

Victims of brain injury

The Silent Epidemic

- Very high incidence of MVA; “double global rate”
- Disproportionate number of TBI's
- Very high incidence of PVA's
- Very high incidence of paediatric TBI's

The Problem of Brain Injury

- Very high incidence of TBI's
- Often in the presence of alcohol consumption
- Frequently co-occur with other injuries
- Those injuries may be the focus of treatment
- Brain injuries can therefore be “overlooked”, or
- The severity of brain injury can be underestimated

Worrying Signs and Symptoms

- Very often very subtle
- Compromising the way the victim thinks;
 - Concentration and attention
 - Memory
 - Executive function
- Impacting the way the victim behaves;
 - Impulsive
 - Irritable and easily aroused
 - Egocentric

The Effect

- Relationships are damaged
- Changed behaviour can be attributed to “bad attitude”, mood disorder or post-traumatic stress disorder
- Sympathy runs out quickly
- The victim is isolated, marginalised and often ostracised
- Underlying these is, often, Executive Dysfunction

Impact of RABS

- Focus on physically evident disabilities
- Insensitivity to gross sequelae of traumatic brain injury
- Oblivious to subtle sequelae of traumatic brain injury
- Oblivious to the consequences and manifestations of neurocognitive and neurobehavioural sequelae of traumatic brain injury

Impact of RABS (2)

- At best, therefore, it is unsympathetic to the sequelae of traumatic brain injury
- It requires of victims of road accidents that they:
 - Are able to appreciate that they have suffered damages
 - Are able to appreciate that they can claim
 - Are physically able to satisfy the administrative requirements to claim
 - Are competent to appreciate the full extent of the damages they have suffered

Impact of RABS (3)

- A grossly disabled minor, dependent in all aspects of activities of daily living but not requiring acute or post-acute medical treatment, is effectively abandoned
- A young adult male, previously sportive and socially active and just entered the skilled labour market who is socially isolated, has no prospects of family life, has reached a career plateau and is irresponsible
- A young adult female who has “recovered totally from the accident” but cannot hold down a job

Impact of RABS (4)

- In all instances, the victims require intensive and specialist inter-disciplinary rehabilitation
- This is not accessible in state health infrastructure
- No alternative is provided for in terms of the RABS
- Little, if any, loss of income or residual earning capacity has accrued
- Profound loss of ability to enjoy those amenities of life not acknowledged or compensated for

Impact of RABS (5)

- The victim is probably not aware of the full extent of sequelae
- The victim is not able to appreciate, articulate and argue the damage that has accrued
- There is probably no prospect of a successful claim
- The victim is therefore not empowered in any way to re-enter the community, as intended by the RABS, but rather becomes identified as “pathological” and marginalised
- **Contrary to the objectives of the RABS!**