

# The 'W' Word

**Dare I say it... whiplash. It strikes fear into the hearts of the insurance industry and causes certain newspapers to tell us that we are drowning under the weight of fraudulent claims; surely no-one has a genuine claim, I hear you cry?**



It will come as no surprise to learn that whiplash claims are a hot topic for the current government to address.

On 1 October 2014 further reform was introduced by the government. These reforms will apply to all soft tissue injury claims (not just whiplash injuries, any soft tissue injury) where the claim is commenced on or after 1st October 2014.

Soft tissue injury is defined as "a claim brought by an occupant of a motor vehicle where the significant physical injury caused is a soft tissue injury and includes claims where there is a minor psychological injury secondary in significance to the physical injury."

The speed of the implementation of these reforms (cynics among us would link this to the forthcoming general election...) has led to poor and unclear legislation. What for example does the word 'significant' mean when describing an injury; significant to the victim, significant objectively, significant with reference to value of the injury or what exactly? We do not know.

The reforms fix the cost of obtaining medical evidence in soft tissue injury cases and in doing so limit the type of expert able to report to a GP (GPs traditionally charge less for reports than reports from Orthopaedic surgeons or Accident & Emergency Consultants). The government have expressed the view that fixing the cost of medical reports will deter fraudulent and exaggerated claims, something we are told we are awash with although as a practicing solicitor for 15 years something I have yet to come across personally.

Fixing fees for medical reports may reduce the costs for the paying party but how can they improve the authenticity of whiplash claims or flush out spurious claims? Medical report fees are fixed, regardless of seniority or discipline. Will only junior (less experienced) medical experts engage in this area of work? Will they spot fraudulent/exaggerated claims?

What seems to have been lost in the reforms is that the vast majority of claims are brought by innocent victims. Speaking from personal experience whiplash injuries can cause debilitating symptoms resulting in time off work, constant pain and interference with the ability to undertake day to day activities.

I will wait with baited breath for the next set of government reforms (due in 2015) but answers on a postcard please for how this all assists the innocent victims of road traffic collisions.

## Contact

Laura Nabozny 033 3344 9600

[laura.nabozny@morrishsolicitors.com](mailto:laura.nabozny@morrishsolicitors.com)

[www.morrishsolicitors.com](http://www.morrishsolicitors.com)

