

## Claims Portal Ltd Behaviour Committee Guidance

<b>Reference:</b>	BCG5 <i>The content of this guidance note is a recommendation and not intended to be binding on the parties.</i>
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**Details of the Issue:  
Pre-Med Offers made conditional on the exiting of the Pre Action Protocol for Low Value Personal Injuries**

**Details of Behaviour**

<b>Behaviour Issue:</b>	This matter concerns the making of Pre-Med offers conditional on exiting the Pre Action Protocol for Low Value Personal Injuries in Road Traffic Accidents and the payment of lower predictive costs.
<b>Outcome:</b> <small>The outcome of the Behaviour Committee's considerations will be in the form of general guidance which is not intended to be binding on the parties but which will be published by Claims Portal Ltd.</small>	<p>The Committee believes that this activity is not within the spirit of the process. The agreement of stakeholders to the level of costs was for base costs of £1,200 even when a pre-med offer was made and accepted. The agreement was reached on the understanding that there would be “swings and roundabouts”.</p> <p>We would wish to discourage such activities that undermine the agreement in this way, or in the event that claimant representatives or compensators otherwise behave in a way that undermines the intention and agreement that underpins the mandatory protocol and rules.</p>
<b>Action:</b>	The Behaviour Committee have made their view clear on the inclusion of conditions to Pre-Med offers and have written to the parties accordingly.

**Related Documents / Information**

1. Copy text of letter by the Behaviour Committee.

*Following receipt of a complaint (ref: xxxxx) about your company the matter was considered at the Claims Portal Behaviour Committee in May. This Committee consists of a balance to reflect the views of insurers and claimant representatives. The correspondence considered shows that you are making “pre-med offers” (the example given is one of £1,000) conditional on exiting the process and payment of the lower predictive costs.*

*The Committee believes that this activity is not within the spirit of the process. The agreement of stakeholders to the level of costs was for base costs of £1,200 even when a pre-med offer was made and accepted. The agreement was reached on the understanding that there would be “swings and roundabouts”. We would wish to discourage such activities that undermine the agreement in this way, or in the event that claimant representatives or compensators otherwise behave in a way that undermines the*

*intention and agreement that underpins the mandatory protocol and rules.*

*We expect <xxxxxx> to pay the costs under the process. Whilst we wish to discourage such activities, we are not in a position to prevent this practice. We expect solicitors to act in the best interests of their clients in any given circumstances.”*

<b>Date Published:</b>	01/10/2011
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