

AskCUE PI

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Executive Committee Member

Background



- For a number of years insurers have had access to the AskCue database
- We would only find out problems when they chose to disclose them
- Often that would be at a time advantageous to them

Background



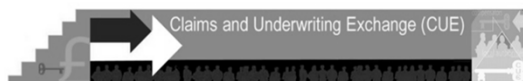
- It has made sense for at least as long to allow access to Claimant lawyers
- In their role as gatekeepers to the process of bringing a claim
- This has now happened on RTA claims

What is it?



- An insurer database that holds information on incidents reported to insurance companies
- For motor, home, personal injury and industrial illness incidents
- Which may or may not give rise to a claim
- Managed by Insurance Database Services Limited
- Member organisations include all major insurers and some self insured organisations such as local authorities

What is it?



- The IT is being managed by the MIB
- The ABI were concerned it would be used as a way of identifying work – a list of claims made but not pursued – hard to understand
- MOJ intervention necessary to make the sharing begin

What use is it?



- The value of the information to Claimant lawyers is
- Avoid unnecessary work on files we will not succeed on
- Deal with fraud
- Longer term ensuring fraud is not just the insurer “bogeyman”

What use is it?



- Level the playing field – access to the same information as insurers (only part of the way there)
- Ensure that the medical expert has the correct information as to number of accidents

What use is it?



- Clearly fraud remains on the agenda of the government
- The Insurance Fraud Taskforce
- Widened membership to have sub-group for PI
- Jonathan Wheeler is APIL representative

The Provisions

The RTA Pre-Action Protocol Paragraph 4.7(2) makes provision for



Ministry
of Justice

- searches in of askcuepi.com in respect of all claims not just soft tissue claims
- After the 1st June 2015
- It goes on to identify further paragraphs in the protocol that are relevant
- There is no similar provision in the EL/PL Pre-action Protocol

The Provisions

Completion of the CNF – 6.3A(1)



- Before the CNF is sent the Claimant's legal representative must
- Undertake a search of www.akscuepi.com
- This generates a unique reference number that
- Goes in the additional information box on the CNF

The Provisions



If you do not – 6.3A(2)

- The Defendant may require
- The CNF to be re-sent
- The time for a response in 6.11 or 6.13 for the MIB runs from the date the CNF with the reference number is sent

The Provisions



If you do not – 6.3A(3)

- If the Defendant does not take issue
- Then the time in 6.11 or 6.13 runs as normal from the date of the CNF
- It is for the Defendant to take issue essentially
- The method would be by use of the reject function

The Provisions



If you do not – 6.8(2)

- If there is a missing unique reference number
- And the Defendant does not require re-submission
- Then the absence of the reference is not a valid reason for the Defendant to decide the claim should exit the portal

The Provisions



Litigants in Person - 5.10(3)

- The search of askcuepi.com or equivalent system is carried out by the Defendant on receipt of the CNF
- The provisions in respect of the CNF for claimants in relation to the askcuepi.com search are disapplied for litigants in person (5/10A)

The Provisions

The User Agreement



- Limits the use of the search functionality to RTA cases in which a claim is intended

“5.2 The User may only undertake a search of the askCUE PI Database and the Data in respect of the Permitted Purpose and may not under any circumstances undertake searches of a general or speculative nature”

The Provisions

The User Agreement



- Permitted purpose is solely for verifying the claims history of a claimant in connection with a potential claim
- A claim is defined as being against a third party in respect of a liability where there is a contract of insurance under the Road Traffic Act 1998
- They do log searches

What do you put in?



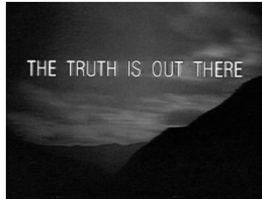
- You input
- Name
- DOB
- National Insurance Number (not for minors)
- Current Address

What do you get out?



- You will get a list of
- PI Claims (of all types) in the last five years
- The date of those losses
- A unique reference number

Is it Reliable?



- Personally I am a sceptic
- Clearly information is recorded
- The insurer or compensator inputs that
- Large numbers of those input in to the system
- However, there can be false positives
- Always discuss with your client

Is it Useful?



The value to the Claimant lawyer

- Avoid wasted work
- Late disclosure of such information meant in the past time was wasted running cases we would not have,
- and lead to a lot of time being put in at all levels to clarify and resolve the issue

Is it Useful?



Two further benefits to the Claimant lawyer from early access

- Early risk assessment
- We can avoid running cases that do not meet our own risk profile – there is no mandated level to not take a case on
- Remember though there may be explanations for the data from the client

Is it Useful?



- No mandated outcome means you decide what the tipping point is
- As a firm we decided 3 cases in 5 years would lead to a referral to a team leader
- For a specific decision as to take the case on or not

Is it Useful?



- In all cases we would discuss matters with the client prior to the search and after the search
- We ask whether the case was successful as we thought a number of unsuccessful cases might be more worrying for us
- It is a work in progress and may change
- We had some concern about the extra work in a costs restrictive area

Is it Useful?



- If you reject a client then
- It does not mean they cannot bring a claim
- If they go elsewhere or if they represent themselves a search will be done by someone
- Likewise if they will not consent to a search then someone ultimately will do a search – the longstop being the insurer

Practicalities

Registration

mibservices.org.uk
Log In

Welcome to the MIB Services registration portal
 A web application which allows organisations to register for MIB's subscription based enquiry services.

• If you have not already done so

www.mibservices.org.uk

Getting started
 To register, there is a simple registration process to complete.
 You will first need to sign up by providing a nominated administrator for your organisation who will need to provide their name and contact details including their email address. Your administrator will act as the primary contact for your company and will be responsible for managing your subscription renewal.
 For more details about the registration process and the information you will be asked to provide when completing the registration form, please review the registration guide available below.

[Register now](#)

What happens next?
 MIB will review your submitted registration and might ask for further information to be supplied prior to approving it.
 Once your registration has been approved, your nominated administrator will receive an email instruction telling them what to do next including paying subscription fees and creating user accounts for your users to make an enquiry.

Already registered?
 If your company's registration has been approved, you will have been supplied with a notification email to create your own user login details.
 Please contact your nominated administrator if you are unable to remember your login details.
 If you have already created your login details, then you can login to the MIB services portal below.

[Login](#)

Practicalities

Registration

- You need
- SRA no of the firm
- ICO number of the firm
- The firm's domain names eg sjlaw.co.uk
- Payment can be by credit or debit card as well as BACS

Practicalities

Registration

- You can register per branch if you wish
- If not then you have one administrator
- And up to two branch administrators per office
- The users are then created by the administrator

Practicalities

Registration

- The registration system was available from 5th May 15
- At that time they anticipated a 5 to 10 working day lead time before your registration was active
- The cost is free for up to 10 searches
- Or an annual fee of £110
- It is based on cost of operation

Practicalities



- You need client permission to undertake the search
- This consent has to be informed
- They must know what the search is for and what use their data will be put to
- This is usually given in the form of a Fair Obtaining Notice ("FON")

Practicalities



- The MIB who are administering the askcue PI database access have provided a suggested wording to APIL
- It is suggested it is given prior to any search and at the earliest point possible
- Most firms are incorporating this in to their sign up procedures

Practicalities



- The MIB “FON” wording warns the data will be used for
- Management information purposes
- Anti-fraud purposes
- Compliance with legal obligations and responsibilities of legal representatives
- It goes on to explain how the data will be used

Practicalities



- If the client refuses then practically because of the rta protocol wording you cannot proceed
- The search should be done as early as possible to reduce the chances of work being done on a case you may decide not to proceed with

Practicalities



The CNF – where does the reference go?

- It goes in to Section M – Other Relevant Information
- For the moment
- Likely to change when the portal is updated in perhaps a years time

Practicalities

The CNF – where does the reference go?

Section M — Other relevant information

Ask CuePI reference: Askcuepi000000

Practicalities

MIB Services - make an askCUE PI (personal injury) enquiry

Please populate the fields below, accept the make enquiry statement checkbox and press make enquiry.

[Home](#) [Enquiry Services](#) [Users](#) [Subscriptions](#) [Create Branch](#)

<p>File Reference * <input style="width: 95%;" type="text"/></p> <p>Accident Date (DD/MM/YYYY) * <input style="width: 95%;" type="text"/></p> <p>Forename * <input style="width: 95%;" type="text"/></p> <p>Surname * <input style="width: 95%;" type="text"/></p> <p>Date of Birth (DD/MM/YYYY) <input style="width: 95%;" type="text"/></p> <p>National Insurance Number <input style="width: 95%;" type="text"/></p>	<p>Enter Postcode to search for <input style="width: 95%;" type="text"/> <input type="button" value="Q"/></p> <p>Address * <input style="width: 95%;" type="text"/></p> <p><input style="width: 95%;" type="text"/></p> <p>City / Town * <input style="width: 95%;" type="text"/></p> <p>County * <input style="width: 95%;" type="text"/></p> <p>Postcode * <input style="width: 95%;" type="text"/></p>
---	--

I confirm that I am a Legal Representative as defined in section 1.1 of the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents ("the Protocol") and request the relevant data on this website pursuant to and in accordance with the Protocol and the Data Protection Act 1998.
 I understand that if you suspect or are aware that I have obtained any data not in accordance with this Declaration you shall be entitled to inform the relevant regulatory and/or enforcement bodies and/or relevant data subjects and provide them with any information you, at your sole discretion, deem fit.
 I also hereby confirm that the data provided will not be used for any purposes unrelated to this enquiry.
 I understand that it is an offence to wrongfully obtain data and that if I fail to provide true reasons for obtaining the data I may be committing an offence of unlawfully obtaining data contrary to section 55 of the Data Protection Act 1998.
 I confirm that I have read and understood the askCUE PI User Agreement and I agree to the Terms of Use and Privacy Policy as stated on this website.

Practicalities

MIB Services - askCUE PI enquiry match results

[Home](#) [Enquiry Services](#) [Users](#) [Subscriptions](#) [Create Branch](#)

1 record(s) have been found on the CUE PI database with the following loss date(s).

Search Reference : ASKCUEPI000000111
Search Date : 14/05/2015 07:20:39

File Reference	Address	Loss Date(s)
Test Claimant	46 Test Street	09/05/2014
Accident Date (DD/MM/YYYY)	City / Town	
29/04/2015	Test Town	
Forename	County	
Test	Test County	
Surname	Postcode	
Claimant	TE00 0ST	
Date of Birth (DD/MM/YYYY)		
03/03/1998		
National Insurance Number		
MS987761D		

Practicalities

mibservices.org.uk

MIB Services askCUE PI enquiry match

Search Reference: ASKCUEPI000000
 Search Date: 02/06/2015 10:03:11

0 records have been found on the CUE PI database.

File Reference	Address	Loss Date(s)
Accident Date (DD/MM/YYYY)	City / Town	
Forename	County	
Surname	Postcode	
Date of Birth (DD/MM/YYYY)		
National Insurance Number		

Practicalities

MIB Services - askCUE PI enquiry match results

- Home
- Enquiry Services

1 record(s) have been found on the CUE PI database with the following loss date(s).

Search Reference: ASKCUEPI000000

Search Date: 04/06/2015 16:56:31

File Reference

Accident Date (DD/MM/YYYY)

Forename

Surname

Date of Birth (DD/MM/YYYY)

National Insurance Number

Address

City / Town

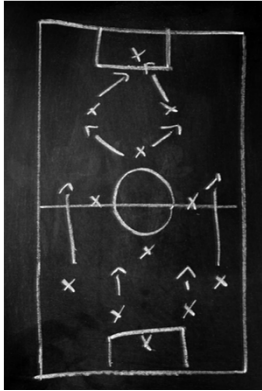
County

Postcode

Loss Date(s)

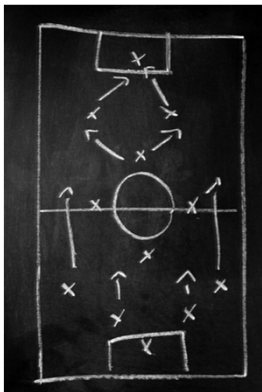
09/05/2014

Anything Else?



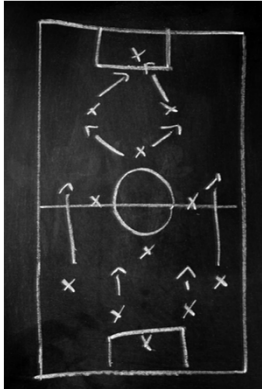
- This deals with insurers using this information to ambush you at a late stage
- Could you use it to search against existing RTA files? – the user agreement talks only about use in relation to “potential claims”
- Searches should be against the current address
- MIB says the database connects old addresses and aliases

Anything Else?



- So beware false positives
- Take up with MIB initially as the IT administrators if you suspect entries are wrong
- If you suspect fraud you are still obligated to report as has always been the case
- The askCUE PI search just gives you the information earlier

Anything Else?



- The fee structure is based upon running the IT
- The user agreement provides for the ability to review the fee
- Likely to remain roughly the same level unless the IT is overhauled in some way

Medco

David Bott – Bott and Co Ltd

BOTT & CO
SOLICITORS
BETTER AS A RESULT

Introduction

- Qualifications to talk about Medco
- APIL Director on Medco
- On Medco Operational sub committee
- On Medco Accreditation sub committee
- APIL Director on Portalco
- APIL EC since 2006

BOTT & CO
SOLICITORS
BETTER AS A RESULT

Agenda

- Why do we use Medco?
- When should we use Medco?
- MOJ objectives
- How do we use it?
- Step by step guide – four screens
- Issues that have arisen
- Questions

Why do we use Medco?

- 7.8A In addition to paragraphs 7.1 to 7.7, and subject to paragraph 7.8B, in a soft tissue injury claim—
- (1) the first report must be a fixed cost medical report from an accredited medical expert selected for the claim via the MedCo Portal (website at: www.medco.org.uk);

Why do we use Medco?

- 7.32A In a soft tissue injury claim, the Stage 2 Settlement Pack is of no effect unless the medical report is a fixed cost medical report. Where the claimant includes more than one medical report, the first report obtained must be a fixed cost medical report from an accredited medical expert selected via the MedCo Portal and any further report from an expert in any of the disciplines listed in paragraph 7.8B(3)(a) to (d) must also be a fixed cost medical report.

When do we use it?

- **4.7**
- (1) Subject to subparagraph (2), provisions for soft tissue injury claims, and in particular the requirement that the first report from a medical expert must be a fixed cost medical report, apply to any such claim for damages which arises from a road traffic accident where the CNF is submitted on or after 1 October 2014.
- (2) The provisions, in respect of soft tissue injury claims, for accredited medical experts and the MedCo Portal, and the provisions, in respect of all claims, for searches of ask.CUEPI.com, identified in the first column (and specified in the corresponding second column) below, apply to claims for damages which arise from a road traffic accident where the CNF is submitted on or after the corresponding date specified in the third column—

When do we use it?

Column 1	Column 2	Column 3
Accredited medical experts	Paragraph 1.1(A1)	6 April 2015
In a soft tissue injury claim, the requirement that the first medical report must be a fixed cost medical report from an accredited medical expert selected via the MedCo Portal	Paragraphs 1.1(12A), 7.8A(1), 7.8B(3) and 7.32A	6 April 2015
Searches of askCUEPI.com	Paragraphs 5.10(3), 5.10A, 6.3A 6.8(2) and 6.9	1 June 2015

When do we use it?

- (3) In a soft tissue injury claim, where a medical expert is instructed to provide the first fixed cost medical report before 6 April 2015, but the CNF is submitted on or after that date, that report shall be treated as a fixed cost medical report obtained from an accredited medical expert selected via the MedCo Portal.

MOJ Policy objectives

- 1. Remove the links between instructing solicitors and agencies
- 2. Random allocation of experts

How do we use it?

- The main site : <http://www.medco.org.uk/>
- The login site <https://app.medco.org.uk/>
- The login site is mentioned on the main site.
- Registration is explained on the main site
 1. Note the User Agreement
 2. Declaration re links
 3. ICO registration

First Screen

https://app.medco.org.uk/Search/Index

Bott & Co Solicitors Ltd Cases

MedCo
lduncan@bottonline.co.uk

Add Cases

Medical Reporting Organisation Direct Medical Expert

Case Search

Your Case Reference Number Search

MedCo Case Reference Number Search

Return To Main Menu Log Off

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Second Screen



lduncan@bottonline.co.uk

Medical Reporting Organisation Case

Case Details

Your Case Reference Number

Status

Claimant PostCode

Claimant PostCode Address Type

Number of claimants requiring examination at this postcode

Date of Accident

Search Radius Distance is in miles; Minimum - 5, Maximum - 30

Search Results

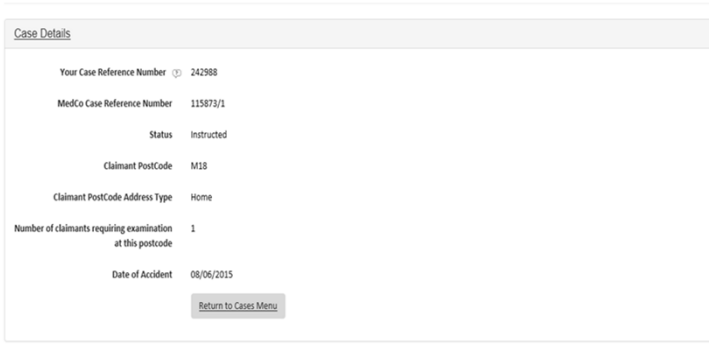
Third Screen

Search Results

Name	Address	Email	Telephone	Select
Jessam Medical Reporting Limited (Qualitas Accredited)	69 Elm Park HA7 4AU	jessam@qualitas.co.uk	03303356956	<input type="radio"/>
Premex Services (8) Limited	Premex House Futura Park Horwich BL6 6SX	InstructPremex8@premex.com	01204 478300	<input checked="" type="radio"/>
Quantas Medical Ltd (Qualitas Accredited)	Edward Pavilion Albert Dock Liverpool L3 4AF	newcases@quantasmedical.co.uk	03303356971	<input type="radio"/>
Integra Medical Reporting Limited		appointments@integramedical.co.uk	07724612540	<input type="radio"/>
On Medical Ltd	On Medical Ltd North East Clinic 52 Heaton Road Heaton NE6 1SE	medco@onmedical.co.uk	0844 576 1576	<input type="radio"/>
Med Chambers Limited (Tier1)	Suite 365 14 Belvoir Street LE1 6QH	medchambers@medchambers.com	0116 2987339	<input type="radio"/>
Accendo Medico Legals Ltd	Po Box 391 MB 2DX	appointments@accendomedicolegal.co.uk	01618359167	<input type="radio"/>

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Fourth Screen



MedCo
Lduncan@bottonline.co.uk

Medical Reporting Organisation Case

Case Details

Your Case Reference Number	242988
MedCo Case Reference Number	115873/1
Status	Instructed
Claimant PostCode	M18
Claimant PostCode Address Type	Home
Number of claimants requiring examination at this postcode	1
Date of Accident	08/06/2015

[Return to Cases Menu](#)

Things that have arisen

- APIL survey – thank you to all who responded
- Select MRO in error, they then state they cannot provide an expert
- Subsequently find there are 2 or more claimants, but unable to add them to original case
- Different Medical Providers have different Service Level Agreements

Thank you

- Any questions
- Complaint or enquiries to Medco
enquiries@medco.org
- Complaint to MOJ

Any Questions?

