

BRIEF GUIDE TO ROAD TRAFFIC ACCIDENT CLAIMS PROCESS

Since 2021 the Government has introduced a new scheme for making claims in relation to Road Traffic Accidents.

In the past, most Road Traffic Accident claims were progressed under a scheme called the MoJ Low Value RTA Process which typically required claimants to have legal representation.

The new scheme is called the Official Injury Compensation (OIC) scheme. The main features of this are:

- Claimants can now make their own claims on-line without the need for legal representation.
- Damages awards for the whiplash/soft tissue injury parts of the claim are based on a fixed tariff depending on the severity of the injury.

The OIC scheme generally covers claims for injuries arising from a Road Traffic Accident where the likely level of damages that would be awarded are under £5,000. Most whiplash/soft tissue injury claims would fall into this category. There are some exceptions, including accidents where the injured party is a child, was not inside a vehicle when the accident happened (e.g. a pedestrian, motorcyclist etc.) or where the vehicle registration of the person at fault is unknown.

If a claim is one that meets the OIC criteria then it has to follow that route.

Upon receipt of an enquiry, Ralli gather the details of the accident circumstances and assess the claim to see whether it is one that should be progressed down the OIC route or whether it would go down the MoJ Portal route.

Where the claim is suitable for the OIC route:

- Ralli email the member to advise and that they will carry out a membership check with the branch.
- Ralli send an email to the member's branch to check membership eligibility.
- If the branch indicates that there is a membership issue then Ralli contact the member to explain that we are not authorised to assist and that the claimant should contact the branch.

Then, where membership has been advised as valid:

- Ralli contact the member with guidance on submitting their claim via the OIC web site.
- Ralli are available throughout the process for advice on any aspect of the claim.
- Ralli carry out a monthly courtesy check to see if the member has any issues in case there's been no further contact (until 3 months have passed since the latest contact).

Most OIC claims are very straightforward. The benefits of the system are that claimants can progress their own claims their own convenience but have access to expert legal advice as and when required. Advice is provided for all aspects of the claim, whether it be information regarding the process, medical evidence, quantifying losses, liability decisions and so on.

Where cases are not suitable for the OIC Scheme.

- Ralli email the member to advise and that they will submit a C1 on the member's behalf. The member is advised that this will need to be verified initially by the branch and they should then look out for an email invitation to log in to the PFEW Portal, where they should review the C1 and then sign off the Ts and Cs.
- Ralli periodically review and chase any C1s that appear not to be progressing.
- On approval of the C1 by PFEW Ralli send the member a Client Care Pack and questionnaires so that the claim can then be submitted.
- Ralli progress the claim on behalf of the member to its conclusion.

In any event where a conflict of interest may arise, the Member will be referred to Rundlewalker, who will take over the claim.

Notes:

A Whiplash/soft tissue injury is defined in the Civil Liability Act 2018 as:

“an injury of soft tissue in the neck, back or shoulder that is

(a) a sprain, strain, tear, rupture or lesser damage of a muscle, tendon or ligament in the neck, back or shoulder, or

(b) an injury of soft tissue associated with a muscle, tendon or ligament in the neck, back or shoulder.”

Full List of Exclusions from OIC Scheme

- The personal injury aspect of the claim is worth over £5,000
- The claim in total including other “protocol” losses (such as loss of earnings, travel costs, prescriptions, physiotherapy etc) is worth over £10,000
- The claimant is a “protected party” (usually someone who does not have capacity to deal with their own legal affairs)
- The claimant was under the age of 18 at the time of the incident
- The claimant was not inside a vehicle when the accident happened
- The injuries were partly caused by the defendant's breach of section 53 of the Health and Safety at Work etc Act (1974), for example you were injured falling from a roof while at work
- The claim is in respect of a breach of duty owed to a road user by a person who is not a road user (e.g. road defects)
- The claim is against an untraced driver (MIB scheme applies)
- The claimant was a “vulnerable” road user at the time of the accident, e.g. a motorcyclist, pillion passenger, passenger in a sidecar attached to a motorcycle, wheelchair or powered wheelchair user, on a mobility scooter, on a bicycle or other pedal cycle, riding a horse or a pedestrian
- either the claimant or the defendant is a personal representative of a deceased person
- the claimant is currently bankrupt
- the defendant's vehicle is registered outside the United Kingdom