

MIB 2nd March Official Injury Claim Webinar Q&A Part 2

1. How will mixed claims will be dealt with?

For mixed injury claims you would use the Tariffs and use the Judicial College Guidelines for the Non-Tariff injuries. This then gives a total - broken down between the Tariff injury and Non-Tariff injury parts of the claim.

2. What is the process if vehicle costs takes the total value of the claim over £10k?

The claim will need to exit the portal if it goes over the £10K limit.

3. Will the return to function service be restored if we are not the insurer concerned?

No

4. Is it correct that on a represented claim, it is the claimant's representative who instructs MedCo for the initial report?

Yes, that is correct.

5. If a claim is initially directed to an insurer and subsequently directed to the correct insurer will the 30 working day investigation period start again?

No

6. Is it necessary to send the hard copy of the Defendant-only SCNF on every claim?

Yes, this is confirmed in the Pre-Action Protocol that a copy must be sent.

7. Defendant-only SCNF, will this have the claimant's personal details stripped?

Yes, data will be taken out e.g. telephone number, NI number, email address and DOB.

8. If a compensator is unable to obtain a defendant's version of events but has other evidence, e.g. an independent witness or CCTV, will they be able to submit a denial of liability without including the defendant's version of events?

Yes, you also have the option to provide a witness summary.

9. What happens if there is more than one policy listed on MID? Do you send it to all Insurers /TPA's?

If there is more than one MID the claim will go to the Portal Support Centre and they will investigate to identify the correct insurer to deal with the claim.

- 10. The hospital attendance questions in the SCNF do not provide the correct information in order to register a claimant's case with the DWP. The exact number of nights in NHS needs to be provided.**

The CRU form does not ask for the number of nights when registering a claim with them, it asks for the hospital attended and the SCNF holds this information.

- 11. What if the Claimant does not know the TPD address, will they be redirected to do a DVLA search?**

The address of the defendant is not a mandatory field as we know in some cases this cannot be obtained due to DPA.

- 12. When an offer has been made for either liability or quantum, how long does the claimant have to response? The SLAs for the compensator are clear however not so clear, for the claimant response.**

There are no SLAs on the claimant.

- 13. Presumably the diagrams to illustrate the scenarios of impact are simple guides - the site of accident damage shown in the pics doesn't reflect necessarily where accident damage occurs.**

Yes, that is correct.

- 14. In the case of linked claims (different claims associated with the same accident), there is currently a notification to indicate when litigation is triggered for an associated claim. Is there any plan to also automatically trigger the litigation process for all linked claims?**

No plans at present.

- 15. If a claim starts on the Official Injury Claim and then needs to transfer to the current portal, how will the claimant's data be provided to them in a GDPR-compliant portable form?**

A claim from Official Injury Claim to the RTA portal will not transfer, the claim would need to exit Official Injury Claim and re-start in RTA portal.

- 16. What if the MID identifies the insurer to route the claim to, then that insurer investigates and determines that the claim is not against their policy, and has the details of the correct insurer? (not on MID). How is this operated so that the claimant can redirect?**

The Portal Support Centre will help the compensator to redirect this to the correct insurer.

- 17. Is there going to be a built-in check like CUE PI? Flagging name/address/phone matches featured on multiple claims etc?**

No, this function is not built into the Official Injury Claim portal.

18. If court proceedings are needed because liability and/or quantum cannot be resolved, and the pre-populated court papers are provided to unrepresented claimants, will any limitation advice/warning be given?

Yes, the system does provide warnings about limitation at 6 months, 3 months, 1 month.

19. So are you saying in a DOC scenario that the insurer has to dispute liability rather than reject or redirect the claim?

You would select the option 'liability denied', the claim would then go back to the claimant, however if the other insurer is on the MID at the same time, this would have been picked up by the Portal Support Centre and they would route the claim to the correct insurer.

20. When a claim is submitted, is it done so with a Statement of Truth and is the claimant advised of the consequences of this?

Yes, within the Statement of Truth we make the consequences clear.

21. If a claim is started on the system, but it is later discovered the claim is worth more than £5,000 is there an exit process to enable them to seek legal advice/ costs?

Yes, this is one of the exit points out of the portal.

22. What does 'holding' a Statement of Truth mean? Reps can't lodge docs for claimants unless they have such.

A solicitor will hold a signed copy of the claimant SCNF as per the existing RTA portal.

23. I note at beginning of the process you have to declare if it's over £5,000 or under £5,000. What happens if you get this wrong?

We do not ask a question about the value of the claim we provide warnings. If the personal injury claim is worth more than £5,000 then you can remove the claim from the portal.

24. When a claim is submitted, is it done so with a Statement of Truth and is the claimant advised of the consequences of this?

Yes, within the Statement of Truth we make the consequences clear.

25. If the claim is later valued above £5,000 will the claim need to be submitted again on the Rapid Claim Portal?

Yes, the claim would need to be submitted to the RTA portal.

26. If a claim is directed to the incorrect compensator, how is it re-directed to the correct compensator?

The Portal Support Centre will help to redirect this to the correct insurer.

27. If claims come out of this Portal due to valuation can they go into the current RTA Portal?

Yes, the claim would need to be submitted to the RTA portal.

28. Will the vehicle damage and hire element be processed through the portal?

Yes, if the claimant has paid for the vehicle damage and hire themselves, they can claim this. If not, then this will form part of the Non-Protocol Vehicle Cost flow.

29. When will the SCNF be released?

The SCNF will be released once the claimant has submitted the claim.

30. What is happening regarding Universal Credit and comms and registering with CRU?

As the compensator you are still required to register the claim with CRU.