

Early Trends Require Scrutiny

In October the Ministry of Justice and Motor Insurers' Bureau published the data covering June to August of operation of the OIC service. Clearly, we cannot draw any final conclusions from this first set of data only months after the new process has been implemented, but there are some early trends that will require close scrutiny as the system develops and new data is published.

The most striking figure is that 96% of settlements in the first quarter have been with unrepresented claimants. Settlements generally were pretty low, but this is understandable given that it is very early in the new process. It does though beg the question why so few represented claimants have been settled and this will be an important figure to scrutinise in the next data set.

That only 10% of claims made through OIC are from self-representing claimants, and that RTA claim numbers overall seem to be surprisingly low given the increasing levels of traffic on the roads, raises many questions about awareness of OIC and its ease of use, with potentially important ramifications for access to justice. We simply do not yet know whether claimants are deciding not to pursue claims, or whether it is because they are unable to pursue their claims without representation. We can only speculate whether they are unable to find the OIC or sufficient sources of information or advice, or for some other reason. MoJ have

hinted that they will be reviewing the profile and awareness of OIC and from the early evidence, this is very much needed.

In line with expectations, more unrepresented claimants than represented - 40% to 24% - are seeking exceptional circumstances uplifts. Also on the positive side, it is gratifying that potential liability disputes appear to have been handled sensibly so far, although in the absence of any internal mechanism, poor behaviours will need to be reported to the Financial Conduct Authority and fully investigated. It is highly doubtful whether FCA will have the resources and perhaps inclination to actively look for poor behaviours. Less positive are the continuing real problems with A2A for both claimant representatives and insurers which need to be resolved.

It remains early days in the life of OIC and the next quarter of figures early next year will begin to clarify whether there are areas of serious concern. ●

Sue Brown,

Chair, Motor Accident Solicitors Society,
MASS

