



**BRIEFING:
SOUTH EAST REGIONAL
GROUP
11 DECEMBER 2019**

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APIL Strategic Plan



- Root and branch examination of the organisation
- To be presented to APIL members at the Spring conference and AGM



Making A Difference



- Negative connotations
- Sceptical politicians
- Civil servants with an agenda
- Power of ABI



How do we deal with this?

- Evidence
- Reliability
- Credibility
- Politics



A Case Study

Damages (Investment Returns and Periodical Payments)(Scotland)Act 2019

- Full engagement
- Prescribed methodology
- Notional Portfolio



- Standard Adjustment factors
 - (i) Tax and investment charges – 0.5% upped to 0.75%
 - (ii) Further margin – 0.5%
- Detailed data-driven evidence provided by APIL and FOCIS
- Worked with politicians
- Nothing from ABI



- Government Actuary Report – 27 September 2019
- Return on portfolio of 0.5%
- less adjustment factors of 1.25%

Discount Rate -0.75%



Lessons

- Choose sympathetic issues
- Target politicians/civil servants appropriately
- Data collection is key
- Case studies are the human face of what we do



Civil Liability Act



Introduces:

- Rigid tariffs for whiplash
- Changes to the discount rate calculation
- Separate, but linked: small claims limit increase



Update

- Discount rate set at -0.25% in England/Wales
- Insurers VERY angry – expected it to be higher
- Still set on the wrong basis
- Need to be ready to influence the review in 5 years' time



- In Scotland the rate is -0.75%
- In Northern Ireland the rate is still 2.5%, but we're lobbying hard on this



- Whiplash tariffs and small claims reform still due to be introduced in April 2020
- Children still not exempt from tariffs
- How will ADR work?
- Rehab excluded
- Rules expected in January
- What are the chances this will stay on track?









- Members have been the key to making this work
- Candidates from more than 150 constituencies are now aware of our agenda
- A great opportunity to get on the radar of new MPs



Feedback

If you have been involved in this project, PLEASE don't forget to give us feedback about the responses from your candidates so we can follow it up when Parliament returns

Email Sam.Ellis@apil.org.uk



Bereavement Damages



- Long term APIL campaign
- MoJ draft remedial order: couples who have cohabited for more than 2 years to be eligible
- Joint Committee on Human Rights providing legislative scrutiny



- We told MoJ and joint committee the proposals don't go far enough
- In July the joint committee agreed, saying the law on bereavement damages 'risks further challenge'
- Government response awaited
- Research report being prepared



Fund of Last Resort for Asbestos-Related Disease



Working with Martin Docherty-Hughes SNP MP to introduce a fund of last resort for people suffering from work-based asbestos-related diseases.

Currently in its early stages but we hope to pick up where the mesothelioma scheme left off.



Fixed Costs for Clinical Negligence Claims



- No agreement between the parties
- Government consultation
- Can't say if proposed costs will be workable
- Issues to be resolved (inc. exemptions)
- Need a streamlined process
- NHS needs to learn from negligence



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