessment of General Damages in Personal Injury Cases

Note on Multiple Injuries

[3.2]

The assessment of general damages in multiple injury cases can give rise to special difficulty, in particular in determining the extent to which there is any overlap between injuries and how this should be reflected in the award. An illustration of such difficulties, and guidance as to the approach to be taken, can be found in the Court of Appeal decision in *Sadler v Filipiak* [2011] EWCA Civ 1728. We can do no better than quote in full paragraph 34 of the judgment of Pitchford LJ in that case:

"It is in my judgment always necessary to stand back from the compilation of individual figures, whether assistance has been derived from comparable cases or from the [Judicial College] guideline advice, to consider whether the award for pain, suffering and loss of amenity should be greater than the sum of the parts in order properly to reflect the combined effect of all the injuries upon the injured person's recovering quality of life or, on the contrary, should be smaller than the sum of the parts in order to remove an element of double counting. In some cases, no doubt a minority, no adjustment will be necessary because the total will properly reflect the overall pain, suffering and loss of amenity endured. In others, and probably the majority, an adjustment and occasionally a significant adjustment may be necessary."

Note on Whiplash Injuries: Tariff-Based Awards

[3.3]

For 'whiplash' injuries resulting from a road traffic accident occurring on or after 31 May 2021, readers will need to consider the applicability of the regime of tariff-based general damages awards implemented by [Part 1](#) of the Civil Liability Act 2018 and the Whiplash Injury Regulations 2021 (Statutory Instrument 2021 No. 642). This brief note is not intended as a substitute for a full reading of the relevant Act and Regulations to which readers should refer.

In outline, the scheme is only relevant where:

1. A person suffers injury whilst using or being carried in a motor vehicle on a road or other public place in England and Wales. For these purposes, a motor vehicle does not include a motorcycle. Cyclists and pedestrians do not fall within the scheme either.
2. The injury was caused, at least in part, by the negligence of a person using a motor vehicle on a road or other public place in England and Wales.
3. The injury sustained is a whiplash injury, namely an injury of soft tissue in the neck, back, or shoulder consisting of a sprain, strain, tear, rupture, or lesser damage to a muscle, tendon, or ligament.

4. The duration of the whiplash injury does not exceed, or is not likely to exceed, two years (or would not have exceeded two years but for a failure by the injured person to take reasonable steps to mitigate its effects).

In cases to which this regime applies, the award of General Damages for pain, suffering, and loss of amenity will be determined solely by reference to the fixed tariff scheme set out below. The sum in the Table A column is the tariff sum payable in relation to one or more whiplash injuries. The sum in the Table B column is the tariff sum payable in relation to both one or more whiplash injuries and one or more minor psychological injuries. No definition is provided of what constitutes 'a minor psychological injury'. Where more than one whiplash injury is sustained, the injury of longest duration determines which bracket applies.

Duration of injury	Table A Amount – Regulation 2(1)(a)	Table B Amount – Regulation 2(1)(b)
Not more than 3 months	£240	£260
More than 3 months, but not more than 6 months	£495	£520
More than 6 months, but not more than 9 months	£840	£895
More than 9 months, but not more than 12 months	£1,320	£1,390
More than 12 months, but not more than 15 months	£2,040	£2,125
More than 15 months, but not more than 18 months	£3,005	£3,100

More than 18 months, but not more than 24 months	£4,215	£4,345
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There is also provision for the court to award a sum not exceeding 20% more than the tariff sum in 'exceptional circumstances'. Further guidance can be expected from the courts as to what constitutes exceptionality for these purposes.

It is unclear from the statutory provisions and the Regulations quite how the courts are expected to assess General Damages in those cases where a Claimant suffers both a whiplash injury and a non-whiplash injury (including a 'non-minor' psychological injury). See section 3(8) of the Act. Again, further guidance will doubtless be provided by the courts in due course. The applicability of the tariff scheme to those cases in which the injury sustained amounts to an acceleration or exacerbation of an underlying condition for a period of up to two years is another area where further judicial input is likely to be required.

1 Injuries Resulting in Death

[4]

Fatal accident claims sometimes include an element for pain, suffering, and loss of amenity for the period between injury and death. In some circumstances the awards may be high, for example those relating to asbestos exposure or misdiagnosis of cancer. Others follow extensive periods of disability before death supervenes. In such cases reference should be made to the awards for the underlying injuries or condition, suitably adjusted to reflect the fact (if it be the case) that the claimant knows that death is approaching, and the period of suffering.

Yet there are many cases in which a serious injury is followed relatively quickly by death. Factors that inform the level of general damages include the nature and extent of the injury, the claimant's awareness of his impending death, the extent of pain and suffering, or, in cases where the claimant is unconscious for all or part of the period, loss of amenity. Care should be taken where death follows very shortly after an accident. In *Hicks v Chief Constable of South Yorkshire Police* [1992] 2 All ER 65 the House of Lords refused to award damages to two victims of the Hillsborough disaster who died from traumatic asphyxia. Both lost consciousness within a matter of seconds and died within five minutes. No other physical injuries were sustained before the fatal crushing injuries. The Court ruled that fear of impending death alone did not give rise to a cause of action which survived for the benefit of the victim's estate. In *Chouza v Martins and others* [2021] EWHC 1669 (QB) damages of £500 were awarded in a case where the deceased had an awareness of an impending collision for between 1 and 5 seconds but died instantly at the point of impact with the trial judge relying on fear and anguish in association with physical injury. The Hicks case was not cited to the judge and the decision may be *per incuriam*.

Under s.1(1)(a) of the Administration of Justice Act 1982 awards may be made for 'mental anguish' (even in the absence of psychiatric injury) caused by awareness of curtailment of life: see *Kadir v Mistry* [2014] EWCA Civ 1177.

(A) Full Awareness

[4.1]

Severe burns and lung damage followed by full awareness for a short period and then fluctuating levels of consciousness for between four and five weeks, coupled with intrusive treatment or significant orthopaedic/physical injuries followed by death within a couple of weeks up to 3 months.

**£12,540 to
£23,810**

(B) Followed by Unconsciousness

[4.2]

Severe burns and lung damage causing excruciating pain but followed by unconsciousness after 3 hours and death two weeks later.

**£10,510 to
£10,670**

(C) Immediate Unconsciousness/Death after Six Weeks

[4.3]

Immediate unconsciousness after injury, and death occurring after six weeks.

**£3,760 to
£4,390**

(D) Immediate Unconsciousness/Death within One Week

[4.4]

Immediate unconsciousness, or unconsciousness following very shortly after injury, and death occurring within a week. Where the victim is conscious initially but dies from their injuries the same day an award towards the bottom of the range will be appropriate, subject to the comments

**£1,370 to
£2,790**

at the start of this chapter relating to cases of near instant death.

(E) Mental Anguish

[4.5]

Fear of impending death/reduction in expectation of life. For the parent of young children suffering such mental anguish for a period of around 3 months.

£4,670

2 Injuries Involving Paralysis

[5]

When assessing awards in cases which fall within this chapter consideration may need to be given to the relevance of scientific/technological developments, balancing as appropriate any restoration of function or reduction in pain that may be achieved against the associated inconvenience or risks.

£324,600 to

(a) Tetraplegia (also known as Quadriplegia)

£403,990

The typical case of tetraplegia attracting an award in the mid-range of this bracket is appropriate for cases in which the injured person is not in physical pain, has full awareness of their disability, has an expectation of life of 25 years or more, has retained powers of speech, sight, and hearing but needs help with bodily functions. At the top end of the bracket will be cases where physical pain is present or where there is a significant effect on senses or ability to communicate. Such cases often involve significant brain damage where degree of insight is a relevant factor: see 3(A)(a). Lack of awareness/significantly reduced life expectancy will justify a below average award. Other factors bearing on the award include age, the extent of any residual movement, the degree of independence or pain relief (if any) whether

through the provision of aids/equipment, treatment, or otherwise, the presence of respiratory issues, and depression.

£219,070 to

(b) Paraplegia

£284,260

The level of the award within the bracket will be affected by the following considerations:

- (a) the presence and extent of pain;
- (b) the degree of independence;
- (c) depression;
- (d) age and life expectancy;
- (e) impact on sexual function

The presence of increasing paralysis or the degree of risk that this will occur, for example, from syringomyelia, might take the case above this bracket, as may the presence of other significant injuries. The former might be the subject of a provisional damages order.

(c) Shorter durations

£49,340

In cases where death occurs for unrelated reasons within a short period of the accident a lower sum will be awarded. However some 'front-loading' is appropriate. For a young adult claimant suffering paraplegia where death occurs within about two years an award of around **£49,340** is appropriate.

3 Brain and Head Injury

[6]

This chapter is primarily concerned with injury that produces physiological dysfunction of the brain as a consequence of injury to the head or brain. The clinical severity of traumatic brain injury is generally (but not exclusively) classified as mild/moderate/severe by reference to the Glasgow Coma Scale and/or the length of loss of consciousness and/or the period of Post-Traumatic Amnesia. The classification will often involve an analysis of any CT/MRI scanning taken in the aftermath of injury. In contrast, within this chapter the terms severe, moderate, and mild refer not to the clinical categorisation of injury, but to the effects of the injury upon the Claimant. Awards principally reflect the severity of functional outcome. The presence and extent of vestibular symptoms may be relevant across the range of brackets. Cases involving birth brain injury resulting in severe cognitive and physical disabilities will often fall in the most serious category.

Although at the interface with Psychiatric injury, diagnosed cases of Post-Concussional Syndrome ('PCS') following injury to the head can also be considered within this chapter. Symptoms commonly include headaches, dizziness, and nausea. Permanent symptoms can result, but most cases resolve within two years. Awards should reflect the nature and severity of symptoms rather than any diagnostic label.

(A) Injury Resulting from Brain Damage

[6.1]

(a)	Very Severe
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**£282,010 to
£403,990**

In cases at the top of this bracket there may be some ability to follow basic commands, recovery of eye opening and return of sleep and waking patterns and postural reflex movement. There will be little, if any, evidence of meaningful response to environment, little or no language function, double incontinence, and the need for full-time nursing care.

The level of the award within the bracket will be affected by:

- (i) the degree of insight, if any;
- (ii) life expectancy;
- (iii) the extent of physical limitations;

- (iv) requirement for gastrostomy for feeding;
- (v) sensory impairment;
- (vi) ability to communicate with or without assistive technology;
- (vii) extent of any behavioural problems;
- (viii) the presence of epilepsy and how well it is controlled.

This bracket is likely to include cases involving quadriplegic cerebral palsy causing severe cognitive and physical disabilities. The top of the bracket will be appropriate only where there is significant effect on the senses and severe physical limitation.

This bracket will also include cases involving 'locked in' syndrome with substantially restricted life expectancy. Cases resulting in a permanent vegetative or minimally conscious state with life expectancy in excess of 15 years are likely to fall towards the lower end of this bracket.

(b)	Moderately Severe	£219,070 to £282,010
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The injured person will be very seriously disabled. There will be substantial dependence on others and a need for constant professional and other care. Disabilities may be physical, for example, limb paralysis, or cognitive, with marked impairment of intellect and personality. Cases otherwise within (a) above may fall into this bracket if life expectancy has been greatly reduced. Where there is a risk of associated future development of other severe medical

problems such as blindness an award in excess of the bracket would be justified.

The level of the award within the bracket will be affected by the following considerations:

- (i) the degree of insight, if any;
- (ii) life expectancy;
- (iii) the extent of physical limitations and potential for future deterioration;
- (iv) the degree of dependence on others;
- (v) ability to communicate;
- (vi) extent of any behavioural problems;
- (vii) epilepsy or a significant risk of epilepsy (unless a provisional damages order provides for this risk).

Cases resulting in a permanent vegetative or minimally conscious state with severely reduced life expectancy are likely to fall within this bracket. Where there is a persistent vegetative state and death occurs very soon after the injuries were suffered the award will be solely for loss of amenity and will fall below this bracket.

(c) Moderate

This category is distinguished from (b) by the fact that the degree of dependence is markedly lower. Sensory impairment and vestibular symptoms may be present.

(i)	Cases in which there is moderate to severe intellectual deficit, a personality change, an effect on sight, speech, and senses with a significant risk of epilepsy, and no prospect of employment.	£150,110 to £219,070
(ii)	Cases in which there is a moderate to modest intellectual deficit, the ability to work is greatly reduced if not removed, and there is some risk of epilepsy (unless a provisional damages order provides for this risk).	£90,720 to £150,110
(iii)	Cases in which concentration and memory are affected, the ability to work is reduced, where there is a small risk of epilepsy, and any dependence on others is very limited. There may nonetheless be vestibular symptoms and an effect on senses.	£43,060 to £90,720
(d)	Less Severe	£15,320 to £43,060

In these cases the injured person will have made a good recovery and will be able to take part in normal social life and to return to work. There may not have been a restoration of all normal functions so there may still be persisting problems such as poor concentration and memory or disinhibition of mood, which may interfere with lifestyle, leisure activities, and future work prospects. At the top of this bracket there may be a small risk of epilepsy.

The level of the award within the bracket will be affected by:

- (i) the extent and severity of the initial injury;

- (ii) the extent of any continuing, and possibly permanent, disability;
- (iii) the extent of any personality change;
- (iv) depression.

(e) Minor Injury

**£2,210 to
£12,770**

In these cases brain damage, if any, will have been minimal.

The level of the award will be affected by the following considerations:

- (i) the severity of the initial injury;
- (ii) the period taken to recover from any symptoms;
- (iii) the extent of continuing symptoms;
- (iv) the presence or absence of headaches.

Cases resolving within about two to three years are likely to fall within the mid to lower range of the bracket. The bottom of the bracket will reflect full recovery within a few weeks.

(B) Epilepsy

[6.2]

(a) Established Grand Mal

**£102,000 to
£150,110**

(b) Established Petit Mal

**£54,830 to
£131,370**

The level of the award within these brackets will be affected by the following factors:

- (i) whether attacks are successfully controlled by medication and the extent to which the need for medication is likely to persist;
- (ii) the extent to which the appreciation of life is blunted by such medication;
- (iii) the effect on working and/or social life;
- (iv) the existence of associated behavioural problems;
- (v) the prognosis.

(c) Other Epileptic Conditions

**£10,640 to
£26,290**

Cases where there are one or two discrete epileptic episodes, or a temporary resurgence of epilepsy, but there is no risk of further recurrence beyond that applicable to the population at large. The level of the award within the bracket will be affected by the extent of any consequences of the attacks on, for example, education, sporting activities, working and social life, and their duration.

4 Psychiatric and Psychological Damage

This chapter covers those cases where there is a recognisable psychiatric injury. In part (A) of this chapter some of the brackets contain an element of compensation for post-traumatic stress disorder. This is of course not a universal feature of cases of psychiatric injury and hence a number of the awards upon which the brackets are based did not reflect it. Where it does figure any award will tend towards the upper end of the bracket. Cases where post-traumatic stress disorder is the sole psychiatric condition are dealt with in part (B) of this chapter. Part (C) deals with cases of sexual and/or physical abuse. In those cases, in addition to psychological injury and the physical injuries inflicted, awards often include an element for injury to feelings caused by the abuse itself and by any denial of the offences and the need for the injured person to relive the abuse in court or other proceedings.

(A) Psychiatric Damage Generally

[7.1]

The factors to be taken into account in valuing claims of this nature are as follows:

- (i) the injured person's ability to cope with life, education and work;
- (ii) the effect on the injured person's relationships with family, friends, and those with whom he or she comes into contact;
- (iii) the extent to which treatment would be successful;
- (iv) future vulnerability;
- (v) prognosis;
- (vi) whether medical help has been sought.

(a)	Severe	£54,830 to £115,730
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In these cases the injured person will have marked problems with respect to factors (i) to (iv) above and the prognosis will be very poor.

(b) Moderately Severe

**£19,070 to
£54,830**

In these cases there will be significant problems associated with factors (i) to (iv) above but the prognosis will be much more optimistic than in (a) above. While there are awards which support both extremes of this bracket, the majority are somewhere near the middle of the bracket. Cases involving psychiatric injury following a negligent stillbirth or the traumatic birth of a child will often fall within this bracket. Cases of work-related stress resulting in a permanent or long-standing disability preventing a return to comparable employment would appear to come within this category.

(c) Moderate

**£5,860 to
£19,070**

While there may have been the sort of problems associated with factors (i) to (iv) above there will have been marked improvement by trial and the prognosis will be good.

Cases of work-related stress may fall within this category if symptoms are not prolonged.

(d) Less Severe

**£1,540 to
£5,860**

The level of the award will take into consideration the length of the period of disability and the extent to which daily activities and sleep were affected. Cases falling short of a specific phobia or disorder such as travel anxiety when associated with minor physical symptoms may be found in the Minor Injuries chapter.

(B) Post-Traumatic Stress Disorder

Cases within this category are exclusively those where there is a specific diagnosis of a reactive psychiatric disorder following an event which creates psychological trauma in response to actual or threatened death, serious injury, or sexual violation. The guidelines below have been compiled by reference to cases which variously reflect the criteria established in the 4th and then 5th editions of *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV-TR and DSM-5). The symptoms may include nightmares, flashbacks, sleep disturbance, avoidance, mood disorders, suicidal ideation, and hyper-arousal. Symptoms of hyper-arousal can affect basic functions such as breathing, pulse rate, and bowel and/or bladder control.

(a)	Severe	£59,860 to £100,670
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Such cases will involve permanent effects which prevent the injured person from working at all or at least from functioning at anything approaching the pre-trauma level. All aspects of the life of the injured person will be badly affected.

(b)	Moderately Severe	£23,150 to £59,860
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This category is distinct from (a) above because of the better prognosis which will be for some recovery with professional help. However, the effects are still likely to cause significant disability for the foreseeable future. While there are awards which support both extremes of this bracket, the majority are between **£28,760** and **£37,120**.

(c)	Moderate	£8,180 to £23,150
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In these cases the injured person will have largely recovered and any continuing effects will not be grossly disabling.

		£3,950 to £8,180
(d)	Less Severe	

In these cases a virtually full recovery will have been made within one to two years and only minor symptoms will persist over any longer period.

(C) Sexual and/or Physical Abuse

The cases in this section include damages for the sexual and/or physical abuse itself as well as any psychiatric injury caused to the injured person. In many cases there is also an element in the award of general damages for the indignity, mental suffering, humiliation, distress, or anger caused by such an attack. This is sometimes characterised as aggravated damages, but more properly is injury to feelings and is included in the brackets below. Where the element for injury to feelings has been broken down in reported cases, which is usually where there is significant injury, the range is usually in the region of **£15,000 to £25,000**.

The factors to be taken into account in valuing general damages for the abuse and the psychiatric injury in claims of this nature are as follows:

- the nature and duration of the abuse and any physical injuries caused;
- the nature and duration of the psychological injury and its effect on the injured person's ability to cope with life, education, and work;
- the effect on the injured person's ability to sustain personal and sexual relationships;
- abuse of trust;

- the extent to which treatment would be successful;
- future vulnerability;
- prognosis for psychological injury.

Aggravating features which would lead to an additional sum for injury to feelings include:

- the nature of the abuse;
- the level of abuse of trust;
- any manipulation following the abuse to stop reporting of the abuse, or to seek to put blame on the injured party;
- the need for the injured party to give accounts and evidence of the abuse in criminal or civil proceedings, or in any other relevant investigation.

Severe

£45,000 to £120,000

In these cases the injured person will have suffered serious abuse and/or severe and prolonged psychiatric injury. At the upper end the abuse will have had serious effects on their ability to cope with education, work, and to sustain personal and sexual relations. There may be elements of false imprisonment. Where, despite the seriousness of the abuse and problems caused, the prognosis is good, the lower end of the bracket is appropriate. The majority of cases in this bracket fall within the range of **£55,000 to £90,000**.

Moderate

£20,570 to £45,000

Cases where the abuse is less serious and prolonged and there is a less severe psychological reaction with fewer effects on education, work, or relationships. This bracket also includes cases where there has been a more serious level of abuse but the psychological reaction is limited and is either resolved or the prognosis is good. There may be some aggravating features.

Less Severe

£9,730 to £20,570

Where the abuse is a lower level of seriousness and short-lived and the psychological effects are mild or resolved quickly, or the prognosis for resolution with treatment is very good. There will be few if any aggravating features.

[7.3]

5 Injuries Affecting the Senses

(A) Injuries Affecting Sight

[8]

Damages for loss of sight in one eye are likely to be awarded on a provisional basis to allow for the risk of deterioration or loss of sight in the remaining eye.

**In the region
of**

(a)	Total Blindness and Deafness	£403,990
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Such cases must be considered as ranking with the most devastating injuries.

**In the region
of**

(b)	Total Blindness	£268,720
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(c)	Loss of Sight in One Eye with Reduced Vision in the Remaining Eye	
(i)	Where there is serious risk of further deterioration in the remaining eye, going beyond some risk of sympathetic ophthalmia.	£95,990 to £179,770
(ii)	Where there is reduced vision in the remaining eye and/or additional problems such as double vision.	£63,950 to £105,990
(d)	Total Loss of One Eye	£54,830 to £65,710
The level of the award within the bracket will depend on age, psychiatric consequences and cosmetic effect.		
(e)	Complete Loss of Sight in One Eye	£49,270 to £54,830
This award takes account of some risk of sympathetic ophthalmia. The upper end of the bracket is appropriate where there is scarring in the region of the eye which is not sufficiently serious to merit a separate award.		
(f)	Cases of serious but incomplete loss of vision in one eye without significant risk of loss or reduction of vision in the remaining eye, or where there is constant double vision. A case of constant blurred vision and sensitivity to light in both eyes requiring constant wearing of dark glasses would be at the top of the bracket.	£23,680 to £39,340
(g)	Minor but permanent impairment of vision in one or both eyes, including cases where there is some double vision, which may not be constant, and cases of permanent sensitivity to bright light but	£9,110 to £20,980

not sufficient to require constant wearing of dark glasses.

- | | | |
|------------|---------------------------|-----------------------------|
| (h) | Minor Eye Injuries | £3,950 to
£8,730 |
|------------|---------------------------|-----------------------------|

In this bracket fall cases of minor injuries, such as being struck in the eye, exposure to fumes including smoke, or being splashed by liquids, causing initial pain and some temporary interference with vision.

- | | | |
|------------|-------------------------------|-----------------------------|
| (i) | Transient Eye Injuries | £2,200 to
£3,950 |
|------------|-------------------------------|-----------------------------|

In these cases the injured person will have recovered completely within a few weeks.

(B) Deafness/Tinnitus

[8.1]

The word 'deafness' is used to embrace total and partial hearing loss. In assessing awards for hearing loss regard must be had to the following:

- (i) whether the injury is one that has an immediate effect, allowing no opportunity to adapt, or whether it occurred over a period of time, as in noise exposure cases;

- (ii) whether the injury or disability is one which the injured person suffered at an early age so that it has had or will have an effect on his or her speech (and will be suffered for a longer period), or is one that is suffered in later life;

- (iii) whether the injury or disability affects balance;
- (iv) the impact of the hearing loss on occupation;
- (v) in cases of noise-induced hearing loss ('NIHL') age is of particular relevance as noted in paragraph (d) below;
- (vi) tinnitus may be suffered alone, rather than associated with NIHL.

Note also that the cases which form the basis of these brackets were decided before recent advances in medical science, such as cochlear implants which can in some cases restore total deafness to almost full hearing when worn.

(a)	Total Deafness and Loss of Speech	£109,650 to £140,660
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Such cases arise, for example, where deafness has occurred at an early age (for example, rubella infection) so as to prevent or seriously to affect the development of normal speech.

(b)	Total Deafness	£90,750 to £109,650
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The lower end of the bracket is appropriate for cases where there is no speech deficit or tinnitus. The higher end is appropriate for cases involving both of these.

(c)	Total Loss of Hearing in One Ear	£31,310 to £45,540
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Cases will tend towards the higher end of the bracket where there are associated problems, such as tinnitus, dizziness, or headaches.

(d) Partial Hearing Loss and/or Tinnitus

This category covers the bulk of deafness cases which usually result from exposure to noise at work over a prolonged period. The disability is not to be judged simply by the total measurement of hearing loss; there is often a degree of tinnitus present and age is particularly relevant because impairment of hearing affects most people in the fullness of time and impacts both upon causation and upon valuation, such that the amount of noise-induced hearing loss ('NIHL') is likely to be less than an individual's total hearing loss.

(i)	Severe tinnitus and NIHL.	£29,710 to £45,540
(ii)	Moderate tinnitus and NIHL or moderate to severe tinnitus or NIHL alone.	£14,900 to £29,710
(iii)	Mild tinnitus with some NIHL.	£12,590 to £14,900
(iv)	Mild tinnitus alone or mild NIHL alone.	Around £11,720
(v)	Slight or occasional tinnitus with slight NIHL.	£7,360 to £12,590
(vi)	Slight NIHL without tinnitus or slight tinnitus without NIHL.	Up to £7,010

(e) Acceleration of, or time-limited need for, the use of hearing aids.

In some cases it is possible to identify a period for which hearing aids have been needed, e.g. the period until surgical cure in the case of conductive hearing loss or the period of acceleration for sensorineural hearing loss. Awards may be expected of between **about £5,000** for five years and **about £9,700** for 15 years.

(C) Impairment of Taste and Smell

[8.2]

It is rare to find an injury which causes loss of taste and/or smell alone. Such symptoms are usually associated with brain injury or infection, in which case regard should be had to the guidelines for those injuries.

		In the region of
(a)	Total Loss of Taste and Smell	£39,170
(b)	Total Loss of Smell and Significant Loss of Taste	£32,900 to £39,170
It must be remembered that in nearly all cases of loss of smell there is some impairment of taste. Such cases fall into the next bracket.		
(c)	Loss of Smell	£24,990 to £32,900
(d)	Loss of Taste	£19,200 to £24,990

6 Injuries to Internal Organs

(A) Chest Injuries

[9]

This is a specially difficult area because the majority of awards relate to industrial *disease* (see (B) below) as distinct from traumatic *injury*. Cases of traumatic damage to, or loss of, a lung are comparatively rare, and the range is very wide.

The levels of awards within the brackets set out below will be affected by:

- (i) age and gender;
- (ii) scarring;
- (iii) the effect on the capacity to work and enjoy life;
- (iv) the effect on life expectancy.

(a)	The worst type of case will be of total removal of one lung and/or serious heart damage with serious and prolonged pain and suffering and permanent significant scarring.	£100,670 to £150,110
(b)	Traumatic injury to chest, lung(s), and/or heart causing permanent damage, impairment of function, physical disability, and reduction of life expectancy.	£65,740 to £100,670
(c)	Damage to chest and lung(s) causing some continuing disability.	£31,310 to £54,830
(d)	A relatively simple injury (such as a single penetrating wound) causing some permanent	£12,590 to £17,960

damage to tissue but with no significant long-term effect on lung function.

(e)	Toxic fume/smoke inhalation, leaving some residual damage, not serious enough to interfere permanently with lung function.	£5,320 to £12,590
(f)	Injuries leading to collapsed lungs from which a full and uncomplicated recovery is made.	£2,190 to £5,320
(g)	Fractures of ribs or soft tissue injuries causing serious pain and disability over a period of weeks only.	Up to £3,950

(B) Lung Disease

[9.1]

The level of the appropriate award for lung disease necessarily, and often principally, reflects the prognosis for what is frequently a worsening condition and/or the risk of the development of secondary sequelae.

Most of the reported cases are of asbestos-related disease (as to which see (C) below) but, save for asthma (which is also dealt with separately in (D) below), the brackets set out are intended to encompass all other lung disease cases irrespective of causation, e.g. silicosis and pneumoconiosis. In many cases falling under this head provisional awards will be appropriate. At the upper end of the range where serious disabling consequences will already be present, and the prognosis is likely to be relatively clear such an award may not be appropriate. Furthermore, in some cases awards may be enhanced where classifiable psychiatric illness is present.

(a)	For a young person with serious disability where there is a probability of progressive worsening leading to premature death.	£100,670 to £135,920
(b)	Lung cancer (typically in an older person) causing severe pain and impairment both of function and of quality of life. Practitioners may find some of the factors set out in (C)(a) useful in determining variations within the bracket.	£70,030 to £97,330
(c)	Disease, e.g. emphysema, causing significant and worsening lung function and impairment of breathing, prolonged and frequent coughing, sleep disturbance, and restriction of physical activity and employment.	£54,830 to £70,030
(d)	Breathing difficulties (short of disabling breathlessness) requiring fairly frequent use of an inhaler; where there is inability to tolerate a smoky environment and an uncertain prognosis but already significant effect on social and working life.	£31,310 to £54,830
(e)	Bronchitis and wheezing not causing serious symptoms; little or no serious or permanent effect on working or social life; varying levels of anxiety about the future.	£20,800 to £31,310
(f)	Some slight breathlessness with no effect on working life and the likelihood of substantial and permanent recovery within a few years of the exposure to the cause or the aggravation of an existing condition.	£10,640 to £20,800
(g)	Provisional awards for cases otherwise falling within (e) and (f) where the provisional award excludes any risk of malignancy, the extent of anxiety being a factor.	£5,320 to £18,090

(h)	Temporary aggravation of bronchitis or other chest problems resolving within a very few months.	£2,200 to £5,320
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(C) Asbestos-Related Disease

[9.2]

Mesothelioma, lung cancer, and asbestosis are the most serious of these. Mesothelioma is typically of shorter duration than either of the other two and often proves fatal within a matter of months from first diagnosis. Lung cancer and asbestosis are likely to have a fatal outcome, but the symptoms often endure for several years. Most of the recent reported cases concern mesothelioma. Cases of lung cancer and asbestosis may result in similar levels of symptoms to mesothelioma, which may justify awards in excess of the suggested upper brackets for those conditions.

(a)	<p>Mesothelioma causing severe pain and impairment of both function and quality of life. This may be of the pleura (the lung lining) or of the peritoneum (the lining of the abdominal cavity); the latter being typically more painful. There are a large number of factors which will affect the level of award within the bracket. These include but are not limited to duration of pain and suffering; extent and effects of invasive investigations; extent and effects of radical surgery, chemotherapy, and radiotherapy; whether the mesothelioma is peritoneal or pleural; the extent to which the tumour has spread to encase the lungs and where other organs become involved causing additional pain and/or breathlessness; the level of the symptoms; domestic circumstances; age, level of activity, and previous state of health; extent of life loss; and concern for spouse and/or children following death. Most reported decisions other than those involving extremely short periods of</p>	£63,650 to £114,460
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symptoms or very elderly claimants fall within the middle and upper parts of the bracket. *Because mesothelioma cases are still dealt with under pre-LASPO conditional fee agreements, this bracket of £63,650 to £114,460 has not had the Simmons v Castle 10% uplift applied. If a mesothelioma claim proceeds on a different funding basis, 10% should be added.*

(b)	<p>Lung cancer, again a disease proving fatal in most cases, the symptoms of which may not be as painful as those of mesothelioma, but more protracted. As with (B)(b) above, practitioners may find some of the factors in C(a) above useful in determining variations within the bracket.</p>	<p>£70,030 to £97,330</p>
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(c)	<p>Asbestosis and pleural thickening— where the current level of respiratory disability attributable to asbestos will typically be in excess of 10% causing progressive symptoms of breathlessness by reducing lung function. Awards at the lower end of the bracket will be applicable where the condition is relatively static or may be exceptional cases of 10% disability in a significantly younger individual. Higher awards will be applicable where the condition has progressed or is likely to progress to cause more severe breathlessness. Awards at the top end of the bracket will be applicable where mobility and quality of life has or is likely to become significantly impaired and/or life expectancy significantly reduced. This is a wide bracket and the extent of respiratory disability will be highly significant with disabilities of up to 30% being at the lower end, 30– 50% in the middle, and in excess of 50% at the higher end.</p>	<p>£35,500 to £105,850</p>
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(d)	<p>Asbestosis and pleural thickening— where the current level of respiratory disability/lung function impairment attributable to asbestos is up to 10%. Cases of 10% respiratory disability will normally fall within a range from £32,500 to £35,500.</p>	<p>£15,100 to £35,500</p>
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Brackets (c) and (d) above represent an award of general damages on a provisional basis, with the triggers for the right to return for further damages typically being the development of cancer, mesothelioma, or a significant increase in respiratory disability. An award should be increased to take account of those risks if made on a full and final basis.

(D) Asthma

[9.3]

(a)	Severe and permanent disabling asthma, causing prolonged and regular coughing, disturbance of sleep, severe impairment of physical activity and enjoyment of life, and where employment prospects, if any, are grossly restricted.	£43,060 to £65,740
(b)	Chronic asthma causing breathing difficulties, the need to use an inhaler from time to time, and restriction of employment prospects, with uncertain prognosis.	£26,290 to £43,010
(c)	Bronchitis and wheezing, affecting working or social life, with the likelihood of substantial recovery within a few years of the exposure to the cause.	£19,200 to £26,290
(d)	Relatively mild asthma-like symptoms often resulting, for instance, from exposure to harmful irritating vapour.	£10,640 to £19,200

(e)	Mild asthma, bronchitis, colds, and chest problems (usually resulting from unfit housing or similar exposure, particularly in cases of young children) treated by a general practitioner and resolving within a few months.	Up to £5,150
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(E) Reproductive System: Male

Although there are separate sections for injuries to the male and female reproductive systems as there are biological differences which require separate consideration, there are also injuries which are common to both sexes: the loss of the ability to have children, sexual dysfunction, and psychological reaction to injury are all equally relevant to both sexes. Historically those factors have not been reflected equally for each sex in the guidelines. Where relevant, the brackets have been amended to reflect parity between sexes and the cases for both sexes have been taken into account in the brackets suggested. That may mean that the cases on which the brackets are based are for the other sex. The brackets will be reviewed in future editions to the extent judicial decisions warrant it.

The level of awards in this area will typically depend on:

- (i) effect on fertility;
- (ii) pain and sexual dysfunction;
- (iii) hormonal effects;
- (iv) whether or not the affected person already has children and/or whether the intended family was complete;
- (v) scarring;
- (vi) psychological reaction;
- (vii) medical complications.

Total Loss of Reproductive Organs	In excess of
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	£153,870
Total impotence and loss of sexual function and sterility in the case of a young person.	£114,900 to £148,320

The level of the award will depend on:

- (1) age;
- (2) whether the person already has children;
- (3) pain or scarring;
- (4) hormonal effects;
- (5) psychological reaction and the effect on social and domestic life.

Impotence or significant sexual dysfunction which is likely to be permanent, in the case of a person with children or who would not have had children in any event.	£43,010 to £88,750
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An uncomplicated case of sterility without impotence and without any aggravating features for a young person without children.	£56,080 to £71,350
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A similar case but involving a person who has children and who might have intended to have more children. The upper end is appropriate where there is a significant psychological reaction.	£17,960 to £36,740
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Cases of orchidectomy with some psychological consequences but without loss of sexual function or impotence.	£20,070 to £22,580
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Sterility in an older person where they are unlikely to or would not have had children in any event, or impotence where medication can successfully allow sexual function.	£6,610 to £18,680
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(F) Reproductive System: Female

Although there are separate sections for injuries to the male and female reproductive systems, as there are biological differences which require separate consideration, there are also injuries which are common to both sexes: the loss of the ability to have children, sexual dysfunction, and psychological reaction to injury are all equally relevant to both sexes. Historically those factors have not been reflected equally for each sex in the guidelines. Where relevant, the brackets have been amended to reflect parity between sexes and the cases for both sexes have been taken into account in the brackets suggested. That may mean that the cases on which the brackets are based are for the other sex. The brackets will be reviewed in future editions to the extent judicial decisions warrant it.

The level of awards in this area will typically depend on:

- (i) effect on fertility;
- (ii) pain and sexual dysfunction;
- (iii) hormonal effects;
- (iv) whether or not the affected person already has children and/or whether the intended family was complete;
- (v) scarring;
- (vi) psychological reaction;
- (vii) medical complications;
- (viii) whether a foetus was aborted.

Infertility whether by reason of injury or disease, with sexual dysfunction, severe depression and anxiety, pain, and scarring. The upper end will be in cases with significant medical complications, for example, following failure to diagnose ectopic pregnancy, and in a younger person.

£114,900 to

£170,280

£43,010 to

Sexual dysfunction which is likely to be permanent in the case of a person with children or who would not have had children in any event.

£102,100

The upper end will include cases with significant medical complications, e.g. ectopic pregnancies or multiple surgeries.

Infertility with no aggravating features and no sexual dys-function in a young person without children.	£56,080 to £71,350
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Infertility without any medical complications and no sexual dysfunction and where the injured person already has children. The upper end of the bracket is appropriate in cases where there is a significant psychological reaction.	£17,960 to £36,740
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Infertility where the injured person would not have had children in any event, e.g. because of age.	£6,610 to £18,680
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Where delay in diagnosing ectopic pregnancy but fertility is not affected. Award dependant on extent of pain, suffering, bleeding, whether blood transfusion required, anxiety and adjustment disorder, and whether there is resultant removal of one of the fallopian tubes.	£3,390 to £20,430
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Failed sterilisation leading to unwanted pregnancy where there is no serious psychological impact or depression.	In the region of £10,200
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[9.5]

(G) Digestive System

[9.6]

The risk of associated damage to the reproductive organs is frequently encountered in cases of this nature and requires separate consideration.

(a) Damage Resulting from Traumatic Injury

	Severe damage with continuing pain and discomfort.	£43,010 to £61,910
(i)		

	Serious non-penetrating injury causing long-standing or permanent complications, e.g. severe indigestion, aggravated by physical strain.	£16,790 to
(ii)		£27,760
	Penetrating stab wounds or industrial laceration or serious seat-belt pressure cases.	£6,610 to
(iii)		£12,590

(b) Illness/Damage Resulting from Non-traumatic Injury, e.g. Food Poisoning

There will be a marked distinction between those, comparatively rare, cases having a long-standing or even permanent effect on quality of life and those in which the only continuing symptoms may be allergy to specific foods and the attendant risk of short-term illness.

	Severe toxicosis causing serious acute pain, vomiting, diarrhoea, and fever, requiring hospital admission for some days or weeks and some continuing incontinence, haemorrhoids, and irritable bowel syndrome, having a significant impact on ability to work and enjoyment of life.	£38,430 to
(i)		£52,500
	Serious but short-lived food poisoning, diarrhoea, and vomiting diminishing over two to four weeks with some remaining discomfort and disturbance of bowel function and impact on sex life and enjoyment of food over a few years. Any such symptoms having these consequences and lasting for longer, even indefinitely, are likely to merit an award between the top of this bracket and the bottom of the bracket in (i) above.	£9,540 to
(ii)		£19,200

	Food poisoning causing significant discomfort, stomach cramps, alteration of bowel function and fatigue. Hospital admission for some days with symptoms lasting for a few weeks but complete recovery within a year or two.	£3,950 to £9,540
(iii)		
	Varying degrees of disabling pain, cramps, and diarrhoea continuing for some days or weeks.	£910 to £3,950
(iv)		

(H) Kidney

[9.7]

	Serious and permanent damage to or loss of both kidneys.	£169,400 to £210,400
(a)		
	Where there is a significant risk of future urinary tract infection or other total loss of natural kidney function.	Up to £63,980
(b)		
	Such cases will invariably carry with them substantial future medical expenses, which in this field are particularly high.	
		£30,770 to £44,880
(c)	Loss of one kidney with no damage to the other.	

(I) Bowels

[9.8]

(a)	Cases involving double incontinence namely total loss of natural bowel function and complete loss of urinary function and control, together with other medical complications.	Up to £184,200
(b)	Total loss of natural function and dependence on colostomy, depending on age.	Up to £150,110
(c)	Faecal urgency and passive incontinence persisting after surgery and causing embarrassment and distress, typically following injury giving birth.	In the region of £79,920
(d)	Severe abdominal injury causing impairment of function and often necessitating temporary colostomy (leaving disfiguring scars) and/or restriction on employment and on diet.	£44,590 to £69,730
(e)	Penetrating injuries causing some permanent damage but with an eventual return to natural function and control.	£12,590 to £24,480

(J) Bladder

[9.9]

It is perhaps surprising that awards in cases of loss of bladder function have often been higher than awards for injury to the bowels. This is probably because bladder injuries frequently result from carcinogenic exposure.

(a)	Cases involving double incontinence namely total loss of natural bowel function and complete loss	Up to £184,200
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of urinary function and control, together with other medical complications.

		Up to
(b)	Complete loss of function and control.	£140,660
		£63,980 to
(c)	Serious impairment of control with some pain and incontinence.	£79,930
		£23,410 to
(d)	Where there has been almost a complete recovery but some fairly long-term interference with natural function.	£31,310

The cancer risk cases still occupy a special category and can properly attract awards at the top of the ranges even where natural function continues for the time being. If the prognosis is firm and reliable the award will reflect any loss of life expectancy, the level of continuing pain and suffering, and most significantly the extent to which the injured person has to live with the knowledge of the consequences which his or her death will have for others. The appropriate award for the middle-aged family man or woman whose life expectancy is reduced by 15 or 20 years is **£51,710 to £76,190**.

(K) Spleen

[9.10]

	Loss of spleen where there is continuing risk of internal infection and disorders due to the damage to the immune system.	£20,800 to
(a)		£26,290
		£4,350 to
(b)	Where the above risks are not present or are minimal.	£8,640

(L) Hernia

[9.11]

		£14,900 to
(a)	Continuing pain and/or limitation on physical activities, sport, or employment, after repair.	£24,170
	Direct (where there was no pre-existing weakness) inguinal hernia, with some risk of recurrence, after repair.	£7,010 to
(b)		£9,110
	Uncomplicated indirect inguinal hernia, possibly repaired, and with no other associated abdominal injury or damage.	£3,390 to
(c)		£7,230

7 Orthopaedic Injuries

[9.12]

Caution: In respect of soft tissue whiplash injuries to the neck, back, and shoulders, please refer to the Note 'Whiplash Injuries: Tariff-Based Awards' at page xxi of these Guidelines. For many cases involving whiplash injuries arising from a road traffic accident on or after 31 May 2021, where the duration of injury is two years or less, general damages will now be assessed by reference to the applicable fixed tariff. The guidelines below continue to apply to any cases (whether in respect of whiplash injuries or otherwise) which fall outside of the tariff-based regime established under the [Civil Liability Act 2018](#).

(A) Neck Injuries

[10]

There is a very wide range of neck injuries. Many are found in conjunction with back and shoulder problems. At the very bottom end of neck and back injuries, further guidance may be obtained from the Minor Injuries chapter in the Guidelines.

(a) Severe

Neck injury associated with incomplete paraplegia or resulting in permanent spastic quadriparesis or where the injured person, despite wearing a collar 24 hours a day for a period of years, still has little or no movement in the neck and suffers severe headaches which have proved intractable.

In the region of

£148,330

Injuries, usually involving serious fractures or damage to discs in the cervical spine, which give rise to disabilities which fall short of those in (a)(i) above but which are of considerable severity; for example, permanent damage to the brachial plexus or substantial loss of movement in the neck and loss of function in one or more limbs.

£65,740 to

£130,930

Injuries causing fractures or dislocations or severe damage to soft tissues and/or ruptured tendons that lead to chronic conditions and significant disability of a permanent nature. The precise award depends on the length of time during which the most serious symptoms are ameliorated, the extent of the treatment required, and on the prognosis.

£45,470 to

£55,990

(b) Moderate

Injuries such as fractures or dislocations which cause severe immediate symptoms and which may necessitate spinal fusion. This bracket will also include chronic conditions, usually involving referred symptoms to other parts of the anatomy or serious soft tissue injuries to the neck and back combined. They leave markedly

£24,990 to

£38,490

impaired function or vulnerability to further trauma, and limitation of activities. Depending on severity of injury this bracket can include cases where there are pre-existing degenerative changes or where symptoms have been accelerated.

- | | | |
|------|--|-----------------------|
| (ii) | Cases involving soft tissue or wrenching-type injury and disc lesion of the more severe type resulting in cervical spondylosis, serious limitation of movement, permanent or recurring pain, stiffness or discomfort, and the possible need for further surgery or increased vulnerability to further trauma. This bracket will also include injuries which may have accelerated and/or exacerbated a pre-existing condition over a prolonged period of time, usually by five years or more. | £13,740 to
£24,990 |
|------|--|-----------------------|

- | | | |
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| (iii) | Injuries which may have accelerated and/or exacerbated a pre-existing condition over a shorter period of time, usually less than five years. This bracket will also apply to moderate soft tissue injuries where the period of recovery has been fairly protracted and where there remains an increased vulnerability to further trauma or permanent nuisance type symptoms referring from the neck. | £7,890 to
£13,740 |
|-------|--|----------------------|

(c) Minor

Readers are reminded that for whiplash injuries sustained on or after 31 May 2021, general damages may instead be determined by reference to the fixed tariff regime. Please refer to the comments at the start of Chapter 7 and to the Note on Whiplash Injuries at page xxi of these Guidelines.

This bracket includes minor soft tissue injuries. Whilst the duration of symptoms will always be important, factors such as those listed below may justify an award in either a higher or lower bracket.

- the severity of the neck injury;
- the intensity of pain experienced and the consistency of symptoms;
- the extent to which ongoing symptoms are of a minor nature only;
- the presence of additional symptoms in the back and/or shoulder and/or referred headaches;
- the impact of the symptoms on the injured person's ability to function in everyday life and engage in social/recreational activities;
- the impact of the injuries on the injured person's ability to work;
- the extent of any treatment required;
- the need to take medication to control symptoms of pain and discomfort.

(i) Where a full recovery takes place within a period of about one to two years. This bracket will also apply to short-term acceleration and/or exacerbation injuries, usually between one and two years. Only cases at the very bottom of this bracket will be worth less than **£5,000**.

**£4,350 to
£7,890**

(ii) Where a full recovery takes place between three months and a year. This bracket will also apply to very short-term acceleration and/or exacerbation injuries, usually less than one year.	£2,450 to £4,350
(iii) Where a full recovery is made within three months.	Up to £2,450

(B) Back Injuries

[10.1]

(a) Severe

(i)	Cases of the most severe injury involving damage to the spinal cord and nerve roots, leading to a combination of very serious consequences not normally found in cases of back injury. There will be severe pain and disability with a combination of incomplete paralysis and significantly impaired bladder, bowel, and sexual function.	£91,090 to £160,980
(ii)	Cases which have special features taking them outside any lower bracket applicable to orthopaedic injury to the back. Such features include nerve root damage with associated loss of sensation, impaired mobility, impaired bladder and bowel function, sexual difficulties, and unsightly scarring.	£74,160 to £88,430

(iii)	Cases of disc lesions or fractures of discs or of vertebral bodies or soft tissue injuries leading to chronic conditions where, despite treatment (usually involving surgery), there remain disabilities such as continuing severe pain and discomfort, impaired agility, impaired sexual function, depression, personality change, alcoholism, unemployability, and the risk of arthritis.	£38,780 to £69,730
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(b) Moderate

(i)	Cases where any residual disability is of less severity than that in (a)(iii) above. The bracket contains a wide variety of injuries. Examples are a case of a compression/crush fracture of the lumbar vertebrae where there is a substantial risk of osteoarthritis and constant pain and discomfort; that of a traumatic spondylolisthesis with continuous pain and a probability that spinal fusion will be necessary; a prolapsed intervertebral disc requiring surgery; or damage to an intervertebral disc with nerve root irritation and reduced mobility.	£27,760 to £38,780
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(ii)	Many frequently encountered injuries to the back such as disturbance of ligaments and muscles giving rise to backache, soft tissue injuries resulting in a prolonged acceleration and/or exacerbation of a pre-existing back condition, usually by five years or more, or prolapsed discs necessitating laminectomy or resulting in repeated relapses. The precise figure will depend upon a number of factors including the severity of the original injury, the degree of pain experienced, the extent of any treatment required in the past or in the future, the impact of the symptoms on the injured person's ability to function in	£12,510 to £27,760
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everyday life and engage in social/recreational activities, and the prognosis for the future.

(c) Minor

Readers are reminded that for whiplash injuries sustained on or after 31 May 2021, general damages may instead be determined by reference to the fixed tariff regime. Please refer to the comments at the start of Chapter 7 and to the Note on Whiplash Injuries at page xxi of these Guidelines.

This bracket includes less serious strains, sprains, disc prolapses, soft tissue injuries, or fracture injuries which recover without surgery. As with minor neck injuries, whilst the duration of symptoms will always be important, factors such as those listed below may justify an award in either a higher or lower bracket.

- the severity of the original injury;
- the degree of pain experienced and the consistency of symptoms;
- the extent to which ongoing symptoms are of a minor nature only;
- the presence of any additional symptoms in other parts of the anatomy, particularly the neck;
- the impact of the symptoms on the injured person's ability to function in everyday life and engage in social/recreational activities;
- the impact of the injuries on the injured person's ability to work;

- the extent of any treatment required;
- the need to take medication to control symptoms of pain and discomfort.

(i)	Where a full recovery or a recovery to nuisance level takes place without surgery within about two to five years. This bracket will also apply to shorter-term acceleration and/or exacerbation injuries, usually between two to five years.	£7,890 to £12,510
(ii)	Where a full recovery takes place without surgery within a period of about one to two years. This bracket will also apply to very short-term acceleration and/or exacerbation injuries, usually between one and two years. Only cases at the very bottom end of this bracket will be worth less than £5,000 .	£4,350 to £7,890
(iii)	Where a full recovery takes place without surgery between three months and one year. This bracket will also apply to very short-term acceleration and/or exacerbation injuries, usually less than one year.	£2,450 to £4,350
(iv)	Where a full recovery is made within three months.	Up to £2,450

(C) Shoulder Injuries

[10.2]

(a)	Severe	£19,200 to £48,030
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Often associated with neck injuries and involving damage to the brachial plexus (see (A)(a)(ii)) resulting in significant disability. Serious brachial plexus injuries causing significant neck and/or arm symptoms should be assessed under bracket (A)(a)(ii) or (F)(a).

(b)	Serious	£12,770 to £19,200
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Dislocation of the shoulder and damage to the lower part of the brachial plexus causing pain in shoulder and neck, aching in elbow, sensory symptoms in the forearm and hand, and weakness of grip or a fractured humerus leading to restricted shoulder movement. Cases of rotator cuff injury with persisting symptoms after surgery will usually fall within this bracket, as will cases of soft tissue injury where intrusive symptoms will be permanent.

(c)	Moderate	£7,890 to £12,770
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Frozen shoulder with limitation of movement and discomfort with symptoms persisting for about two years. Also soft tissue injuries with more than minimal symptoms persisting after two years but not permanent.

(d)	Minor
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Readers are reminded that for whiplash injuries sustained on or after 31 May 2021, general damages may instead be determined by reference to the fixed tariff regime. Please refer to the comments at the start of Chapter 7 and to the Note on Whiplash Injuries at page xxi of these Guidelines.

Soft tissue injury to shoulder with considerable pain but almost complete recovery:

The starting point for the assessment will be the duration of symptoms but the severity of the original injury, the degree of pain experienced, and the extent to which ongoing symptoms are of a minor nature only may justify an award in a higher or lower bracket.

	in less than two years (only cases at the very bottom of this bracket will be worth less than £5,000);	£4,350 to £7,890
(i)		
	within a year;	£2,450 to £4,350
(ii)		
	within three months.	Up to £2,450
(iii)		
(e)	Fracture of Clavicle	£5,150 to £12,240

The level of the award will depend on extent of fracture, level of disability, residual symptoms, whether temporary or permanent, and whether union is anatomically displaced. Unusually serious cases may exceed this bracket and regard may be had to bracket (C)(b) above.

(D) Injuries to the Pelvis and Hips

[10.3]

The most serious of injuries to the pelvis and hip can be as devastating as a leg amputation and accordingly will attract a similar award of damages.

(a) Severe

- Extensive fractures of the pelvis involving, for example, dislocation of a low back joint and a ruptured bladder, or a hip injury resulting in spondylolisthesis of a low back joint with intolerable pain and necessitating spinal fusion. Inevitably there will be substantial residual disabilities such as a complicated arthrodesis with resulting lack of bladder and bowel control, sexual dysfunction, or hip deformity making the use of a calliper essential; or may present difficulties for natural delivery.
- (i) **£78,400 to
£130,930**
- Injuries only a little less severe than in (a)(i) above but with particular distinguishing features lifting them above any lower bracket. Examples are: (a) fracture dislocation of the pelvis involving both ischial and pubic rami and resulting in impotence; or (b) traumatic myositis ossificans with formation of ectopic bone around the hip.
- (ii) **£61,910 to
£78,400**
- Many injuries fall within this bracket: a fracture of the acetabulum leading to degenerative changes and leg instability requiring an osteotomy and the likelihood of hip replacement surgery in the future; the fracture of an arthritic femur or hip necessitating hip replacement; or a fracture resulting in a hip replacement which is only partially successful so that there is a clear risk of the need for revision surgery.
- (iii) **£39,170 to
£52,500**

(b) Moderate

- | | | |
|-----|--|-------------------------------|
| (i) | Significant injury to the pelvis or hip but any permanent disability is not major and any future risk not great. | £26,590 to
£39,170 |
|-----|--|-------------------------------|

- | | | |
|------|--|-------------------------------|
| (ii) | These cases may involve hip replacement or other surgery. Where it has been carried out wholly successfully the award will tend to the top of the bracket, but the bracket also includes cases where hip replacement may be necessary in the foreseeable future or where there are more than minimal ongoing symptoms. | £12,590 to
£26,590 |
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(c) Lesser Injuries

- | | | |
|------|---|------------------------------|
| (i) | Cases where despite significant injury there is little or no residual disability. Where there has been a fracture injury with a complete recovery within two years, an award in the middle to upper end of the bracket is likely to be appropriate. Where there has been a significant soft tissue/ligamentous injury fully resolving within two to three years, the award is unlikely to exceed £6,100 . If such an injury gives rise to ongoing nuisance symptoms, an award in the mid-point of the range is likely to be appropriate. | £3,950 to
£12,590 |
| (ii) | Minor soft tissue injuries with complete recovery. | Up to £3,950 |

(E) Amputation of Arms

The value of any amputation injury depends upon:

- (i) whether the amputation is above or below the elbow. The loss of the additional joint adds greatly to the disability;
- (ii) the extent to which prosthetics can restore function;
- (iii) whether or not the amputation was of the dominant arm;
- (iv) the intensity of any phantom pains;
- (v) the claimant's age;
- (vi) the effect on work, domestic, and social life.

(a)	Loss of Both Arms	£240,790 to £300,000
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The effect of such an injury is to reduce a person with full awareness to a state of considerable helplessness.

(b) Loss of One Arm

(i)	Arm Amputated at the Shoulder	Not less than £137,160
(ii)	Above-elbow Amputation	£109,650 to £130,930

A shorter stump may create difficulties in the use of a prosthesis. This will make the level of the award towards the top end of the bracket. Amputation through the elbow will normally produce an award at the bottom end of the bracket.

(iii)	Below-elbow Amputation	£96,160 to £109,650
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Amputation through the forearm with residual severe organic and phantom pains would attract an award at the top end of the bracket.

(F) Other Arm Injuries

[10.5]

(a)	Severe Injuries	£96,160 to £130,930
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Injuries which fall short of amputation but which are extremely serious and leave the injured person little better off than if the arm had been lost; for example, a serious brachial plexus injury.

(b)	Injuries Resulting in Permanent and Substantial Disablement	£39,170 to £59,860
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Serious fractures of one or both forearms where there is significant permanent residual disability whether functional or cosmetic.

(c)	Less Severe Injury	£19,200 to £39,170
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While there will have been significant disabilities, a substantial degree of recovery will have taken place or will be expected.

(d)	Simple Fractures of the Forearm	£6,610 to £19,200
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(G) Injuries to the Elbow

[10.6]

(a)	A Severely Disabling Injury	£39,170 to £54,830
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(b)	Less Severe Injuries	£15,650 to £32,010
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Injuries causing impairment of function but not involving major surgery or significant disability.

(c)	Moderate or Minor Injury	Up to £12,590
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Most elbow injuries fall into this category. They comprise simple fractures, tennis elbow syndrome, and lacerations; i.e., those injuries which cause no permanent damage and do not result in any permanent impairment of function.

- (i) Injuries fully resolving after about one year will usually attract an award in the region of **£3,530**.

- (ii) Injuries with the majority of symptoms resolving within 18 to 24 months but with nuisance level symptoms persisting after that would attract an award in the region of **£6,500**. If there has been a full

recovery within 18 to 24 months, the award is likely to fall below **£5,000**.

- (iii) Injuries recovering after three years with nuisance symptoms thereafter and/or requiring surgery will attract awards towards the upper end of the bracket.

(H) Wrist Injuries

[10.7]

(a)	Injuries resulting in complete loss of function in the wrist, for example, where an arthrodesis has been performed.	£47,620 to £59,860
(b)	Injury resulting in significant permanent disability, but where some useful movement remains.	£24,500 to £39,170
(c)	Less severe injuries where these still result in some permanent disability as, for example, a degree of persisting pain and stiffness.	£12,590 to £24,500
(d)	Where recovery from fracture or soft tissue injury takes longer than 12 months but is complete or largely complete save for minor symptoms.	£6,080 to £10,350
(e)	An uncomplicated Colles' fracture.	In the region of £7,430
(f)	Very minor undisplaced or minimally displaced fractures and soft tissue injuries necessitating application of plaster or bandage for a matter of weeks and a full or virtual recovery within up to 12 months or so.	£3,530 to £4,740

(I) Hand Injuries

[10.8]

The hands are cosmetically and functionally the most important component parts of the upper limbs. The loss of a hand is valued not far short of the amount which would be awarded for the loss of the arm itself. The upper end of any bracket will generally be appropriate where the injury is to the dominant hand.

In cases of injuries to multiple digits, practitioners and judges should not simply add the figures which would be appropriate for each injury separately, but should consider the overall extent of pain, suffering, and loss of amenity, usually leading to a lower award than would be appropriate by simple addition.

(a)	Total or Effective Loss of Both Hands	£140,660 to £201,490
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Serious injury resulting in extensive damage to both hands such as to render them little more than useless. The top of the bracket is applicable where no effective prosthesis can be used.

(b)	Serious Damage to Both Hands	£55,820 to £84,570
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Such injuries will have given rise to permanent cosmetic disability and significant loss of function.

(c)	Total or Effective Loss of One Hand	£96,160 to £109,650
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This bracket will apply to a hand which was crushed and thereafter surgically amputated or where all fingers and most of the palm have been traumatically amputated. The upper end of the

bracket is indicated where the hand so damaged was the dominant one.

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|------------|---|-------------------------------|
| (d) | Amputation of Index and Middle and/or Ring Fingers | £61,910 to
£90,750 |
|------------|---|-------------------------------|

The hand will have been rendered of very little use and such grip as remains will be exceedingly weak.

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|------------|------------------------------|-------------------------------|
| (e) | Serious Hand Injuries | £29,000 to
£61,910 |
|------------|------------------------------|-------------------------------|

Such injuries will, for example, have reduced the hand to about 50 per cent capacity. Included would be cases where several fingers have been amputated but rejoined to the hand leaving it clawed, clumsy, and unsightly, or amputation of some fingers together with part of the palm resulting in gross diminution of grip and dexterity and gross cosmetic disfigurement.

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|------------|------------------------------------|--------------------------|
| (f) | Severe Fractures to Fingers | Up to
£36,740 |
|------------|------------------------------------|--------------------------|

These may lead to partial amputations and result in deformity, impairment of grip, reduced mechanical function, and disturbed sensation.

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|------------|---------------------------------|-------------------------------|
| (g) | Less Serious Hand Injury | £14,450 to
£29,000 |
|------------|---------------------------------|-------------------------------|

Such as a severe crush injury resulting in significantly impaired function without future surgery or despite operative treatment undergone.

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|------------|-----------------------------|------------------------------|
| (h) | Moderate Hand Injury | £5,720 to
£13,280 |
|------------|-----------------------------|------------------------------|

Crush injuries, penetrating wounds, soft tissue type and deep lacerations. The top of the bracket would be appropriate where surgery has failed and permanent disability remains. The bottom of the bracket would be appropriate for permanent but non-intrusive symptoms.

(i)	Total and Partial Loss of Index Finger	£12,170 to £18,740
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Total loss will likely result in an award at the top end of the bracket.

This bracket also covers cases of injury to the index finger giving rise to disfigurement and impairment of grip or dexterity.

(j)	Fracture of Index Finger	£9,110 to £12,240
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This level is appropriate where a fracture has mended quickly but grip has remained impaired, there is pain on heavy use, and osteoarthritis is likely in due course.

(k)	Serious Injury to Ring or Middle Fingers	£10,320 to £16,340
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Fractures or serious injury to tendons causing stiffness, deformity, and permanent loss of grip or dexterity will fall within the upper end of the bracket, as will awards for total loss of the middle finger. Cases involving a displaced fracture to a ring or middle finger tip combined with an amputation to the tip of the finger and some permanent sensitivity are likely to attract an award at the bottom of the bracket.

(l)	Loss of the Terminal Phalanx of the Ring or Middle Fingers	£3,950 to £7,870
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(m)	Amputation of Little Finger	£8,640 to £12,240
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(n)	Serious Injury to Little Finger	In the region of £6,000
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A fracture resulting in surgery and a period of time in plaster followed by a small residual loss of movement and discomfort in cold weather over several years.

(o)	Loss of Part of the Little Finger	£3,950 to £5,860
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This is appropriate where the remaining tip is sensitive.

(p)	Amputation of Ring and Little Fingers	In the region of £21,810
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(q)	Amputation of the Terminal Phalanges of the Index and Middle Fingers	In the region of £24,990
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Such injury will involve scarring, restriction of movement, and impairment of grip and fine handling.

(r)	Loss of Thumb	£35,520 to £54,830
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(s)	Very Serious Injury to Thumb	£19,600 to £35,010
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This bracket is appropriate where the thumb has been severed at the base and grafted back leaving a virtually useless and deformed digit, or where the thumb has been amputated through the interphalangeal joint.

(t)	Serious Injury to the Thumb	£12,590 to £16,760
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Such injuries may involve amputation of the tip, nerve damage or fracture necessitating the insertion of wires as a result of which the thumb is cold and ultra-sensitive and there is impaired grip and loss of manual dexterity.

(u)	Moderate Injuries to the Thumb	£9,670 to £12,590
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These are injuries such as those necessitating arthrodesis of the interphalangeal joint or causing damage to tendons or nerves. Such injuries result in impairment of sensation and function and cosmetic deformity.

(v)	Severe Dislocation or Soft Tissue Injury of the Thumb	£6,340 to £7,780
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Such injuries will involve some permanent minor loss of function.

(w)	Minor Hand, Finger, and Thumb Injuries	Up to £4,750
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This will include fractures which generally have recovered in six months. Also injuries such as scarring, tenderness, and reaction to the cold where there is full recovery.

(J) Leg Injuries

[10.9]

(a)	Amputations
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(i) Loss of Both Legs

**£240,790 to
£282,010**

This is the appropriate award where both legs are lost above the knee or one leg has been lost above the knee at a high level and the other leg has been lost below the knee. The level of award will be determined by factors such as the severity of any phantom pains; associated psychological problems; the success of any prosthetics; any side effects such as backache; and the risk of future degenerative changes in the hips and spine.

(ii) Below-knee Amputation of Both Legs

**£201,490 to
£270,100**

The level of the amputations will be important, with an award at the top of the bracket appropriate where both legs are amputated just below the knee. Otherwise, the award will depend upon factors such as the severity of any phantom pains; associated psychological problems; the success of any prosthetics; any side effects such as backache; and the risk of developing degenerative changes in the remaining joints of both lower limbs or in the hips and spine.

(iii) Above-knee Amputation of One Leg

**£104,830 to
£137,470**

The award will depend upon such factors as the level of the amputation; the severity of any phantom pains; associated psychological problems; the success of any prosthetics; any side effects such as backache; and the risk of developing osteoarthritis in the remaining joints of both lower limbs or in the hips and spine.

(iv) Below-knee Amputation of One Leg

**£97,980 to
£132,990**

The straightforward case of a below-knee amputation with no complications would justify an award towards the bottom of this bracket. At or towards the top of the range would come the traumatic amputation which occurs in a devastating accident, where the injured person remained fully conscious, or cases where attempts to save the leg led to numerous unsuccessful operations so that amputation occurred years after the event. Factors such as phantom pains, the success of any prosthetics, associated psychological problems, and the increased chance of developing osteoarthritis in the remaining joints of both limbs will also be important in determining the appropriate award.

(b) Severe Leg Injuries

	The Most Serious Injuries Short of Amputation	£96,250 to £135,920
(i)		

Some injuries, although not involving amputation, are so severe that the courts have awarded damages at a similar level. Such injuries would include extensive degloving of the leg, where there is gross shortening of the leg, or where fractures have not united and extensive bone grafting has been undertaken.

	Very Serious	£54,830 to £87,890
(ii)		

Injuries leading to permanent problems with mobility, the need for crutches or mobility aids for the remainder of the injured person's life; injuries where multiple fractures have taken years to heal, required extensive treatment, and have led to serious deformity and limitation of movement, or where arthritis has developed in a joint so that further surgical treatment is likely.

(iii) Serious

**£39,200 to
£54,830**

Serious compound or comminuted fractures or injuries to joints or ligaments resulting in instability, prolonged treatment, a lengthy period of non-weight-bearing, the near certainty that arthritis will ensue; extensive scarring. To justify an award within this bracket a combination of such features will generally be necessary.

(iv) Moderate

**£27,760 to
£39,200**

This bracket includes complicated or multiple fractures or severe crushing injuries, generally to a single limb. The level of an award within the bracket will be influenced by the extent of treatment undertaken; impact on employment; the presence or risk of degenerative changes and/or future surgery; imperfect union of fractures; muscle wasting; limited joint movements; instability in the knee; unsightly scarring; or permanently increased vulnerability to future damage.

(c) Less Serious Leg Injuries

(i) Fractures from which an Incomplete Recovery is Made or Serious Soft Tissue Injuries

**£17,960 to
£27,760**

In the case of fracture injuries, the injured person will have made a reasonable recovery but will be left with a metal implant and/or defective gait, a limp, impaired mobility, sensory loss, discomfort or an exacerbation of a pre-existing disability. This bracket will also involve serious soft tissue injuries to one or both legs causing significant cosmetic deficit, functional restriction and/or some nerve damage in the lower limbs.

(ii)	Simple Fracture of a Femur with No Damage to Articular Surfaces	£9,110 to £14,080
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(iii)	Simple Fractures to Tibia or Fibula or Soft Tissue Injuries	Up to £11,840
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Towards the top of the bracket there will come simple fractures of the tibia or fibula where there are some ongoing minor symptoms such as dull aching and/or modest restriction of movement. Where there has been a simple fracture of the tibia or fibula with a complete recovery, an award of between **£7,080** and **£9,000** is likely to be justified. The level of award will be influenced by time spent in plaster and the length of the recovery period. Below this level fall a wide variety of soft tissue injuries, muscle tears, lacerations, cuts, bruising, or contusions, all of which have recovered completely or almost so and any residual disability is cosmetic or of a minor nature. Where these modest injuries have fully resolved within a few months an award of **less than £2,450** is likely to be justified.

(K) Knee Injuries

[10.10]

(a) Severe

(i)	Serious knee injury where there has been disruption of the joint, the development of osteoarthritis, gross ligamentous damage, lengthy treatment, considerable pain and loss of function, and an arthroplasty or arthrodesis has taken place or is inevitable.	£69,730 to £96,210
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(ii)	<p>Leg fracture extending into the knee joint causing pain which is constant, permanent, limiting movement or impairing agility, and rendering the injured person prone to osteoarthritis and at risk of arthroplasty.</p>	<p>£52,120 to £69,730</p>
(iii)	<p>Less severe injuries than those in (a)(ii) above and/or injuries which result in less severe disability. There may be continuing symptoms by way of pain and discomfort and limitation of movement or instability or deformity with the risk that degenerative changes and the need for remedial surgery may occur in the long term as a result of damage to the kneecap, ligamentous or meniscal injury, or muscular wasting.</p>	<p>£26,190 to £43,460</p>
(b)	<p>Moderate</p>	
(i)	<p>Injuries involving dislocation, torn cartilage or meniscus which results in minor instability, wasting, weakness, or other mild future disability. This bracket also includes injuries which accelerate symptoms from a pre-existing condition over a prolonged period of years.</p>	<p>£14,840 to £26,190</p>
(ii)	<p>This bracket includes injuries similar to those in (b)(i) above, but less serious and involving shorter periods of acceleration or exacerbation, and also lacerations, twisting, or bruising injuries. Where there is continuous aching or discomfort, or occasional pain, the award will be towards the upper end of the bracket. An acceleration of a pre-existing condition by a period of two to three years causing constant pain is likely to justify an award in the region of £8,140. Where recovery has been complete or almost complete the award is unlikely to exceed £6,020, unless both</p>	<p>Up to £13,740</p>

knees are involved. Modest injuries that resolve within a short space of time will attract lower awards. A soft tissue strain-type injury that does not significantly impact on daily activities and gradually resolves within six to seven months might be expected to attract an award in the region of **£2,250**.

(L) Ankle Injuries

[10.11]

(a)	Very Severe	£50,060 to £69,700
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Examples of injuries falling within this bracket are limited and unusual. They include cases of a transmalleolar fracture of the ankle with extensive soft-tissue damage resulting in deformity and the risk that any future injury to the leg might necessitate a below-knee amputation, or cases of bilateral ankle fractures causing degeneration of the joints at a young age so that arthrodesis is necessary.

(b)	Severe	£31,310 to £50,060
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Injuries necessitating an extensive period of treatment and/or a lengthy period in plaster or where pins and plates have been inserted and there is significant residual disability in the form of ankle instability and severely limited ability to walk. The level of the award within the bracket will be determined in part by such features as a failed arthrodesis, the presence of or risk of osteoarthritis, regular sleep disturbance, unsightly scarring, impact on employment, and any need to wear special footwear.

(c)	Moderate	£13,740 to £26,590
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Fractures, ligamentous tears and the like which give rise to less serious disabilities such as difficulty in walking on uneven ground, difficulty standing or walking for long periods of time, awkwardness on stairs, irritation from metal plates, and residual scarring. There may also be a risk of future osteoarthritis.

(d)	Modest Injuries	Up to £13,740
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The less serious, minor or undisplaced fractures, sprains, and ligamentous injuries. The level of the award within the bracket will be determined by whether or not a complete recovery has been made and, if recovery is incomplete, whether there is any tendency for the ankle to give way, and whether there is scarring, aching or discomfort, loss of movement, or the possibility of long-term osteoarthritis.

Where recovery is complete without any ongoing symptoms or scarring, the award is unlikely to exceed **£7,700**. Where recovery is complete within a year, the award is unlikely to exceed **£5,500**. Modest injuries that resolve within a short space of time will attract lower awards.

(M) Achilles Tendon

[10.12]

(a)	Most Serious	In the region of £38,430
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Severance of the tendon and the peroneus longus muscle giving rise to cramp, swelling, and

restricted ankle movement necessitating the cessation of active sports.

(b)	Serious	£24,990 to £30,090
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Where complete division of the tendon has been successfully repaired but there is residual weakness, a limitation of ankle movements, a limp, and residual scarring and where further improvement is unlikely.

(c)	Moderate	£12,590 to £21,070
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Cases involving partial rupture or significant injury to the tendon. The level of award within the bracket will be determined by the treatment received (whether conservative or invasive), the level of recovery made, ongoing pain, any continuing functional disability, and permanent scarring.

		£7,270 to
(d)	Minor	£12,590

A turning of the ankle resulting in some damage to the tendon and a feeling of being unsure of ankle support would fall within this bracket. The consequences of these injuries may be similar to modest ankle injuries and further guidance may be obtained from bracket (L)(d).

(N) Foot Injuries

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|------------|--------------------------------|---------------------------------|
| (a) | Amputation of Both Feet | £169,400 to
£201,490 |
|------------|--------------------------------|---------------------------------|

This injury is treated similarly to below-knee amputation of both legs because the common feature is loss of a useful ankle joint.

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|------------|-------------------------------|--------------------------------|
| (b) | Amputation of One Foot | £83,960 to
£109,650 |
|------------|-------------------------------|--------------------------------|

This injury is also treated as similar to a below-knee amputation because of the loss of the ankle joint.

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|------------|--------------------|--------------------------------|
| (c) | Very Severe | £83,960 to
£109,650 |
|------------|--------------------|--------------------------------|

To fall within this bracket the injury must produce permanent and severe pain or really serious permanent disability. Examples would include the traumatic amputation of the forefoot where there was a significant risk of the need for a full amputation and serious exacerbation of an existing back problem, or cases of the loss of a substantial portion of the heel so that mobility was grossly restricted.

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|------------|---------------|-------------------------------|
| (d) | Severe | £41,970 to
£70,030 |
|------------|---------------|-------------------------------|

Fractures of *both* heels or feet with a substantial restriction on mobility or considerable and permanent pain. The bracket will also include unusually severe injury to a single foot. Examples include injuries that result in severe degloving, extensive surgery, heel fusion, osteoporosis, ulceration, or other disability preventing the wearing of ordinary shoes. It will also apply in the case of a drop foot deformity corrected by a brace.

(e)	Serious	£24,990 to £39,200
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This bracket will include injuries less severe than in (d) above but leading to continuing pain from traumatic arthritis or the risk of future arthritis, prolonged treatment and the risk of fusion surgery.

(f)	Moderate	£13,740 to £24,990
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Displaced metatarsal fractures resulting in permanent deformity and continuing symptoms. There may be a risk of long-term osteoarthritis and/or future surgery.

(g)	Modest	Up to £13,740
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Simple metatarsal fractures, ruptured ligaments, puncture wounds, and the like. Where there are continuing symptoms, such as a permanent limp, pain, or aching, awards between **£7,010** and **£13,740** would be appropriate. Straightforward foot injuries such as fractures, lacerations, contusions, etc. from which complete or near complete recovery is made would justify awards of **£7,010** or less. Modest injuries that resolve within a short space of time will attract lower awards. Awards for minor foot injuries resolving within a few months, with little impact on lifestyle or day to day activities, are unlikely to exceed **£2,450**.

(O) Toe Injuries

[10.14]

(a)	Amputation of All Toes	£36,520 to £56,080
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The position within the bracket will be determined by, for example, whether or not the amputation was traumatic or surgical and the extent of the loss of the forefoot together with the residual effects on mobility.

(b)	Amputation of the Great Toe	In the region of £31,310
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(c)	Severe Toe Injuries	£13,740 to £21,070
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This is the appropriate bracket for severe crush injuries, leading to amputation of one or two toes (other than the great toe) or falling short of the need for amputation or necessitating only partial amputation. It also includes bursting wounds and injuries resulting in severe damage and in any event producing significant continuing symptoms.

(d)	Serious Toe Injuries	£9,600 to £13,740
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Such injuries will be serious injuries to the great toe or crush and multiple fractures of two or more toes. There will be some permanent disability by way of discomfort, pain, or sensitive scarring to justify an award within this bracket. Where there have been a number of unsuccessful operations or persisting stabbing pains, impaired gait or the like the award will tend towards the top end of the bracket.

(e)	Moderate Toe Injuries	Up to £9,600
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These injuries include relatively straightforward fractures or the exacerbation of a pre-existing degenerative condition or laceration injuries to one or more toes. Cases involving prolonged minor symptoms and/or the need for surgery resulting in prolonged discomfort and permanent scarring are

likely to justify awards towards the upper end of this bracket. Only **£5,590** or less would be awarded for straightforward fractures or crushing/soft tissue injuries of one or more toes with complete resolution or near complete resolution. Modest injuries that resolve within a short space of time will attract lower awards.

8 Work-related Limb Disorders

(A) Vibration White Finger (VWF) and/or Hand Arm Vibration Syndrome (HAVS)

[11]

Vibration White Finger and/or Hand Arm Vibration Syndrome, caused by exposure to vibration, is a slowly progressive condition, the development and severity of which are affected by the degree of exposure, in particular the magnitude, frequency, duration, and transmission of the vibration. The symptoms are similar to those experienced in the constitutional condition of Raynaud's phenomenon.

The Stockholm Workshop Scale is now the accepted table for medical grading of the severity of the condition. The Scale classifies both the vascular and sensorineural components in two complementary tables. Individual assessment is made separately for each hand and for each finger.

The vascular component is graded between Stage 0V (no attacks) through mild, moderate, and severe to 4V (very severe) where there are frequent attacks affecting all phalanges of most fingers with atrophic changes in the fingertips. The sensorineural component is graded between Stage 0SN (no symptoms) and 3SN (intermittent or persistent numbness, reduced tactile discrimination, and/or manipulative dexterity). The grade of disorder is indicated by the stage and number of affected fingers on both hands.

Any interference with work or social life is disregarded in that grading.

The assessment of damages is therefore not strictly tied to the Stockholm Workshop Scale grading. It depends more on the extent of the symptoms and their impact, having regard to the following factors:

1.
 - (i) age at onset;
2.
 - (ii) whether one or both hands are affected and, if only one, whether it is the dominant hand;
3.
 - (iii) number of fingers affected;
4.
 - (iv) extent of impaired dexterity and/or reduction in grip strength;
- 5.

(v) frequency and duration of painful episodes;

6.

(vi) effect of symptoms on work, domestic, and social life.

Accordingly, depending on individual circumstances, a lower award might be made despite significant Stockholm Workshop Scale grading where, e.g. employment is unaffected, whilst a higher award might be attracted where there is a lesser grading but a greater impact on normal life.

In a severe case, the injury may be regarded as damaging a hand rather than being confined to the fingers.

The brackets can best be defined and valued as follows (note that it is not intended that these should correlate directly with the Stockholm Workshop Scale):

(a)	Most Serious	£31,640 to £38,430
	Persisting bilateral symptoms in a younger person which interfere significantly with daily life and lead to a change in employment.	
(b)	Serious	£16,760 to £31,640
	In this bracket there will have been a marked interference with work and domestic activity. Attacks may occur throughout the year.	
(c)	Moderate	£8,640 to £16,760
	This bracket will include claimants in their middle years where employment has been maintained or varied only to remove excess vibration. Attacks will occur mostly in cold weather.	
(d)	Minor	£2,990 to £8,640

Occasional symptoms in only a few fingers with a modest effect on work or leisure.

(B) Work-related Upper Limb Disorders

This section covers a range of upper limb injury in the form of the following pathological conditions:

(a) Tenosynovitis: inflammation of synovial sheaths of tendons usually resolving with rest over a short period. Sometimes this condition leads to continuing symptoms of loss of grip and dexterity.

(b) De Quervain's tenosynovitis: a form of tenosynovitis, rarely bilateral, involving inflammation of the tendons of the thumb.

(c) Stenosing tenosynovitis: otherwise, trigger finger/thumb: thickening tendons.

(d) Carpal tunnel syndrome: constriction of the median nerve of the wrist or thickening of surrounding tissue. It is often relieved by a decompression operation.

(e) Epicondylitis: inflammation in the elbow joint: medial = golfer's elbow; lateral = tennis elbow. The brackets below apply to all these conditions but the level of the award is affected by the following considerations regardless of the precise condition:

(i) are the effects bilateral or one-sided (and, if one-sided, whether it is the dominant hand)?

(ii) the level of symptoms, i.e., pain, swelling, tenderness, crepitus;

(iii) the ability to work and the effect on domestic and social life;

(iv) the capacity to avoid the recurrence of symptoms;

(v) surgery;

(vi) age;

(vii) which, if any, of the symptoms would have been suffered in any event and when.

(a)	Continuing bilateral disability with surgery and loss of employment.	£21,910 to £23,130
(b)	Continuing, but fluctuating and unilateral symptoms.	£14,900 to £16,340
(c)	Symptoms resolving in the course of up to three years.	£8,640 to £10,750
(d)	Complete recovery within a short period (of weeks or a few months).	£2,200 to £3,530

(C) Cold Injuries

These injuries encompass freezing cold injuries (such as frostnip or frostbite) and non-freezing cold injuries.

(a)	Less serious cases of long-term cold sensitisation of the hands only or feet only, resulting in intermittent discomfort or pain in cold conditions which are manageable with warm clothing or by limiting cold exposure.	Around £15,000
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(b)	Aggravating features taking an award above that level will include: (i) symptoms affecting both hands and feet; (ii) an inability to manage the symptoms (with warm clothing or heating); (iii) continuous (rather than intermittent) discomfort or pain in cold conditions; (iv) the additional immediate impact of a freezing cold injury; (v) effect on employability or amenity. Cases involving a combination of aggravating features will justify greater awards. The combination of chronic pain and sweating in hands and feet with difficulty being outdoors in colder months, acute psychological symptoms, and probable acceleration of future joint problems warrants an award in the region of £32,500 .	
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(c)	The most severe cases, resulting in permanent neuropathic pain and significantly impaired mobility or dexterity, should be assessed by reference to Chapter 9: Chronic Pain.	
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This chapter deals with a variety of what may loosely be described as 'pain disorders'. This includes Fibromyalgia, Chronic Pain Syndrome, Chronic Fatigue Syndrome (also known as ME), Conversion Disorders (also known as Functional Neurological Disorders), and Somatic Symptom Disorders. Many such disorders are characterised by subjective pain without any, or any commensurate, organic basis. The figures given here assume causation of relevant symptoms is established. Cases of short-lived pain disorders, short-term exacerbation of an existing pain disorder, or brief acceleration of the onset of a pain disorder, all fall outside the suggested brackets and will require separate consideration.

With the exception of cases of Complex Regional Pain Syndrome (also known as CRPS), no attempt has been made to sub-divide between different clinical conditions. Guidance instead reflects the impact, severity, and prognosis of the condition. Where the condition principally affects a single part of the anatomy, cross-reference to the relevant chapter within the Judicial College Guidelines may assist. The presence of an overlapping psychiatric injury is commonplace in such cases.

The factors to be taken into account in valuing claims for pain disorders (including CRPS) include the following:

- (i) the degree of pain experienced;
- (ii) the overall impact of the symptoms (which may include fatigue, associated impairments of cognitive function, muscle weakness, headaches etc. and taking account of any fluctuation in symptoms) on mobility, ability to function in daily life, and the need for care/assistance;
- (iii) the effect of the condition on the injured person's ability to work;
- (iv) the need to take medication to control symptoms of pain and the effect of such medication on the person's ability to function in normal daily life;
- (v) the extent to which treatment has been undertaken and its effect (or its predicted effect in respect of future treatment);
- (vi) whether the condition is limited to one anatomical site or is widespread;

- (vii) the presence of any separately identifiable psychiatric disorder and its impact on the perception of pain;
- (viii) the age of the claimant;
- (ix) prognosis.

(A) Complex Regional Pain Syndrome (CRPS)

[12.1]

The condition is characterised by intense, burning pain which can make moving or even touching the affected limb intolerable.

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| (a) | <p>Severe: in such cases the prognosis will be poor; ability to work will be greatly reduced if not completely eliminated; significant care/domestic assistance needs; co-existing psychological problems may be present. At the top end of the scale, symptoms may have spread to other limbs.</p> | <p>£52,500 to
£84,010</p> |
| (b) | <p>Moderate: the top end of this bracket will include cases where significant effects have been experienced for a prolonged period but prognosis assumes some future improvement enabling a return to work in a significant (not necessarily full-time) capacity and with only modest future care requirements. At the lower end will be cases where symptoms have persisted for some years but are more variable in intensity, where medication is effective in limiting symptoms, and/or where the prognosis is markedly better, though not necessarily for complete resolution. May already have resumed employment. Minimal, if any, future care requirements.</p> | <p>£28,030 to
£52,500</p> |

(B) Other Pain Disorders

[12.2]

	Severe: In these cases significant symptoms will be ongoing despite treatment and will be expected to persist, resulting in adverse impact on ability to work and the need for some care/assistance. Most cases of Fibromyalgia with serious persisting symptoms will fall within this range.	£42,130 to £62,990
(a)		
	Moderate: At the top end of this bracket are cases where symptoms are ongoing, albeit of lesser degree than in (i) above and the impact on ability to work/function in daily life is less marked. At the bottom end are cases where full, or near complete recovery has been made (or is anticipated) after symptoms have persisted for a number of years. Cases involving significant symptoms but where the claimant was vulnerable to the development of a pain disorder within a few years (or 'acceleration' cases) will also fall within this bracket.	£21,070 to £38,490
(b)		

10 Facial Injuries

[13]

The assessment of general damages for facial injuries is an extremely difficult task, there being three elements which complicate the award.

First, while in most of the cases dealt with below the injuries described are skeletal, many of them will involve an element of disfigurement or at least some cosmetic effect.

Second, in cases where there is a cosmetic element the courts have hitherto drawn a distinction between the awards of damages to males and females, the latter attracting significantly higher awards. That distinction, arising from cases that stretch back into the mists of time, has been reflected in succeeding editions of these Guidelines. Such distinction appears difficult to justify and has not been retained. In consequence the previous brackets have been merged and are currently wide and overlapping. They will be narrowed in future editions to the extent that judicial decisions warrant it.

Third, in cases of disfigurement there may also be severe psychological reactions which put the total award at the top of the bracket, or above it altogether.

(A) Skeletal Injuries

		£23,810 to £36,740
(a)	Le Fort Fractures of Frontal Facial Bones	

		£14,900 to £23,950
(b)	Multiple Fractures of Facial Bones	

Involving some facial deformity of a permanent nature.

(c)	Fractures of Nose or Nasal Complex
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	Serious or multiple fractures requiring a number of operations and/or resulting in permanent damage to airways, difficulty breathing, and/or nerves or tear ducts and/or facial deformity.	£10,640 to £23,130
(i)		

	Displaced fracture where recovery complete but only after surgery.	£3,950 to £5,100
(ii)		

	Displaced fracture requiring no more than manipulation.	£2,520 to £3,150
(iii)		

	Simple undisplaced fracture with full recovery.	£1,710 to £2,520
(iv)		

(d)	Fractures of Cheekbones
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	Serious fractures requiring surgery but with lasting consequences such as paraesthesia in the cheeks or the lips or some element of disfigurement.	£10,200 to £15,780
(i)		

	Simple fracture of cheekbones for which some reconstructive surgery is necessary but from which there is a complete recovery with no or only minimal cosmetic effects.	£4,350 to £6,460
(ii)		

	Simple fracture of cheekbone for which no surgery is required and where a complete recovery is effected.	£2,320 to £2,990
(iii)		

(e) Fractures of Jaws

	Very serious multiple fractures followed by prolonged treatment and permanent consequences, including severe pain, restriction in eating, paraesthesia, and/or the risk of arthritis in the joints.	£30,490 to £45,540
(i)		

	Serious fracture with permanent consequences such as difficulty in opening the mouth or with eating or where there is paraesthesia in the area of the jaw.	£17,960 to £30,490
(ii)		

	Simple fracture requiring immobilisation but from which recovery is complete.	£6,460 to £8,730
(iii)		

(f) Damage to Teeth

In these cases there will generally have been a course of treatment as a result of the initial injury. The amounts awarded will vary according to the extent and/or the degree of discomfort of such treatment. Any difficulty with eating increases the award. These cases may overlap with fractures of the jaw, meriting awards in the brackets for such fractures. Awards may be greater where the damage results in or is caused by protracted dentistry.

	Significant, chronic, tooth pain (such as from an untreated abscess) extending over a number of years	Up to £38,130
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together with significant general deterioration in the overall condition of teeth:

		£8,730 to
(i)	Loss of or serious damage to several front teeth.	£11,410
	Loss of or serious damage to two front teeth. The loss of two front teeth will attract an award in the middle to upper end of this bracket and damage to two front teeth or loss of two milk teeth will attract an award at the lower end.	£4,350 to £7,630
		£2,200 to
(iii)	Loss of or serious damage to one front tooth.	£3,950
		£1,090 to
(iv)	Loss of or damage to back teeth: per tooth:	£1,710

(B) Facial Disfigurement

[14]

In this class of case a number of common factors fall to be considered:

- the nature of the underlying injury which has resulted in facial disfigurement;
- the nature and extent of treatment;
- the nature and extent of the residual scarring or disfigurement;
- the age of the claimant;

- the subjective impact of the disfigurement upon the claimant including the extent to which they valued their appearance;
- the extent to which the injury adversely affects the claimant's social, domestic, and work lives;
- the psychological impact upon the claimant, which in severe cases may be very substantial.

The subject of burns is not dealt with separately. Burns of any degree of severity are particularly painful and disfiguring, and awards are invariably at the upper ends of the brackets, or above them altogether. The very worst burns may lead not only to considerable disfigurement and pain but to a variety of continuing physical and psychological injuries meriting very high awards. See also the general guidance in relation to burn injuries in Chapter 11: Scarring to Other Parts of the Body.

As explained earlier, it is doubtful that gender alone can justify different levels of award.

(a)	Very Severe Scarring	£29,780 to £97,330
	In relatively young claimants (typically teens to early 30s), where the cosmetic effect is very disfiguring and the psychological reaction severe.	
(b)	Less Severe Scarring	£17,960 to £48,420
	Where the disfigurement is still substantial and where there is a significant psychological reaction.	
(c)	Significant Scarring	£9,110 to £30,090

Where the worst effects have been or will be reduced by plastic surgery leaving some cosmetic disability and where the psychological reaction is not great or, having been considerable at the outset, has diminished to relatively minor proportions. Will include cases where the scarring is visible at conversational distance.

(d)	Less Significant Scarring	£3,950 to £13,740
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In these cases there may be but one scar or, though there are a number of very small scars, the overall effect is to mar but not markedly affect the appearance and the reaction is no more than that of an ordinarily sensitive person. Cases involving one single scar (not hyperpigmented or keloid) that can be hidden or camouflaged and do not represent any significant cosmetic blemish are likely to attract an award at the lowest end of the bracket.

(e)	Trivial Scarring	£1,710 to £3,530
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In these cases the effect is minor only.

11 Scarring to Other Parts of the Body

[15]

This is an area in which it is not possible to offer much useful guidance. The principles (including the approach to awards for different genders) are the same as those applied to cases of facial disfigurement. It must be remembered that many of the physical injuries already described involve some element of disfigurement and that element is of course taken into account in suggesting the appropriate bracket. There remain some cases where the element of disfigurement is the predominant one in the assessment of damages. Where the scarring is not to the face or is not usually visible then the awards will tend to be lower than those for facial or readily visible disfigurement.

A large proportion of awards for a number of noticeable laceration scars, or a single disfiguring scar, of leg(s) or arm(s) or hand(s) or back or chest fall in the bracket of **£7,830 to £22,730**.

**£7,830 to
£22,730**

In cases where an exploratory laparotomy has been performed but no significant internal injury has been found, the award reflects the operation and the inevitable scar.

**In the region
of £8,640**

A single noticeable scar, or several superficial scars, of leg(s) or arm(s) or hand(s), with some minor cosmetic deficit.

**£2,370 to
£7,830**

As we have noted in Chapter 10, the effects of burns will normally be regarded as more serious since they tend to cause a greater degree of pain and may lead to continuing physical and psychological injury. Serious burn injuries will attract very significant awards. Where significant burns cover 40% or more of the body, awards are likely to exceed **£104,830**. Factors which will influence the size of award in burns cases will include:

**Likely to
exceed
£104,830**

(a) The percentage body area affected by the burns;

(b) Whether the burns are full thickness, partial thickness, or superficial;

(c) The cosmetic impact of the injuries and the injured person's reactions to them;

(d) The need for (and extent of) surgery;

(e) Any resulting physical disability;

(f) The psychological impact.

12 Damage to Hair

[16]

This is one of the areas referred to in the Introduction to the 16th Edition where there have been no recent decisions and the figures have simply been updated for inflation now for several Editions of these guidelines. Consideration may therefore need to be given as to whether there are any appropriate reasons to revisit the awards based on older case law within this chapter.

- | | | |
|-----|--|------------------------------|
| (a) | Damage to hair in consequence of defective permanent waving, tinting, or the like, where the effects are dermatitis, eczema, or tingling or 'burning' of the scalp causing dry, brittle hair, which breaks off and/or falls out, leading to distress, depression, embarrassment, and loss of confidence, and inhibiting social life. In the more serious cases thinning continues and the prospects of regrowth are poor or there has been total loss of areas of hair and regrowth is slow. | £7,340 to
£11,020 |
|-----|--|------------------------------|

There may be a larger award in cases of significant psychological disability or if surgical intervention (e.g. skin grafting) is required.

- | | | |
|-----|--|-----------------------------|
| (b) | Less serious versions of the above where symptoms are fewer or only of a minor character; also, cases where hair has been pulled out leaving bald patches. The level of the award will depend on the length of time taken before regrowth occurs. This bracket will include cases of alopecia induced by stress causing some hair loss where full recovery is made within two years. | £3,950 to
£7,340 |
|-----|--|-----------------------------|

13 Dermatitis and Other Skin Conditions

[17]

This is one of the areas referred to in the Introduction to the 16th Edition where there have been no recent decisions and the figures have simply been updated for inflation now for several Editions of these guidelines. Consideration may therefore need to be given as to whether there are any appropriate reasons to revisit the awards based on older case law within this chapter.

Apart from dermatitis of the scalp (see Chapter 12), most of the reported cases relate to dermatitis of the hands. Higher awards are likely to be justified where the face is affected. This chapter also includes other skin conditions such as eczema and psoriasis.

(a)	Dermatitis of both hands, with cracking and soreness, affecting employment and domestic capability, possibly with some psychological consequences, lasting for some years, perhaps indefinitely.	£13,740 to £19,200
(b)	Dermatitis of one or both hands, continuing for a significant period, but settling with treatment and/or use of gloves for specific tasks.	£8,640 to £11,410
(c)	Itching, irritation of, and/or rashes on one or both hands, but resolving within a few months with treatment. A short-lived aggravation of a pre-existing skin condition will also fall within this bracket.	£1,710 to £3,950

14 Minor Injuries

[18]–[100]

Caution: In respect of soft tissue whiplash injuries to the neck, back, and shoulders, please refer to the Note 'Whiplash Injuries: Tariff Based Awards' at page xxi of these Guidelines. For many cases involving whiplash injuries arising from a road traffic accident on or after 31 May 2021 where the duration of injury is two years or less general damages will now be assessed by reference to the applicable fixed tariff. The guidelines below continue to apply to any cases (whether in respect of whiplash injuries or otherwise) which fall outside of the tariff-based regime established under the [Civil Liability Act 2018](#).

Minor injuries are injuries which are of short duration, where there is a complete recovery within three months, and are not otherwise referred to in other chapters. Cases where there is significant pain or multiple injuries albeit full recovery within three months may fall outside this chapter. Likewise, cases involving, for example, travel anxiety (associated with minor physical injuries) or minor scarring where symptoms last for more than three months may appropriately be included in this chapter. The awards within each bracket will be dependent on the severity and duration of symptoms. The extent to which the level of symptoms remains relatively constant will also be a relevant factor. Claims solely in respect of shock or travel anxiety in the absence of physical or recognised psychiatric injury will not attract an award of compensation.

(a)	Injuries where there is a complete recovery within seven days.	A few hundred pounds to £690
(b)	Injuries where there is a complete recovery within 28 days.	£690 to £1,370
(c)	Injuries where there is a complete recovery within three months.	£1,370 to £2,450