

CHC Resources Conference Ministry of Justice Reforms & Robust Inspections and their Value

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Agenda



- Acumus : FARR
- Ministry of Justice (Jackson) Reforms
- Robust Inspection Processes



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Acumus and FARR...



- Leading independent insurance provider to the HA sector
- Specialist HA risk management advisor
- Part of the A J Gallagher Group (RMP, Heath Lambert, Gallagher Heath)



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Ministry of Justice (Jackson) Reforms...



Largest overhaul of personal injuries legal framework in over 10 years designed to:

- Tackle the compensation culture
- Make lawyers costs proportionate to the value of claims
- Improve efficiency – strict time frames and eportal
- Create a framework for insurers to pass savings to customers



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The present...



- Concerns about the disproportionate level of civil litigation costs led to Lord Jackson being asked to conduct a review
- In December 2009 Lord Jackson's Final Report was produced in respect of Civil Litigation Costs
- The report proposed 'a coherent package of interlocking reforms, designed to control costs and promote access to justice'
- Primarily changes recommended are due to enter law by way of proposed changes to Civil Procedure Rules – Portal for Employers and Public Liability claims – 1st August



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Expected Outcomes...



- According to Lord Jackson's report the expected outcomes of the changes are:
 - Most personal injury claimants will recover more damages than they do at present, although some will recover less
 - Claimants will have a financial interest in the level of costs which are being incurred on their behalf
 - Claimant solicitors will still be able to make a reasonable profit
 - Costs payable to claimant solicitors by liability insurers will be significantly reduced
 - Costs will also become more proportionate, because defendants will no longer have to pay success fees and ATE insurance premiums



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Referral fees ban

QOCS
(Qualified one way
cost shifting)

**10% increase in
General damages**

**Legal costs proportionate
to value of damage**



**Success fees / ATE's
no longer recoverable**

**Success fee limited
to 25%**

**Fixed costs in Fast
Track injury cases**

Key changes...



Significantly reduced timeframes

Employers Liability reduced from 90 to 30 days

Public Liability reduced from 90 to 40 days

- Notify actual or potential claims immediately
- Provide accurate and complete information in timescale
- Provide immediate assistance with liability investigation
- Support quick decisions on liability



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Next steps...



- Understand the requirements and time scales and plan accordingly
- Immediate access to all relevant documentation – complete a review process to identify where documents may be delayed
- Resource for investigation – consider a triage system to identify incidents likely to give rise to a claim and agree action
- Appoint key contact, decision maker, for quick response
- Acumus / FARR – briefing and advice – talk to us



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Robust Inspection Processes...



Agenda

- Benefits
- Common failures
- Solutions
- Next step



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Inspection process...



Key benefits of robust inspection processes:

- Improve public and property safety
- Enhanced and effective loss prevention
- Effective claims defence (MOJ)



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Common weaknesses...



- Lack of a common standard across business
- Poor recording of inspections and lack of detail
- Clarity of responsibilities / land ownership
- Unable to trace/recall inspection records
- Not completed regularly / followed up
- Identified hazards/ faults not repaired



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Next steps...



- Standardise approach across organisation
- Training – housing officers, maintenance, front line staff
- Uniform documentation and storage
- Regular testing of procedure
- Speak to Acumus / FARR



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Questions

