

# TRANSPORT SPECIAL INTEREST GROUP

15 JUNE 2021

## APIL ACTIVITY UPDATE

**A lot has happened since our last meeting! The following notes and slides will give you a flavour of just some of our key campaign and strategic priorities at the moment.**

### **1. 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](http://rebuilding-shattered-lives.org.uk)

This is essentially a social media campaign and it's been very well received so far, already reaching more than a million people on Facebook, Twitter, LinkedIn and Instagram. Furthermore, it has not generated a single negative response. This is extremely unusual, especially in the field we're working in.

This is a long-term project and we need you to help us - it's really easy to support the campaign. Just email our team at [getintouch@rebuilding-shattered-lives.org.uk](mailto:getintouch@rebuilding-shattered-lives.org.uk) ask for our special, easy-to-use social media 'toolkit' and get involved!

**If you'd like more information about how to get involved, contact our head of public affairs, Lorraine Gwinnutt at the email address on the slide.**

## **2. DIVERSITY**

A lot of work is now underway to encourage greater diversity among APIL members. A robust, progressive and deliverable Equality, Diversity and Inclusion Plan is to be developed and this is considered an essential part of delivering APIL's objectives.

The EC and our CEO want to engage the next generation of PI lawyers and create a culture of inclusion, fair treatment, access and opportunity for all, regardless of background, race, ethnicity, gender, age, sexual orientation or physical ability.

To ensure these ambitions become a reality, and are recognised and acted upon across the association, a new diversity working group has been created. It has been formed as a sub-committee of the executive committee (EC) and tasked to develop our policy and turn it into an action plan.

## **3. BEREAVEMENT DAMAGES**

In April we held a free webinar for members, parliamentarians and journalists to launch our new research report: *Bereavement Damages: A Dis-united Kingdom*.

The report is based on research we commissioned from YouGov. Key findings:

- 69% of people think bereavement damages £15,120 is too low
- 73% think the amount of compensation should be assessed case by case
- 85% think a father should receive bereavement damages if his child is 'illegitimate'
- 56% think the claim of each relative to bereavement damages should be assessed individually

We're now working hard to get the report in front of MPs and we really need your help with this. We need members to write to their MPs in England and Wales because that is the best way of making MPs aware of the postcode lottery that is bereavement damages in this country. We make it really easy for you to do this, so it could not be easier to get involved.

Full guidance on what to say to MPs is available from Sam Ellis, APIL's public affairs officer, so members should get in touch with him at [sam.ellis@apil.org.uk](mailto:sam.ellis@apil.org.uk). If you weren't able to attend the 30-minute webinar, which was presented by Sam Elsby and Gordon Dalyell, and would like to watch it, Sam can help you with that, too.

To help build public awareness of the campaign we're going to be focussing on one of the most controversial aspects of the law in England, Wales and Northern Ireland – the denial of compensation to fathers if they were not married to the mother of the child they've just lost. We're going to be pushing this point in Parliament and in the press, so we really need any examples members have of fathers who have been denied compensation because of the law. It will be much easier to convince decision makers and opinion formers of the problem if we have real examples, so case studies are vital. So, if you have clients who have been denied compensation because of this law, and who would be willing to share their story, please let Sam know.

#### **4. INJURY PREVENTION WEEK**

Prevention of needless injury is a key pillar of our strategy and Injury Prevention Week is the lynchpin of our work in this area. This year Injury Prevention Week will take place during week commencing 2 August. This is a few weeks earlier than usual so please make a note of the date.

The theme of the week is helping people understand how they can prevent injury by educating them about where their responsibilities lie, who they are responsible for, etc. In essence, this picks up the themes explored in our *Accident or Negligence?* booklet, which refers to the principles established in *Donoghue v Stevenson*.

It's about how we look after each other, a theme which is, perhaps, even more pertinent given what we've all been through in the last year. We have commissioned a public poll through YouGov to check people's understanding of their responsibilities for each other's safety and the results are currently being analysed.

Support from members for last year's event was phenomenal and we really need your help again to get out the important message about preventing needless injury. So please look out for more information about how you can do that in the run-up to the event in Weekly News.

## **5. AUTOMATED LANE KEEPING SYSTEM**

We responded to the Department for Transport's consultation in October on the Automated Lane Keeping System (ALKS): in its own response published recently, the DfT has said that any vehicle with ALKS capability will be considered as an automated vehicle under the Automatic and Electric Vehicles Act 2018, which means that strict liability should apply. We had also suggested a new section within the Highway Code for automated vehicles rather than amending a current section. This was taken on board and the DfT also published a consultation on this.

In that consultation, the DfT proposed that the Highway Code should, in fact, include a new section on automated vehicles. Although we obviously supported that idea, we said the section will be far too brief to educate a driver about different automated vehicles and their capabilities. We also reiterated the point that it is crucial that strict liability applies to automated vehicles so that injured parties can claim compensation from the motor insurer rather than pursue product liability claims.

## **6. THE JOINT LAW COMMISSION'S AUTOMATED VEHICLE PAPER 3**

Similar arguments were made in our response to this consultation in March. We repeated our call for strict liability to be applied to all vehicles capable of driving themselves so that claimants injured by partially autonomous vehicles are not forced to pursue complex and costly product liability claims against well-resourced insurers.

We also said regulations should not hinder innovation because automated technology can reduce human error, thus reducing the number of collisions and injuries on British roads. We supported the proposal for a specialist incident investigations unit to collect data and investigate collisions involving automated vehicles but raised concerns regarding which collisions will be investigated.

## **7. HIGHWAYS ENGLAND'S HIGHWAY CODE CONSULTATION**

We have mostly welcomed updates to the Highway Code because they reflect the reality of the wide-spread introduction of smart motorways and highlight important features for drivers to look out for. We emphasised, however, that Highways England had failed properly to educate road users about using smart motorways.

We highlighted concerns about smart motorways such as the lack of hard shoulder, the infrequent emergency refuge areas and the lack of stopped vehicle detection technology which will ensure lanes are closed where a car has broken down in a live lane of traffic. We argued that smart motorways should not have been opened without this technology and that this must be present before opening further smart motorways to ensure safety.

Lorraine Gwinnutt

Head of Public Affairs

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