



Robert Neill MP
Chair, Justice Committee
House of Commons
London
SW1A 0AA

MoJ ref: 66984

12 March 2019

Dear Bob,

CIVIL LIABILITY ACT 2018 AND ASSOCIATED REFORMS: IMPLEMENTATION UPDATE

The Secretary of State for Justice wrote to you in August 2018 in response to the publication of the Justice Committee's report on the 'Small Claims Limit for Personal Injury'. In this letter he committed the Ministry of Justice to providing the Committee with regular updates on progress with the implementation of the Government's whiplash reform programme.

Now that the Civil Liability Act 2018 has received Royal Assent and we have started work to implement the provisions of the Act, I wanted to update the Committee on progress with the wider whiplash reform programme.

As you know, the Ministry of Justice is working closely with a broad group of expert stakeholders and representative groups from across the personal injury sector to implement the whiplash programme. This group is supporting the development of a new IT portal to enable all claimants including those who are unrepresented to process road traffic accident related personal injury claims under the new £5,000 small claims track limit.

Our key design principle in approaching the development of the new IT service is that that the claimant must be at the heart of the process and that the new portal must be as simple and efficient as possible for unrepresented claimants. With the expert stakeholder groups, we have developed detailed 'customer journey' maps for how claimants will make, progress and settle their claims on line without the need to go to court.

We have also initiated work with a group of experienced alternative dispute resolution providers to develop a new bespoke system of alternative dispute resolution to support unrepresented claimants using the new IT portal. The IT system will provide access to a low-cost paper-based system, paid for by the compensator, which will enable unrepresented claimants to seek an independent view from a qualified expert on key elements of their claim.

In addition, MoJ is working closely with MedCo on developing a process for unrepresented claimants to obtain medical reports within the new system. Under the Civil Liability Act it is mandatory for all whiplash claims to be supported by a medical report. As part of our work, officials, with MedCo, have considered different approaches to the provision of medical evidence, with particular reference to how the system should operate for unrepresented claimants. Further specific stakeholder engagement on this issue will be taken forward shortly.

In addition, our key delivery partner for this project, the Motor Insurers Bureau (MIB), have now completed a tender process and appointed PEGA, an experienced US-based company, to build and host the new IT system. PEGA provide IT solutions and platforms and have extensive Government project experience having developed projects for both the US Government and Defra in the UK. MIB has also engaged Deloitte to provide overarching programme assurance on the delivery of the IT build. Deloitte is an internationally recognised market leader in the provision of strategic and reputation risk services. Both organisations started working on the programme in January 2019.

To support the new IT portal, the MoJ is engaging with the Civil Procedure Rule Committee in relation to the development of a new Pre-Action Protocol for road traffic accident-related personal injury claims in the small claims track, as well as identifying the necessary amendments to the accompanying civil procedure rules and practice directions.

I look forward to continuing to engage positively with the Justice Committee as we move forward with the implementation programme.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. Keen', written in a cursive style.

RT HON LORD KEEN OF ELIE QC