

MULTI PARTY ACTION SPECIAL INTEREST GROUP

14 JANUARY 2021

APIL CAMPAIGN ACTIVITY UPDATE

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

A lot has happened since the last meeting of this group! At that point we were looking forward to the delivery of our new strategy at the annual conference in May. Given the pandemic, of course, you would expect us to re-examine and re-prioritise our work to respond to the needs of our members during this pandemic.

But despite all the challenges of the year, we published our new strategic plan in October and you should all have received copies.

I hope you have managed to 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. 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

This major new campaign was launched in November and is based on a centrepiece video which is worth watching again.

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

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.

You can watch the video again on our dedicated campaign website: rebuilding-shattered-lives.org.uk

This is essentially a social media campaign and it's already getting a lot of public support, especially on Facebook. We need you to help us, and it's really easy to support the campaign – just email our team at getintouch@rebuilding-shattered-lives.org.uk and ask for our special 'toolkit'.

The key to the campaign's success is to tell real stories about real people, and **YOUR SUPPORT IN THIS IS GOING TO BE CRITICAL! PLEASE HELP 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 – THIS IS THE MAIN PART OF THE STORY
- 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.

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 as much as you possibly 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 last 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

A remedial order to allow couples who have cohabited for more than two years to be awarded bereavement damages came into effect on 6 October. 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 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

Last 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 in a relatively short space of time. In a matter of weeks the principles behind the Bill were debated in the House of Commons, oral evidence was given in committee, amendments were debated and the Bill finished its parliamentary passage through the House of Commons last month.

APIL has had high-profile involvement at every stage, and the secretary of our military SIG, Ahmed Al-Nahas, 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 later this month.

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

Before Christmas we submitted a paper, including data gathered from our members, to the Civil Justice Council, which has been looking at guideline hourly rates. This issue has not been looked at since 2014. **All responses and data were anonymised as we appreciate that this is market sensitive.**

The CJC has now published its report which recommends modest increases in the guideline hourly rates. The report is out for consultation until the end of March.

Lorraine Gwinnutt

Head of Public Affairs

11 January 2021