

MOJ Streamlined Claims Process Conference

The Brewery
16th June 2011

Tactics and FAQs

Nigel Partridge

Partner

Lyons Davidson

Liability

- Beware the submitted claim worth more than £10k
- Is the admission binding?



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Liability

- “Treating Customers Fairly”
- Insured denies liability in ARF and/or cannot be contacted within Stage 1 period
- If liability admitted is insured prejudiced?

Causation

- Only seat-belts
- Evidence
- Risk and Reward – is it worth it?

- Low Velocity Impacts
 - position of Casey -v- Cartwright?
- Risk and Reward....and Reputation?

Pre-Meds

- An option within the LV Protocol
- Timing
- Procedure and practice

Pre-meds

- Advantages
 - savings
 - speed
 - certainty
 - increase claims handler capacity
- Disadvantages?

Treatment Costs

- Often the medical report recommends treatment - a tactical call...
- Do you pay the treatment fee?
- Make an offer subject to documentary proof?
- Or make an offer in the Without Prejudice Section?
- Policy decision

Stage 2

- Unrealistic Claimant Valuations
 - Claimants do not have to beat own offer
- What to do?
 - Make a realistic counter-offer...and early
 - Value of Claims Assessment Tools
 - Monitor Claimant behaviour

Stage 2

- How many offers can you make?
- Ian's Tennis analogy!!



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Stage 2

- How many offers can you make?
- Ian's Tennis analogy!!
- 'phone to the rescue?
- Balancing risk and reward

Stage 2

- How long is the 35 day Total Consideration Period??

Stage 2

- When can a Claimant proceed to Stage 3?
- At any time within the total consideration period
- Some insurers are arguing that the Claimant must wait until the end of the total consideration period before going to Stage 3

Date of claimant 1st offer 10/06/2011 Date of claimant's reply to insurer

Defendant's representative

Contact details

Company Name	Lyons Davidson COMP	Contact Middle Name
Contact Name	John	
Contact Surname	Smith	
Telephone Number	0117 9045826	E-mail address
Reference number	PCKgr16	

Date of insurer 1st offer 10/06/2011 Date of reply to claimant

New Counter offer

No new Counter offer

Extend time

Allocate to user

De-allocate

Exit process

Required Fields Optional Fields

Done

RTA PI Claims Process - Microsoft Internet Explorer provided by LD

http://www.rtapiclaimsprocess.org.uk/members_area/report_a_behaviour.html

File Edit View Favorites Tools Help

RTA PI Claims Process

Members' Welcome

USERS

- Release 1 Q&A
- Release 1 Contents
- User Guides
- Workarounds
- Registered Insurers / Compensators
- Report Behaviour

DEVELOPERS

- Release 1 A2A Tech Specs
- Release 1 A2A Schemas
- Other Documents
- Registered Insurers / Compensators
- A2A Insurer Index Table
- A2A User Workshop
- Presentation Slides Oct 2010
- Presentation Slides Jan 2011
- Q&A's Dec 2010
- Key Messages 2010

News Releases & E-Shots

ARCHIVE

- Release 0 (Original Realease)
- Release 0 Tech Specs
- Release 0 A2A Schemas
- Claimant Lawyers
- Insurers

FUTURE RELEASES

Information concerning the timing and content of future releases will be published here

[Return to Main Site](#)

RTA Portal Co Behaviour Committee Pilot

In response to Portal user feedback where behaviour issues have arisen from use of the RaPIId Claims Settlement Portal, RTA Portal Co have put in place a **'Behaviour Committee' pilot**. The pilot will run from 1st March 2011 and last for 3 months ending on 31 May 2011 after which time, subject to user feedback and the success of the scheme, the initiative may be rolled out permanently.

The Behaviour Committee will be made up of a claimant and compensator representative who will assist with the resolution of behavioural issues arising from use of the RaPIId Claims Settlement Portal. The Behaviour Committee Policy document is available below.

The pilot has been instigated in response to Portal user feedback where behaviour issues have arisen regarding, for example, but not limited to: inappropriate use of Article 75; claims submitted without retainers; inappropriate use of Interim Settlement Packs; extensions of Time without Agreement.

The Behaviour Committee Process

In the first instance, where a behaviour issue is identified by a Compensator or a Claimant Representative, this should be addressed directly, in writing, with the organisation concerned. Where a satisfactory outcome has not been achieved, the issue can now be reported to the Behaviour Committee using the RTA Portal Co Behaviour Report Form below.

The Behaviour Committee will meet on a monthly basis and provide a non biased approach to any behavioural issues that have been submitted, calling on stakeholder guidance if required. The Behaviour Committee will provide general guidance on appropriate behaviour expected by users of the Portal in relation to the issue submitted. Such guidance is not intended to be binding on the parties. The Behaviour Committee will consider behaviour issues in the context of the Civil Procedure Rules and Practice Directions, including in particular the Pre-Action Protocol for Low Value Personal Injury Claims, the objectives of that Protocol and the spirit in which it was introduced. Subject to sensitivity, all concluded Behaviour Issues will be shared with the user community and made available in the left hand tab.

[To download the Behaviour Committee Policy Document click here](#)
[To download the RTA Portal Co Behaviour Report Form click here](#)

The standard RTA Portal service hours are:

Missing the Boat

- What if you fail to settle at Stage 2?
- Is a Stage 3 hearing inevitable?
- Costs consequences and considerations.

Stage 3

- What do the Judges know?
- New evidence – law and reality
- What are your prospects??

Other matters

- What happens if the claim “disappears” between Stage 1 and 2?
- Is it an issue?
- Can you recover your £400...and is it worth it?

Other Matters

- Wollard -v- Fowler revisited??
- *“Solicitors should not seek to circumvent the restrictions on their profit costs by delegating matters that would normally be viewed as solicitor’s work to third parties who could claim as disbursements that which the solicitor could normally be expected to perform within the (predictable fee) structure.”*

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