

Growth Continues In OIC Settlements

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The Official Injury Claim (OIC) service has published a release of data covering the period from 1 July 2022 - 30 September 2022 demonstrating an increase of 17% in settlements against the last reporting period.

New claims and settlements

There is a theme of consistency across much of the data released by OIC this week as new claims totalled around 71,000 for the second successive period.

Consistency was maintained in the split between represented and unrepresented claims with the latter continuing at a rate of around 9% of the claims submitted.

Our [previous alert](#) highlighted a 23% increase in settlements on the prior reporting period and this growth has continued into the latest tranche of data. A further increase in settlement volumes of 17% is reported representing an increase of around 3,000 settlements.

Damages

Claims featuring mixed injuries saw another increase from 66.7% to 67.3% and compensators should continue to give careful consideration to medical evidence; specifically as to whether alleged non-tariff injuries are in fact part of the tariff award as we recently reported [here](#).

Injury severity remained broadly consistent. The lion's share of cases still resolve within the 3 to 6 month banding, down slightly from 49% to 47.8%.

Average settlement values and the application of uplift for exceptional injuries and circumstances have not deviated greatly from the previous period with unrepresented claimants still averaging higher awards than those claimants who have legal representation.

Liability

The number of liability admissions in part or full remained stable, down a fraction from 83% to 82% for represented claimants whereas for unrepresented claimants the admission rate is 93%.

The total number of liability decisions within OIC increased by 7% upon the previous reporting period, demonstrating that compensators are utilising the additional time afforded by the protocol for making liability decisions effectively.

Claims Exiting the Portal

The number of claims exiting the process rose in this reporting period. The increase in the number of cases going to Court has been a significant contributor to that and another factor to note is the number of duplicate claims necessitating removal - some 9% in represented claims. It is important that cases which should validly be excluded from the process can be identified and extracted.

System Updates

The MIB remain committed to enhancing the system where required and have announced that updates will now take place bi-annually, with code drops scheduled to take place in both November and May.

NVC

We continue to monitor behaviours and have developed numerous strategies to combat them, which can be accessed via our whiplash reforms microsite. We are continuing to see the use of 'duplication' as a reason to drop claims from the portal when NVCs are in excess of £10,000.00. The claims are then being submitted in the MOJ. In addition, we are seeing claims being issued in part 7 for credit hire when the injury claims are ongoing in the OIC. These claims should be challenged as abuse of process, the claimant only has one claim for damages covering all heads of loss and it needs to be brought as one claim after the right process has been followed.

The argument that claimants have more than one claim for damages is being used by credit hire companies on a range of issues at present and flies in the face of the legal position on which they rely to recover the credit hire costs in the first place. If you require access to our reforms microsite or strategic assistance please get in touch to explore this further.

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