

## **APIL NORTH EAST REGIONAL GROUP MEETING**

### **MEETING NOTES**

**DATE: 09<sup>th</sup> July 2014**

**Speakers:** "RTA Fraud Claims" – Mark Thomas, Barrister, Park Lane Plowden; "Professional Negligence, Avoiding the Pitfalls" – Andrew Taylor, Frenkel Topping; EC Update – Joanne Willits.

**Location:** St James's Park

**Attendees:** See attendance list

### **MINUTES**

1. Joanne Willits asked members to raise any issues or topics they would like addressed at future meetings. Members to speak to JW or KJA (secretary) regarding this. Members indicated they preferred at 4.30pm start to 5.00pm and it was mentioned that we may try a breakfast meeting next year, and possibly have the meeting somewhere other than Newcastle.
2. Mr. Mark Thomas talked about RTA Fraud Claims and gave pointers on what to look out for to identify a fraudulent claim. He also discussed how to plead fraud, and gave two examples of real-life defences (which had been anonymised), the ramifications of pleading fraud, part 18 requests, medical experts, engineers, medical records, use of statements/documents disclosed in earlier claims, presentation of disclosed material, striking out, costs, and part 36. He provided a detailed hand out, a copy of which is attached.
  - Following his talk there was a discussion regarding where the insurance industry get their figures regarding the amount of fraud claims there are, and the so-called compensation culture. Mr. Thomas pointed out that they basically make them themselves.
  - It was also discussed that the ABI get more time in government, and are never challenged.
3. Mr. Andrew Taylor talked about professional negligence and avoiding the pitfalls. His talk discussed pension loss, periodical payment orders, personal injury trusts and welfare benefits. He also provided a hand out, a copy of which is attached.
  - He commented that there has been a huge increase in professional negligence claims for loss of pension following the introduction of the NEST scheme by the government.
  - The future retirement age was discussed, with Mr. Taylor stating that it is envisaged to be 70 years by 2060 but this could be brought forward. Frenkel Topping are already seeing claims with projections to aged 75.

- The need to enquire about the client's existing savings was pointed out, as if the combined total of the compensation and savings (or compensation alone) is over £6,000, means-tested welfare benefits are affected.
4. EC Update – Joanne Willits – unfortunately no one from APIL was able to attend the meeting so Joanne read out the EC update which was provided for the meeting. A copy of this is attached.
  5. Members were reminded that the next meeting is on 1<sup>st</sup> October 2014.

**Kirsty Allen, Secretary**

**10.07.14**