

BRAIN INJURY SIG MEETING

30 OCTOBER 2020

APIL ACTIVITY UPDATE

1. APIL'S NEW STRATEGIC PLAN: Building a Brighter Future for Injured People

Our new strategic plan was published a couple of weeks ago. Please do take a few minutes to read it: the strategy is a major milestone for our association as we set out a vision for the future in our thirtieth anniversary. I hope you will welcome and embrace this exciting new direction – we now need to work together to make its ambitions a reality.

There are four key pillars to the plan which, if delivered effectively, will help build a brighter future for injured people. They are: to rebuild public trust in PI law; prevent needless injury; ensure prompt and full redress for injured people; and drive excellence in legal representation. Our campaign to rebuild public trust is particularly far-reaching and its success will require us to build support and embrace the capability of the whole sector to improve the environment for injured people. Most of us have practiced for years in a hostile environment where misconceptions have been bred from misinformation and, in some cases, poor standards. This has led to deeply entrenched public views that too many claimants are fraudsters and too many PI lawyers are greedy ambulance chasers. This far-reaching strategy aims to address that.

2. OVERSEAS OPERATIONS (SERVICE PERSONNEL AND VETERANS) BILL - UPDATE

At our last meeting, I told you we had submitted evidence to the Joint Committee on Human Rights about this Bill, which will end judicial discretion to allow some armed forces personnel and veterans to be able to bring personal injury or Human Rights Act claims against the Ministry of Defence out of time: if the claim relates to an overseas operation, an arbitrary six-year longstop will be imposed.

We had also been compiling political briefings and holding meetings with MPs, including the shadow defence secretary. We also wrote to Johnny Mercer, Minister for Defence People and Veterans.

A LOT has happened on this in the past month. In a matter of weeks the principles behind the Bill have been debated in the House of Commons, oral evidence has been given in committee, amendments have been debated and the Bill will finish its parliamentary passage through the House of Commons next week.

APIL has had high-profile involvement at every stage, and the secretary of our military SIG, Ahmed Al-Nahhas, gave oral evidence to the Bill committee.

To say that passions have run very high during debate is putting it mildly. Government spokesmen have resorted to name-calling and on one occasion the deputy speaker had to call for a 'drop in temperature'.

The problem is that the Bill conflates two issues: the desire of the Government to introduce a longstop on the prosecution of armed forces personnel for crimes committed overseas (what it calls 'lawfare') and then (apparently in the interests of fairness and consistency) also introducing a similar longstop for injured personnel who need to claim compensation from the Ministry of Defence. The problem is that the defence minister continues to claim that the Bill is 'good' for military personnel, when it very clearly is NOT good for all of them.

We're now reviewing all the arguments and preparing fresh briefings for when the Bill moves to the House of Lords.

3. GUIDELINE HOURLY RATES - UPDATE

At our last meeting we explained that data was being collected from our members to feed into a formal consultation being conducted by the Civil Justice Council at the end of the year. This data is now being analysed and will be discussed with our working group so we can finalise our arguments.

4. RESEARCH ON PERIODICAL PAYMENT ORDERS – CAN YOU HELP?

The Faculty of Actuaries is compiling a report for publication in January which will investigate the low take-up of PPOs, and we need to gather information to feed into that report, as a matter of urgency.

If you run claims affected by the discount rate, or where a PPO may be awarded, APIL's researcher, John McGlade, needs to hear from you about your views and experiences. To participate in this important research all you need to do is complete a short survey, which you can find in the link on the slide. Your individual response will be treated on a completely confidential basis and will not be shared with any other parties.

If you have any problems completing the survey, or have any questions about the research, please contact John direct.

Lorraine Gwinnutt

Head of Public Affairs

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