

NORTH WEST REGIONAL GROUP

3 DECEMBER 2020

APIL CAMPAIGN ACTIVITY UPDATE

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

Our new strategic plan was published recently and you should all have received copies.

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 our exciting new direction and work with us 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.

2. REBUILDING SHATTERED LIVES CAMPAIGN

NB: SLIDE 5 (AFTER THE HEADLINE SLIDE) IS THE CAMPAIGN VIDEO

This major new campaign was launched a week ago in Weekly News.

If you haven't seen it yet, please have a look. APIL has always pursued a zero-tolerance policy towards misleading commentary and bad legislation which attacks the rights of injured people - but this campaign takes things to a whole new level.

The aim of the campaign is to turn around all that negative press and political commentary about claimants and the work we do as personal injury lawyers, and create a fairer and more empathetic environment in which people are NOT criticised for claiming compensation and lawyers are NOT condemned for what they do.

It is a massive undertaking. It won't be achieved overnight. But our chief executive, Mike Benner, and the executive committee, are convinced that if we pull together as APIL members - and more broadly as a sector - we can do it.

The centrepiece of the campaign is a really powerful video which you can see on this dedicated campaign website: rebuilding-shattered-lives.org.uk

This is essentially a social media campaign and it's really easy to support it – just email getintouch@rebuilding-shattered-lives.org.uk and ask for a special 'toolkit'.

But the key to the campaign's success will be telling real stories about real people, and that's where you can make a big contribution by taking up the 200 word challenge.

Our work is all about helping people rebuild their lives, and the APIL team is asking us to help spread the message by sending them those stories in no more than 200 words. It's fine if you anonymise your story – obviously, if it isn't anonymised, please ask your client's permission before passing it on.

The stories need to include the following:

- what happened to your client;
- how that injury affected your client's life;
- how your client's life was changed as a result of your help.

The best stories will be used to support the campaign on social media and on the dedicated website. All the stories received will be entered into a draw to receive £200 to be spent at legal book shop Wildy & Sons. The draw will close at Christmas and the winner announced in January.

So let's not let the impact we all make on people's lives be a best-kept secret. Please send your stories, marked '200 word challenge' by email to getintouch@rebuilding-shattered-lives.org.uk.

And please – support the campaign in any way you can!

3. INJURY PREVENTION

The prevention of needless injury has been one of APIL's objectives since the organisation's inception 30 years ago and, as I've said, it is one of the four 'pillars' of our strategy. A lot of work has been done on this already, this year.

Our aim of generating a national strategy for the prevention of needless injury had a major boost in August with the publication of a report by a top UK think tank. *Better Than Cure* was made possible by a generous donation from APIL and was produced by the Institute for Public Policy Research (IPPR).

The report calls on the Government to treat injury prevention as a "public health priority" and advocates "a high-level cross-sector injury prevention strategy", a key part of which would be the establishment of an injury prevention commissioner to co-ordinate different sectors and ensure Government action on the issue.

A week later, APIL's Injury Prevention Week was launched – this used to be just a one-day event but was extended to reflect both the strategy and the growing popularity of the day.

This year the theme was road safety for pedestrians and there were lots of elements to the event, some of which I'm sure you will have seen: content on Facebook, Twitter, LinkedIn; the launch of a new APIL Instagram account, a video demonstrating why you should **not** be looking at your mobile when trying to cross a road, articles in the press, and, for the first time, opportunities for MPs to get involved – and a lot of them actively supported the initiative.

Highlights:

- 28 MPs supported the campaign
- Press circulation of 717,000 (including the Daily Telegraph and the Daily Star)
- 2 million potential impressions on the #IPWeek2020 hashtag
- Video viewed more than 18,000 times

We also had brilliant support from our members, including 53 blogs written by members about the importance of injury prevention.

A big thank you to everyone who supported the initiative.

The team at head office is planning how to capitalise on both the report, and Injury Prevention Week to bring us nearer that goal of a national strategy for injury prevention.

4. BEREAVEMENT DAMAGES - UPDATE

Last time we met we updated you on the Ministry of Justice's draft remedial order to allow couples who have cohabited for more than two years to be awarded bereavement damages. In evidence to the Joint Committee on Human Rights (which has been scrutinising this issue) APIL called for wider reform. The committee took up the point but the Government refused to consult more widely on possible reform.

The remedial order came into effect on 6 October. Prior to this, it was debated in both the House of Commons and the Lords, and APIL issued briefings ahead of both debates. The briefing supported the proposed changes but warned that, without further change, the law on bereavement damages would not be fit for the 21st century. We've also had a private meeting with Labour's shadow justice minister, Peter Kyle who, in debate, called the changes 'a missed opportunity' to do more.

There was robust debate in the House of Lords, where peers also approved the remedial order while calling for wider reform.

The Fatal Accidents Act was condemned as "an archaic piece of legislation" by Shadow Attorney General Lord Falconer of Thoroton. His Labour colleague Lord Hain branded the approach to bereavement damages across the UK as a "postcode lottery game".

The public affairs team at head office is now planning to follow up this, and other support, by holding an online political event and publishing a new report to highlight the differences between the laws on bereavement damages across the United Kingdom. The report will also include polling on public attitudes by YouGov.

5. OVERSEAS OPERATIONS (SERVICE PERSONNEL AND VETERANS) BILL

Earlier this year we 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 recently. 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 early next year.

6. VETERANS UK

In other work for veterans we have written to the Ministry of Defence to raise concerns about the lack of information on its Veterans UK website about entitlement to claim for compensation through the civil courts as well as through the Armed Forces Compensation Scheme (AFCS). We also raised concerns about the lack of information about the importance of seeking independent legal advice.

Despite the MoD's assurances that the wording on the website had been changed, it still does not make clear that veterans and armed forces personnel have the right to pursue civil claims.

So we have written to the MoD again and highlighted the importance of:

- applicants being fully informed of all compensatory options and the benefits of legal advice;
- transparency of the connection between the MoD and Veterans UK;
- claims handler training regarding handling claimants with mental health illnesses and complex cases; and
- record keeping.

We have also offered to develop an information leaflet in association with the MoD to ensure veterans and armed forces personnel understand all options available to them after suffering injuries during or as a result of service.

We're currently waiting for a response.

7. GUIDELINE HOURLY RATES

A subgroup of the Civil Justice Council is looking at the guideline hourly rates, which were last looked at in 2014. We now understand that there will be a formal consultation at the end of the year. APIL has established a working group to consider what data it should be collecting and what representations it should be making.

APIL will be making a submission to the consultation and has been gathering anonymous data on market rates charged by firms which will form the basis of that submission. **All responses and data have been anonymised as we appreciate that this is market sensitive.**

The data is now being analysed and will be discussed with our working group so we can finalise our arguments.

8. 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.

9. REVIEW OF PRE-ACTION PROTOCOLS

The Civil Justice Council (CJC) is conducting a review of pre-action protocols focussing particularly on whether they are fit for purpose and working effectively in practice. The review comprises ten provisional terms of reference, which may change depending on the outcome of a preliminary survey. The preliminary survey seeks feedback and suggestions regarding the CJC's areas of focus as part of the review, and what should be prioritised.

The terms of reference of the review include (but are not limited to):

- whether there are inconsistencies between pre-action protocols;
- whether any of the pre-action protocols should be mandatory; and
- whether pre-action protocols are fulfilling their intended purposes.

The deadline to complete the survey is Friday 18 December, and we would be very grateful for input from members. If any of you have issues you would like the APIL working group to consider, please contact Abi Jennings, head of legal affairs, at abi.jennings@apil.org.uk.

Lorraine Gwinnutt
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