

**THOMAS
MILLER**
CLAIMS MANAGEMENT

**MINISTRY OF JUSTICE REFORMS
EMPLOYER AND PUBLIC LIABILITY CLAIMS**



WHAT DO THEY MEAN FOR P&I INSURERS AND THEIR CLIENTS?

The Ministry of Justice “Jackson Reforms” change the way injury claims are handled, and how much they cost.

The reforms include a Claims Portal for the online management of claims, as part of a new timetable and Protocol claims valued at less than £25,000.00. A similar scheme has been in existence for road traffic (RTA) claims for some time, but P&I insurers may not be familiar with these systems.

These changes offer a chance to speed up litigation and reduce costs liabilities on Defendants and their insurers. Presently, claimant costs on straightforward cases can easily reach £10,000.00. The same claim in the new Portal may attract a fraction of these costs.

But to take advantage, strict new procedures and deadlines must be met.

Strict new timetables

- The Defendant will only have one working day to respond to the solicitor advising insurance details. If this is not met, the benefits of the Portal system may not be available
- In cases where liability is in dispute, and for various other reasons, claims will have to leave the Portal anyway; but that is how the solicitors want it! The first aim is to get in, then decide whether or not to stay in
- Before writing a Letter of Claim, the solicitor should make reasonable efforts to locate the right insurer

Investigation time

You will have only 30 days (or 40 for public liability claim) to investigate with your client and make a decision on liability. During this period you will need to:

- Gather all relevant reports, photos and correspondence
- Arrange any witness statements needed to make a decision
- Arrange any surveys or site visits and get reports

This will be a tough timetable to meet, and the claimant’s solicitor will make it as difficult as possible for you to keep the claim in the Portal and enjoy the lower, fixed costs, even if you are trying to resolve it- and that tells you how useful it can be!

The problem for P&I insurers

As many P&I insurers work with mainly foreign vessel owners, they may not be registered as an insurer for Portal claims- but they need to be. Your clients cannot register you themselves, they can only tell the claimant who their insurers are when they get a claim in England & Wales. If you are not registered with the Portal when the claim arrives, you cannot use it.

On a practical level, solicitors will also usually target a UK-based affiliate or Agent rather than a foreign owner, and the claim may not be dealt with promptly- so meeting the deadlines and gaining access to the advantages of the Portal is a challenge from the start.

How to prepare your clients

- Check that your insured clients and their brokers know who the insurers are in the event of injury claims in England & Wales
- Make sure they know that they need to respond to claims with insurance details within one working day
- Make sure their UK offices, Agents and affiliates are aware of the need to respond immediately and the insurance details which need to be given
- Tell them to leave responses on liability to you- and simply to provide your details

How TMCM can help

TMCM can monitor Portal claims involving your P&I clients on your behalf, and ensure that all possible investigations are completed within 30 or 40 days- giving you the best chance to take advantage of the Portal’s benefits.

TMCM will then advise on liability, causation and quantum- so you can decide whether a claim should be run in the Portal for the sake of cost and expediency, even if liability is not clear.

If a claim has to leave the Portal for any reason, TMCM can handle it to its conclusion under the existing Protocols, and make sure that you get any costs benefits from being in the Portal at the start.

Please contact TMCM for further information.

E: enquiries@thomasmlerclaims.com
T: +44 (0) 1661 822 904