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FOIL FLAGS NEED TO MAINTAIN PROFESSIONAL STANDARDS AS SRA UNVEILS LATEST ASSESSMENT OF PERSONAL INJURY MARKET

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The Forum of Insurance Lawyers (FOIL) has welcomed the latest step in the SRA's thematic review of the personal injury legal services market – the publication of an independent survey of conduct, behaviour and competence within the market. The personal injury claims sector has undergone very considerable changes over the last few years and the SRA's announcement of a review earlier this year was a timely response to that change. FOIL members were pleased to be involved in the detailed interviews which formed part of the research. Whilst it is good to see that the resulting research shows the sector adapting positively to the changes, the concerns raised must be addressed seriously if standards of professionalism within the market are to be maintained and developed.

The findings of the research highlight several issues which are a concern for FOIL, in particular the diversification of claimant firms into NIHL and clinical negligence work without the necessary expertise; and the problem of claims brought without ensuring that the client has given instructions. Although the report indicates that stakeholders believe the number of fraudulent claims is decreasing, the issue of dishonest claims is still a major issue for FOIL members. The report of the Insurance Fraud Taskforce highlighted the role that the SRA has in tackling fraud and FOIL hopes that the thematic review will provide impetus for the action required.

FOIL welcomes the regulatory action that the SRA has already taken and the further work that is to be undertaken to review behaviours and raise awareness of best practice. Duncan Rutter, President of FOIL comments:

"The personal injury legal services market has been in a state of change for some years, with much reform still to come. FOIL has long had concerns at the negative impact that change can have in the bringing of claims. Alongside the work of organisations such as MedCo, the SRA has a vital role to play in enforcing standards and maintaining professionalism within the legal profession. The publication of the report and the commitment to further work to uphold standards is very welcome.

"Professional bodies such as FOIL also have an important role to play. The publication of FOIL's Statement of Competence earlier this year sets a high professional standard for lawyers working in the insurance sector, giving insurer clients reassurance that their lawyers have the specialist skills they require. The Standard is gaining traction within the market and FOIL hopes it will come to be seen as one of the pillars underpinning high levels of skill and conduct within the sector."

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