



Claims data

For the period 31st May – 31st August 2021

OFFICIAL
INJURY
CLAIM

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1. Introduction

The Official Injury Claim (OIC) service, was developed by the Motor Insurers' Bureau (MIB) on behalf of the Ministry of Justice (MoJ). It has been operational since the implementation of the government's Whiplash Reform Programme on 31st May 2021.

The reforms included an increase in the small claims track limit for road traffic accident (RTA) related personal injury claims from £1,000 to £5,000 and the commencement of the measures in Part 1 of the Civil Liability Act (CLA) 2018. The CLA introduced a fixed tariff of damages for whiplash claims and a ban on the seeking or offering to settle such claims without medical evidence.

More information and frequently asked questions on the reforms and the OIC service are available [here](#) and on the OIC website [here](#).

The data and statistics presented on these pages reflect the first quarter of data captured by the service and apply to claims made during the period of 31st May – 31st August 2021 only.

This first tranche of data has been published on the Official Injury Claim website, and it is intended that data will be issued on a quarterly basis. The MoJ are also exploring whether to publish future releases on GOV.UK and will inform stakeholders of any changes to the schedule and/or location of this data via stakeholder alerts.

Due to the early nature of this publication, we have not been able to include some figures as there is currently not enough meaningful data to make publication at this time viable or helpful. As further data releases are published as part of this series these information gaps will be filled.

The OIC service is still evolving, and analysis of this published data offers an insight into the early performance of the service. However, the information provided will continue to change and mature as the service becomes more established.

Other relevant and contextual data related to the personal injury claims process is also available from other sources such as:

- [DWP Compensation Recovery Unit](#)
- [Claims Portal](#)
- [HMCTS](#)
- [MedCo](#)

The statistics presented in this publication are generated by the Official Injury Claim service and have been provided to the MoJ by the MIB. Data has been quality assured by MoJ analytical staff prior to publication.

2. Headline data

Reporting Period: 31/05/2021 - 31/08/2021*

Overall claims volume: 45,718

Represented Claims: 41,387

Unrepresented Claims: 4,331

Liability decisions: 24,812

Settlements: 436

*Data correct as of 2nd September 2021

3. Claims volume

Between 31st May and 31st August 2021, 45,718 claims were started via the service. These figures should not be viewed in isolation when considering the total volume of RTA related personal injury claims made during this period. Other relevant factors include Covid-19 impacts on driver behaviour and volume, a staged approach to initiating claims on the new service being utilised by some professional users, and the fact that claims also continue to be made through the Claims Portal service where appropriate.

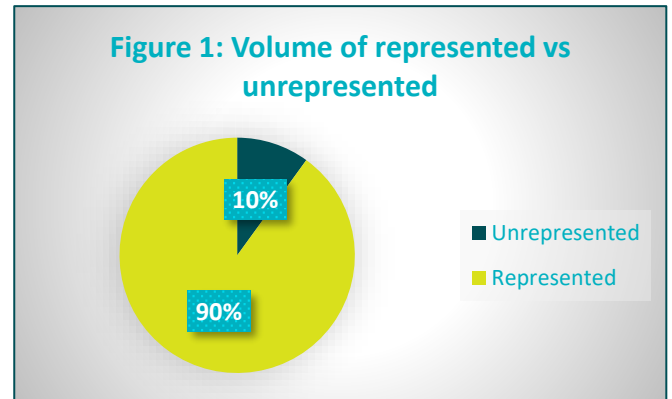
4. Representation

Of all claims registered during the first three months of operation a total of:

4,331 were made by unrepresented claimants; and

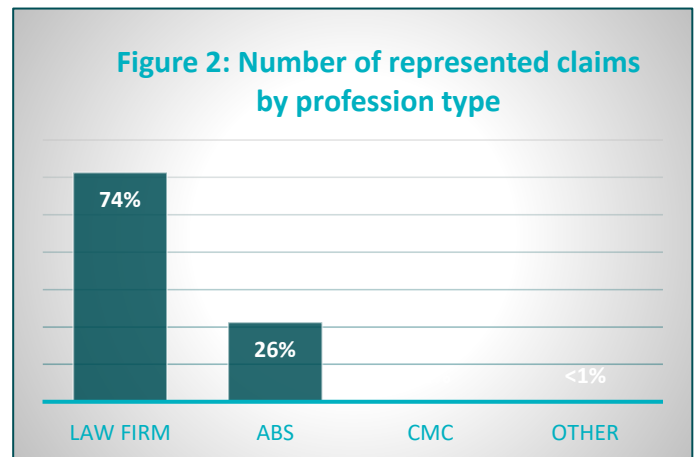
41,387 had professional representation.

A further **5** claims have been made via the Portal Support Centre assisted paper claims process.



Represented claimants are being supported by a range of different types of organisations, including law firms, Alternative Business Structures (ABSs)*, appropriately authorised claims management companies (CMCs)** and others***. As is shown in the table and Figure 2 below, the vast majority are law firms (74%) and licensed ABSs (25%).

Type of User	Number of Claims
Law Firm	30,658
ABS	10,622
CMC	101
Other	6



* An ABS is an entity authorised by a licensing body (usually a regulator) to provide reserved legal activities. An ABS allows non-lawyers to own or invest in legal services providers, where previously ownership was restricted to legal professionals.

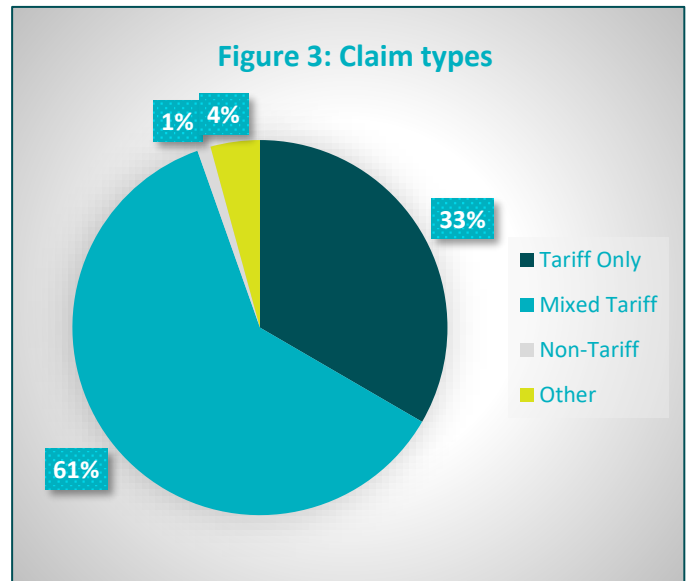
** CMCs supporting claimants on the OIC service must have Financial Conduct Authority authorisation to provide advice in relation to a personal injury claim. CMCs with other types of authorisation, such as lead generation, are not allowed to represent claimants via the service.

*** In limited circumstances professional users may select 'other' when creating an account and when that user's profession does not match the options provided. For example, it may be used by a CILEX barrister.

5. Types of claim

The OIC service can be used to claim compensation for a range of different RTA related injuries with a value of less than £5,000. Figure 3 and its accompanying table provide an overview of the types of claim being received, broken down by category:

Claim types	Number of claims
Whiplash ¹ Only	10,436
Whiplash + Minor Psychological ²	4,718
Whiplash + Physical ³	12,432
Whiplash + Physical + Minor Psychological	14,776
Multiple Injuries ⁴	746
Physical Only	616
Physical + Psychological	124
Other ⁵	1,871



1. Whiplash is an injury of soft tissue in the neck, back or shoulder, as defined by Part 1, section 1 of the [Civil Liability Act 2018](#).
2. Minor psychological injury includes shock, anxiety and other psychological conditions.
3. Single Physical injuries include bruising, abrasion, cuts, scarring, fracture, headaches, sprain or strain and affected senses.
4. Multiple injuries refer to more than one physical injury as defined above. In these claims, tariff and non-tariff damages would apply.
5. 'Other' includes claims where the Small Claims Notification Form (SCNF) is partially completed and the claimant or representative have not completed the injury pages on OIC.

Damages for whiplash only and whiplash plus minor psychological injury are determined by the tariff under [The Whiplash Injury Regulations 2021](#). **15,154 (33%)** of total claims so far are covered solely by the tariff, and **27,954 (61%)** are mixed claims including both tariff and other injuries. **43,108 (94%)** of claims include a whiplash tariff element.

6. Settlements

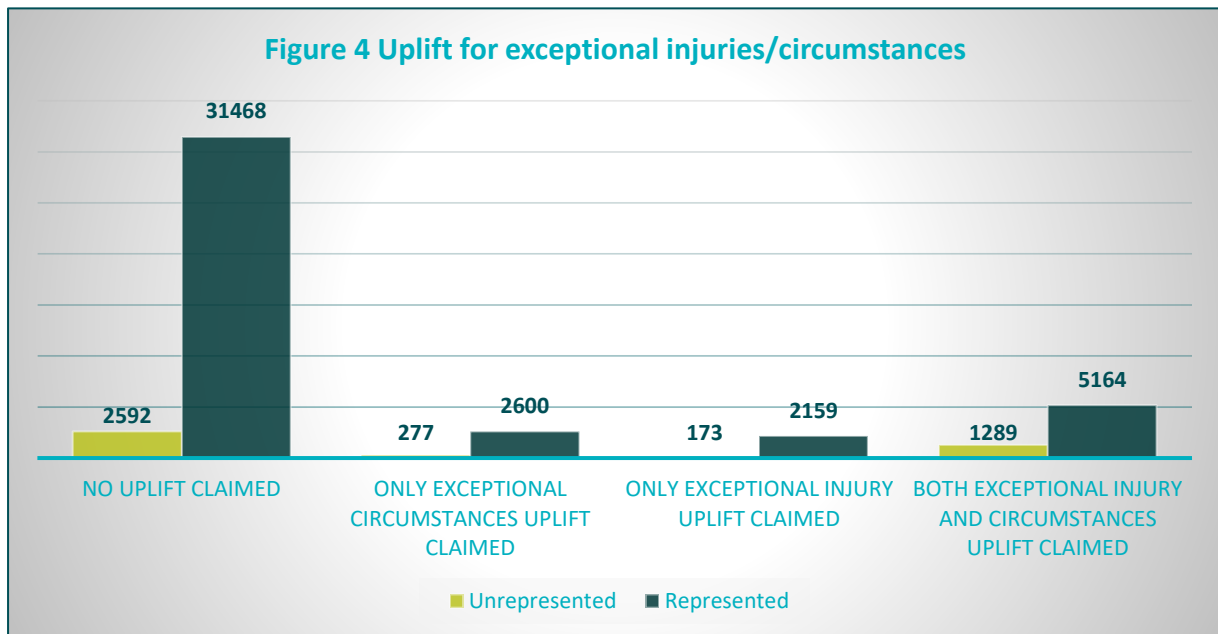
As of 8th September, 436 claims started between 31st May and 31st August 2021 had settled. **418 (96%)** of these were unrepresented claimants. The average time from claim to settlement for these claims was **45.2 days**. Future data releases will include information on average settlement values for both tariff and non-tariff claims. However, this data has not been included in this first release due to the limited number of claims settled to date.

The Whiplash Injury Regulations 2021 also provide for a court to award an uplift in damages of up to 20% where either the injuries suffered, or the claimant’s circumstances are considered to be exceptional. Of the total claims made in the reporting period*, **2,877** claims included a request for an uplift for exceptional injury, **2,332** claims requested an uplift for exceptional circumstances and **6,453** claims requested an uplift in both categories.

Type of representation	No uplift claimed	Only Exceptional Circumstances uplift claimed	Only Exceptional Injury uplift claimed	Both Exceptional Injury and Circumstances uplift claimed
Unrepresented	2,592	277	173	1,289
Represented	31,468	2,600	2,159	5,164

Breaking the figures down by user type shows that **1,739** unrepresented claimants have requested an uplift for exceptional injury, exceptional circumstances or both. This equates to **40%** of the **4,331** unrepresented claimants who made a claim between 31 May and 31 August 2021. During the same period **9,923** represented claimants also requested an uplift for exceptional injury, exceptional circumstances or both. This equates to **24%** of the **41,391** represented claims made.

*Data on uplift claims correct as of 16th September 2021



Exceptional Circumstances

This means that the claimant believes they should receive higher damages than those provided for under the whiplash tariff due to the impact of their accident on their home/work/social life or activities.

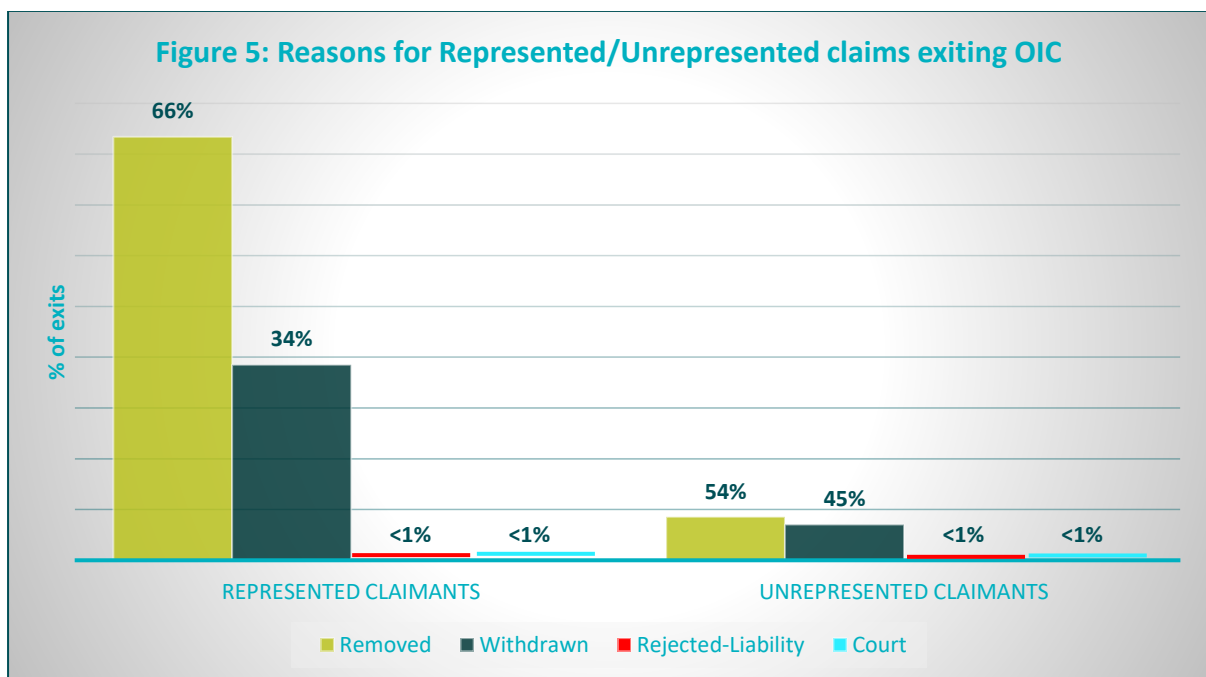
Exceptional Injuries

This is slightly different from ‘exceptional circumstances’ and usually means that the claimant believes that their injuries are exceptionally severe and that they should receive higher damages than those provided for under the whiplash tariff.

7. Claims exiting the portal

Of the total number of claims received, 2,763 (6%) have exited the portal for a reason other than settlement. Claims can exit the OIC process in a variety of different circumstances, and Figure 5 provides data on the reasons claims exited the OIC portal:

	Removed*	Withdrawn	Rejected-Liability	Court
Represented Claimants	1,668	770	7	1
Unrepresented Claimants	171	141	3	2



*Claims are marked as removed when they have been taken out of the service by the Compensator. Reasons for this include: the compensator believes the overall claim is more than £10,000, the claim for personal injury is more than £5,000, there are complex issues of fact or law, there is a formal allegation of fraud made following receipt of the medical report, a dispute relating to causation or an agreement was reached outside of the service.

Future data releases will also include information on the stage at which claims exit the portal, however, this data has not been included in this first release due to their limited number.

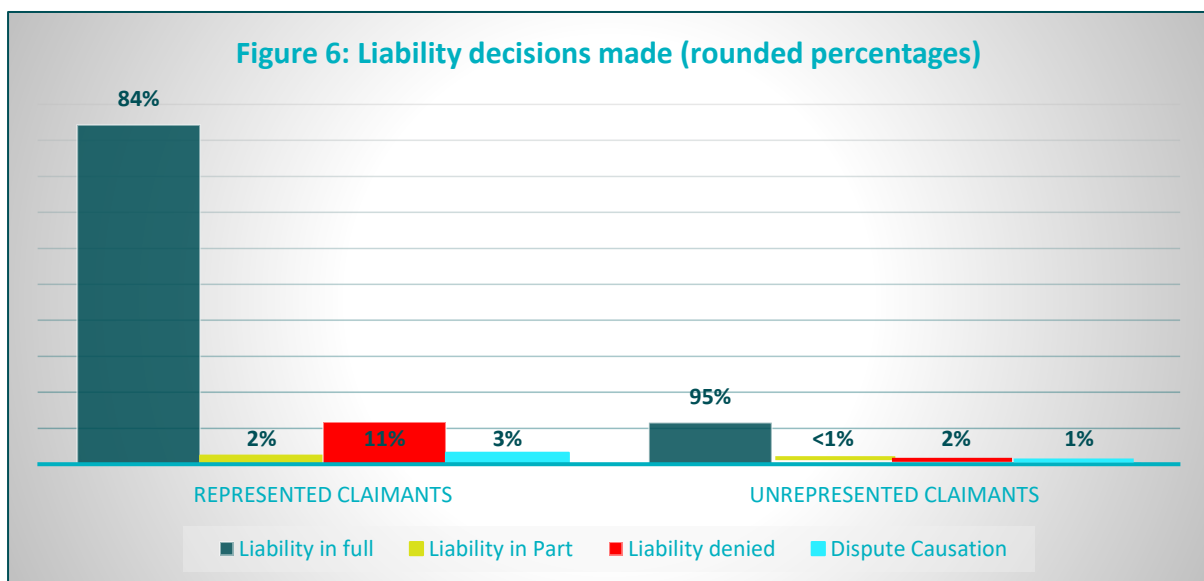
8. Liability

In total **24,812 cases** have had a liability decision made. Most decisions (**22,365 or 90%**) were made in relation to claims brought by represented claimants. A further **2,447 (10%)** were made in relation to claims brought by unrepresented claimants. This mirrors the overall proportion of claims made by represented and unrepresented claimants using the service.

Overall, **21,680** claimants have had liability admitted in part or in full by the at-fault compensator. This breaks down as **19,366** represented and **2,314** unrepresented claimants receiving admissions of liability. A total of **2,447** claims received a full denial of liability with **2,355** of these from represented claimants and **92** from unrepresented claimants.

In addition, causation was disputed in **685** claims (**644** represented and **41** unrepresented). The table and Figure 6 below provide a breakdown of liability decisions made:

	Liability in full	Liability in Part	Liability denied	Dispute Causation
Represented Claimants	18, 878	488	2,355	644
Unrepresented Claimants	2,306	8	92	41

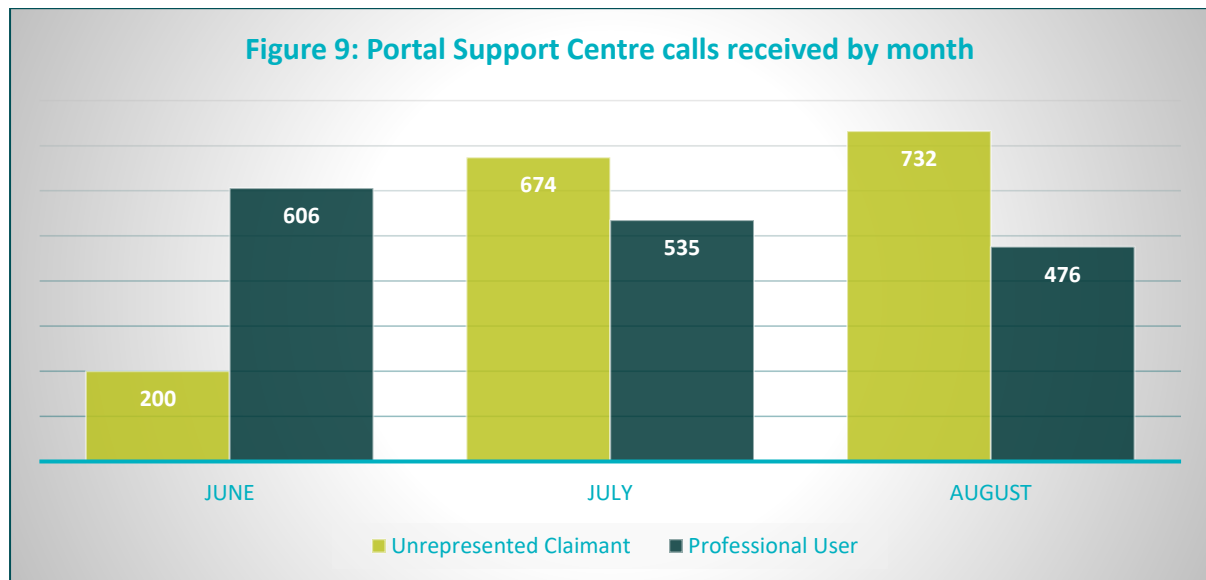


9. Portal Support Centre

The OIC service features a fully staffed helpline which can provide both professional users and unrepresented claimants with help on using the system and progressing claims. The service does not provide legal advice but can support users on the process of making a claim through both the digital portal and via paper-based claim forms.

Overall, the Portal Support Centre received **3,223** enquiries between 31st May and 31st August 2021. Of these **1,617** were from professional users and **1,606** were from unrepresented claimants. **5** claims have been made via the Portal Support Centre assisted paper claims process.

Figure 9 provides information on the number of calls received per month from both professional users and from unrepresented claimants.



10. System operation

In the three months since launch, the core system has performed well and has generally been available to users 24/7 throughout the period. Users can interact with the service by using the web interface or through an Automated Portal Interface (API).

The web service used by direct claimants and both compensators and professional advisors alike has performed as expected, with just one unplanned system outage. The issue was caused by an expired security certificate and was resolved within two hours.

As the volumes of claims made have increased over time there has been no service deterioration or delays with “page turns” (the rate of refresh after data is entered). The system has alerts built to highlight any deterioration, and capacity can be increased quickly if required.

MIB continue to engage with and seek feedback from users and this has resulted in the deployment of service refinements and bug fixes. MIB will continue to support users in this way and to continue to actively seek feedback.

Following launch and working through the initial three months, system build is now into a maintenance and small change period. This will help all users to cement understanding and learning and for work to continue in the areas that still need some focus.