



Apil and Foil serious injury guide gets vote of confidence from insurers

Guide seen as potential precursor for claimant and defendant engagement



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The Association of Personal Injury Lawyers is hopeful partnering with insurers on its serious injury guide will pave the way for future positive collaboration between the historically opposing claimant and defendant sides of the industry.

The new *Guide to the Conduct of Cases Involving Serious Injury*, created by Apil and the Forum of Insurance Lawyers, was launched on 12 October after attracting the support of 12 major insurers (see box) and 40 claimant law firms.

Its introduction follows a 2011 pilot of a multi-track code.

The guide will help to speed up the handling of catastrophic injury claims valued at more than £250,000 and those who have signed up to the code have committed to a series of objectives, including speedy resolution of liability, early access to rehabilitation, and the use of appropriate and proportionate costs.

Apil CEO Deborah Evans told *Post*: “If the code works well it will help people get as well as they can and it will ease their financial burden once they have been injured because of the speeding up of interim payments. The litigation process is then about getting the right answer as quickly as possible.”

Foil CEO Laurence Besemer estimated the guide will cover approximately 75% of cases given the market share of the lawyers and insurers signed up to it.

Insurer signatories to the serious injury guide



“The major difference between the new guide and the previous code is the buy-in from insurers and claimant law firms,” he said.

Indeed, both Besemer and Evans said the two organisations working together was refreshing.

“The idea of collaboration has always been around and it is something that sometimes has lip service paid to it. This guide gives substance and form to that in that it sets out a framework for conducting these cases,” Besemer explained.

“Apil and Foil are in favour of getting claims settled as quickly, cheaply and reasonably as is fair for the victim. It is incumbent on both sides to find common ground and to not add to the burden of the person who has been badly injured,” he said.

Meanwhile, Evans hoped Apil and insurers could have “similarly constructive” conversations on other issues.

“Everybody has looked at it from the point of view of the injured person and borne in mind what they need to do on each side. We have never got to the stage where we reached a stalemate and couldn’t move things forward,” Evans said.

She added that Foil and Apil regularly work together and are collaborating on upcoming projects including a joint register of mediators as well as discussing clinical negligence.

“There are some areas of legal reform where we may have a fundamental disagreement on the way things should move forward but this is not one of them,” Evans said.

The launch of the guide and the industry collaboration it represents was welcomed by insurers.

John Saunders, Direct Line Group motor and liability large and complex loss head, said DLG fully supports the guide and was

involved in its formation.

“This is a great demonstration of how the legal and insurance industry can come together to put claimants’ needs first, ensuring they receive the rehabilitation, compensation and support that they need at the earliest opportunity,” he said.

Ageas, currently not a signatory to the guide, said it was committed to working with claimant lawyers to achieve the best outcome for the claimant but admitted it had some slight reservations about the guide itself.

Claims director Rob Smale said: “We have some hesitation that the guide could reduce the scope for atypical or specially-tailored solutions but we are happily keeping it under review for the future.”

Tony Newman, Allianz motor claims head, added: “What seriously injured people really want is an effective functional recovery and the opportunity to return to full health – not just financial compensation. The guide seeks to ensure that claimant representatives and compensating insurers collaborate to make this happen.”

The Association of British Insurers also welcomed the guide with general insurance manager Rob Cummings adding: “We’re pleased to see both sides of the legal process working together in this way to help ensure genuine claimants get the care and compensation they need in a timely manner.”

The guide is voluntary and both Besemer and Evans believe there will more signatories in time.

“It was important for us at the start to get a list of major players on both sides so that we have got a code that will be used in the majority of cases,” Evans said.