

MoJ Portal and Civil Justice Quarterly Analysis (employers' liability & public liability claims)

BLM Casualty Practice Group
(Q3 –February 2019 to April 2019)

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This report is compiled from the data extracted from the Claims Portal company website in relation to the management information for EL and PL claims. The statistics reveal interesting trends in relation to the number of EL and PL claims which have been submitted via the portal, the number which proceed to stage 2, the number which settle at stage 2 and the number which exit the portal. Also, the statistics show the average amount of general damages offered at stage 2 and the number of EL and PL claims that proceed to stage 3. Further, the statistics provide a breakdown of some of the reasons for claims exiting the portal.

The Claims Portal EL and PL management information can be accessed at <https://www.claimsportal.org.uk/about/executive-dashboard/>

The Executive Dashboard/MI for EL and PL claims was last updated by the Claims Portal on the evening of 14 February 2019, providing data from 31 July 2013, which was when the portal was introduced, through to 30 April 2019.

The Ministry of Justice (MoJ) has also published the quarterly statistics for January to March 2019 (Q1) in respect of the number of issued claims, which reveals potential future trends in relation to claim volumes.

This analysis focusses on EL and PL portal claims for the three month period from 1 February 2019 to 30 April 2019 (Q3 –February to April 2019) and the 12 month period from August to July each year (Q1 to Q4). Also, this analysis notes the MoJ quarterly statistics for January to March 2019 (Q1) in respect of the numbers of issued claims and overall claim volumes.

Observations

Submitted claims

During February to April 2019, the average number of submitted EL portal claims totalled 3,689 compared to a total of 3,930 during the corresponding period for the previous year. There has therefore been a percentage decrease in the number of submitted claims when comparing these two periods by 6.13%.

The average number of submitted PL portal claims totalled 4,489 during February to April 2019 compared to a total of 4,815 during the corresponding period for the previous year. This shows a decrease by 6.77% in the number of submitted PL claims, which tallies with a similar decrease in the number of submitted EL claims when comparing the same periods.

On the whole, there has been a slight decline in both the number of EL claims and the number of PL claims submitted when comparing each 12 month period running from August to July. In respect of EL claims, the average number of claims submitted each month during August 2016 to July 2017 totalled 3,986, which was 104 more than the average number of EL claims submitted each month during August 2017 to July 2018 and 502 more than the average number submitted during August to April 2019.

In respect of PL claims, the average number of claims submitted during August 2016 to July 2017 totalled 5,034. In comparison, the average number of PL claims submitted during August 2017 to July 2018 totalled 4,841. This reveals that claim numbers have continued to slightly decline. However, it should be noted that the decline in overall claim numbers has not been significant.

During February to April 2019, 13,467 PL claims were submitted to the portal. In comparison, 11,069 EL claims were submitted during this same period. This corresponds with overall statistics showing that there a higher numbers of PL claims submitted to the portal in comparison to numbers of submitted EL claims.

On the basis of the current statistics for February to April 2019 (Q3) and having regard to current trends, it is predicted that similar numbers of EL and PL claims will be submitted during Q4 of 2019. It can be seen that any decrease in claim numbers will not be significant and potential reforms will unlikely have any real impact on the number of submitted claims.

Stage 1 exits

During February to April 2019, the number of PL Claim Notification Forms (CNFs) that exited at stage 1 totalled 7,084. In comparison, 8,013 PL claims exited the portal at stage 1 during the corresponding period for 2018, which reveals that there has been a small decline when comparing year on year. This is positive because it indicates that less PL claims are exiting the portal at stage 1.

During February to April 2019, the number of EL claims that exited the portal at stage 1 totalled 4,606. In comparison, 5,174 EL claims exited at stage 1 of the portal during the corresponding period for 2018. This shows that there has been a slight decrease in the number EL claims exiting at stage 1 of the portal when comparing these two periods.

The overall statistics show a slight decline each year in the number of EL and PL claims that exit the portal at stage 1. This is positive as it shows that more claims are staying in the portal after stage 1. Also, proportionately similar numbers of EL and PL claims exit the portal at stage 1, bearing in mind that more PL claims are submitted in the portal in comparison to EL claims.

It remains the case, that more claims exit the portal at stage 1 (over 50%) in comparison to any other stage or reason for exit noted by the Claims Portal company. It is predicted that similar numbers of EL and PL claims will continue to exit the portal at stage 1, which corresponds with the fact that the number of submitted portal claims are remaining at similar levels with only a slight decrease each year.

It should be noted that the main reasons for claims exiting the portal at stage 1 are due to a liability decision not being provided within the required timescales and/or at all, liability being denied or liability being admitted but contributory negligence being alleged.

Stage 2 exits

The number of EL claims which exited the portal at stage 2 during February to April 2019 totalled 157, which was a percentage increase of 1.94% when compared to the number of EL claims that exited at stage 2 during February to April 2018.

In comparison, 150 PL claims exited the portal at stage 2 during February to April 2019, which was a percentage increase of 29.33% when compared to the number of exits at stage 2 during the corresponding period of 2018. Overall there has been a slight decline in the number of stage 2 exits, which is positive because it shows that more claims are remaining in the portal.

It is interesting to note that the number of stage 2 exits for PL claims decreased by 20% when comparing August 2017 to July 2018 with August 2016 to July 2017. Also, the number of EL claims that left stage 2 decreased by 17.40% when comparing August 2017 to July 2018 with the corresponding period for the previous 12

months. The figures for February to April correspond with these overall statistics and indicate that there will be a decline in the number of stage 2 exits over the rest of 2019. It will be interesting to see how the statistics for August 2018 to July 2019 compare with previous years.

The data from the Claims Portal company website reveals that claims continue to exit the portal due to human error, for example, due to a failure to pay stage 1 or 2 costs, a failure to respond to the stage 2 settlement pack within the required timescale or a failure to acknowledge the CNF in time.

High numbers of EL and PL claims continue to exit the portal due to defendants failing to make interim payments in accordance with the EL/PL protocol or for failing to pay disbursements in accordance with portal timescales.

The statistics continue to show that more PL claims compared to EL claims are submitted to the portal. This could be due to the fact that employers have in place safer working practices. Also, there has been a move towards the use of mechanical assistance and the use of artificial intelligence, for example, the use of robots, droids and other forms of machinery, which, in theory, should assist with better working practices.

More EL claims were registered to CRU in comparison to PL claims during 2018/19, which indicates that there are a higher number of EL claims that are not being submitted in the portal. This could be due to a large numbers of EL claims being seen as too complex for the portal process or the value exceeding the upper portal limit of £25,000.

During 2018/19, 89,461 EL claims were registered to CRU in comparison with 69,200 during 2017/18. This shows a significant increase totalling 29.22% in the number of EL claims that were registered to CRU when comparing these two periods.

In contrast, during 2018/19, 85,472 PL claims were registered to CRU in comparison to 69,067 during 2017/18. This shows a decrease totalling 19.19% when comparing 2018/19 with 2017/18. This is a greater decrease when compared to the decrease in overall claim numbers and indicates that there are gaps in the number of claims that are registered to CRU.

During February to April 2019, only 1.42% of the number of EL claims that were submitted to the portal during this period exited at stage 2. In comparison, during February to April 2019, only 1.11 % of PL claims that were submitted to the portal during this period exited at stage 2. This is positive because it shows that more claims are remaining in the portal at stage 2 which in turn should result in lower insurer spends.

It is predicted that there will continue to be a slight decrease in the number of stage 2 exits but this decrease will not have a significant impact on the numbers of claims that are settled within the portal.

The main reasons for claims exiting at stage 2 are due to a failure to pay stage 1 costs or a failure to pay these costs within the prescribed timescales after receipt of the stage 2 settlement pack. Also, claims exit at stage 2 of the portal process where there has been a failure to make an offer following receipt of the stage 2 settlement pack, where notice has been given that the claim is not considered to exceed £1,000 in value or where there has been a failure to make a requested interim payment.

As already noted above, claims can exit at stage 2 if the defendant does not provide the requested loss of earnings information within the required timeframe under the EL/PL protocol. Also, claims can exit at stage 2 if considered too complex for the portal process or if the medical evidence supports a claim valuation of over £25,000.

It should be noted that the statistics published by the portal company do not categorise the types of EL and PL claims that are submitted in the portal, such as whether an EL claim is in respect of work at height, manual handling or defective work equipment or whether a PL claim concerns a highway trip or supermarket slip etc. Also, there are no statistics in respect of the nature of the injury, such as how many submitted claims relate to injuries to the back, neck or shoulder etc. or how many claims are in respect of upper limb or lower limb injuries etc. In addition, the statistics do not show overall claim spends. However, it is encouraging that higher numbers of claims are remaining in the portal, which should in turn minimise overall claim spends.

Number of court packs created

During February to April 2019, the number of court packs created for EL claims totalled 209, which was a decrease by 11.44% when compared to the corresponding period for the previous 12 months. In comparison, the number of court packs created during February to April 2019 for PL claims totalled 213, which was an increase by 8.12% when compared with the corresponding period for the previous 12 months.

Overall, the statistics show that there has been a gradual increase in the number of court packs created for both EL and PL claims when comparing each portal year (August to July). It is predicted that there will continue to be a slight increase in the number of court packs created each year, which corresponds with the fact that fewer claims have been exiting the EL/PL portal at stage 1 and stage 2.

During August 2017 to July 2018, 875 PL court packs were created, which was an increase of 60 when compared to the number of PL court packs created during August 2016 to July 2017. In comparison, during August 2017 to July 2018, 972 EL court packs were created, which was an increase of 211 when compared to the number of EL court packs created during August 2016 to July 2017.

This increase in the number of court packs shows that there are more quantum disputes, perhaps due to both claimants and defendants being more confident in respect of quantum valuations and being prepared to run a claim to stage 3. However, it is positive that claims are remaining in the portal process and are proceeding under Practice Direction 8B (the stage 3 procedure) rather than exiting the portal.

It is predicted that during May to July 2019 (Q4) there will continue to be an increase in the number of court packs created for both EL and PL claims. However, this increase will not be very significant.

Portal exit function

The statistics reveal that 4,296 EL and PL left the portal using the exit function during February to April 2019, which was a decrease by 12.33% when compared to the corresponding period for the previous 12 months.

In relation to EL claims, there was a decrease by 9.26% in the number of claims that left the process using the exit function when comparing February to April 2019 with February to April 2018. This is positive because it indicates that less EL claims are exiting the portal using the exit function which in turn should mean that more claims are remaining in the process and are ultimately proceeding to settlement at stage 2 or for determination at a hearing at stage 3.

In relation to PL claims, there was a 15.35% decrease in the number of claims that left the process using the exit function when comparing February to April 2019 with February to April 2018. Again, this is positive as it shows that lower numbers of PL claims are exiting the portal using the exit function. This is positive because fewer claims exiting the portal should lead to lower spends for insurers.

On the basis of current trends, it is predicted that the number of EL and PL claims that leave the portal using the exit function will continue to decline during the rest of 2019. However, previous statistics indicate that there will be no real change in respect of the number of settled claims or claims that are issued in accordance with PD 8B (the stage 3 procedure).

It is interesting to note that the exit function statistics covers claims that exit the portal where the value is below £1,000, where the claim is too complex to continue within the portal, where the claim requires further investigation or where the defendant or their insurer fails to acknowledge the CNF on time. Also, the exit function statistics cover 'other' reasons which are not specified and fall outside specific categories of exit.

Stage 2 settlements

During February to April 2019, the number of EL settlements at stage 2 totalled 1,995, which was a 10.89% increase compared to February to April 2018. In comparison, the number of PL settlements at stage 2 during February to April 2019 totalled 1,699, which was a 0.96% increase when compared to February to April 2018.

It is positive that there has been an increase in the number of EL and PL settlements at stage 2 (the increase in the number of PL settlements being less significant). However, the overall statistics indicate that by the end of July 2019, there will continue to be a decrease in the number of stage 2 settlements for both EL and PL claims when compared to previous years.

It should be noted that the slight increase in the number of stage 2 settlements has not made any significant impact on claims handling and similar claim numbers continue to proceed to stage 3. Also, the number of claims submitted and the number of exits at each stage of the process has remained relatively consistent since 2014. It is predicted that there will be no drastic changes during the rest of 2019.

Average general damages offered

The recent statistics for February to April 2019 reveal that the average damages offered during this period for EL claims totalled £4,445 and the average general damages offered for PL claims totalled £4,193. These statistics indicate that the average general damages offered for EL claims is higher than the average general damages offer for PL claims and suggests that injuries in EL claims, on average, are more severe.

In respect of EL claims, the average general damages offered during August 2017 to July 2018 totalled £4,216. In comparison, the average amount of general damages offered during August 2018 to April 2019 totalled £4,294 which was an increase by 1.9%.

In respect of PL claims, the average general damages offered during August 2017 to July 2018 totalled £3,829. In comparison, the average amount of general damages offered during August 2018 to April 2019 totalled £4,231 which was an increase by 10.5%.

The average general damages offered for both EL and PL claims will continue to increase each year. However, as evidenced by the statistics above, the increase has been relatively modest considering inflation and updated Judicial College Guidelines. Also, it is predicted that higher offers for general damages will continue to be made for EL claims in comparison to PL claims.

Future changes

The government plans to increase the small claims limit for personal injury claims, to include EL and PL claims, from £1,000 to £2,000 in value. It is predicted that this increase will have no drastic impact on portal claim volumes because the average general damages offered for both EL and PL claims totals considerably more than £2,000. However, there will be cases that are caught by this proposed increase to the small claims limit and as a result, there may be a slight surge in the number of EL and PL claims prior to this proposed reform coming into force.

Overall analysis – 31 July 2013 to 30 April 2019

The data from the Claims Portal company website shows that from 31 July 2013 to 30 April 2019, 355,059 PL claims were submitted in the portal. In comparison, 263,994 EL claims were submitted in the portal during this same period. The statistics reveal that 4,583 of the 355,059 submitted PL claims exited the portal due to the CNF being incomplete but only 344 exited the portal due to the value being below £1,000. Whilst for EL claims, 1,334 exited the portal due to the CNF being incomplete and 273 exited due to the value being below £1,000.

In percentage terms, only a very small number of EL and PL claims exit the portal process due to the value of the claim exceeding the upper limit, being £25,000 in value. The statistics to date show that that only 0.46% of all submitted PL claims exited the portal due to the value of the claim exceeding the upper limit. In comparison, 0.98% of all submitted EL claims exited the portal due to the value of the claim exceeding the upper limit. Again, these statistics indicate that the average value for EL claims is greater than for PL claims.

The second biggest reason for claims exiting the portal using the exit function is due to further investigation being required. In respect of PL claims, 22,137 (6.23%) exited the portal for this reason. In comparison, 21,064 (7.98%) of EL claims exited for this reason. It is interesting to note that higher numbers of both EL and PL claims continue to leave the process using the exit function for "other" reasons that are not specified.

The data from the Claims Portal company website reveals that more EL and PL claims exit the portal at stage 1 compared to any other stage or reason for exit in the portal. In respect of PL claims, from 31 July 2013 to 30 April 2019, 58.05% of all submitted claims exited the portal at stage 1. In comparison, 46.03% of all submitted EL claims exited the portal at stage 1 during this period. These statistics reveal that approximately 10% more EL claims remain in the portal after stage 1 in comparison to PL claims, which could be due to more admissions being made with the portal and liability investigations being carried out within the prescribed timescale under the portal.

In terms of exits at stage 1, 58.18% of PL claims exited the portal at stage 1 due to liability not being admitted or being admitted but contributory negligence being alleged. This shows that over one half of stage 1 exits for PL claims are due to liability not being admitted or due to contributory negligence being alleged. In comparison, 44.69% of stage 1 exits for EL claims were due to liability being denied or contributory negligence being alleged which is just over 25% of all EL claims that have been submitted in the portal.

In relation to stage 2 settlement packs, the statistics show that very low numbers are repudiated by defendants. In respect of PL claims, for the period 1 August 2013 to 30 April 2019 only 144 stage 2 settlement packs were repudiated. In comparison, only 44 EL stage 2 settlement packs were repudiated during this same period.

It remains the case, that only a small percentage of claims exit the process at stage 2 due to an interim payment of more than £1,000 not being agreed or a stage 2 settlement pack being repudiated. The statistics reveal that the highest number of exits at stage 2 for both EL and PL claims is due to defendants being timed out of the portal and/or not providing a response to the stage 2 settlement pack. Also, it is interesting to note that approximately 45% of all EL and PL exits at stage 2 were due to no agreement being reached (proceeding to stage 3).

It should be noted that the decrease in the number of exits has not been significant and it remains the case that high numbers of claims will continue to exit the portal at some stage of the process. It can be seen that over 50% of EL and PL claims exit the portal at stage 1 and the statistics indicate that this will remain the same in the future as there has only been a slight decrease in the number of exits at this stage of the process.

In respect of EL claims, the highest number of stage 1 exits was in March 2015 with a total of 2,420 exits. Whilst for PL claims, the highest number of stage 1 exits was in October 2014 with a total of 4,310 exits. Also, the highest number of stage 2 exits for EL claims was in June 2016 with a total of 104 exits. In comparison, the highest number of stage 2 exits for PL claims was in July 2016 with a total of 91 exits.

The numbers of submitted EL and PL claims has reduced when comparing the year to date with the corresponding periods for 2015, 2016, 2017 and 2018. However, there have been no drastic changes in respect of claim volumes and it is predicted that claim numbers and exits will remain at similar levels during the next 12-18 months.

The number of court packs has remained at similar levels. In respect of PL claims, an average of 67 court packs were created during August 2018 to April 2019 in comparison to an average of 73 court packs being created each month during August 2017 to July 2018. In respect of EL claims, an average of 76 court packs were created each month during August 2018 to April 2019 compared to an average of 81 each month during August 2017 to July 2018. Although the decrease in court proceedings packs has been small, it indicates that slightly less claims are proceeding to stage 3.

MoJ statistics

MoJ statistics for January to March 2019 (Q1) reveal that personal injury claims account for 91% of all unspecified money claims. Unspecified money claims have fluctuated between 31,000 and 40,000 claims each quarter over the last four years (since April to June 2014).

During January to March 2019 there was a fall by 8% in the number of unspecified money claims when compared to the same period in 2018. The fall in unspecified money claims is reported to have been driven by a decrease in personal injury claims, which have dropped 11% to 29,800 when compared to the same quarter in 2018.

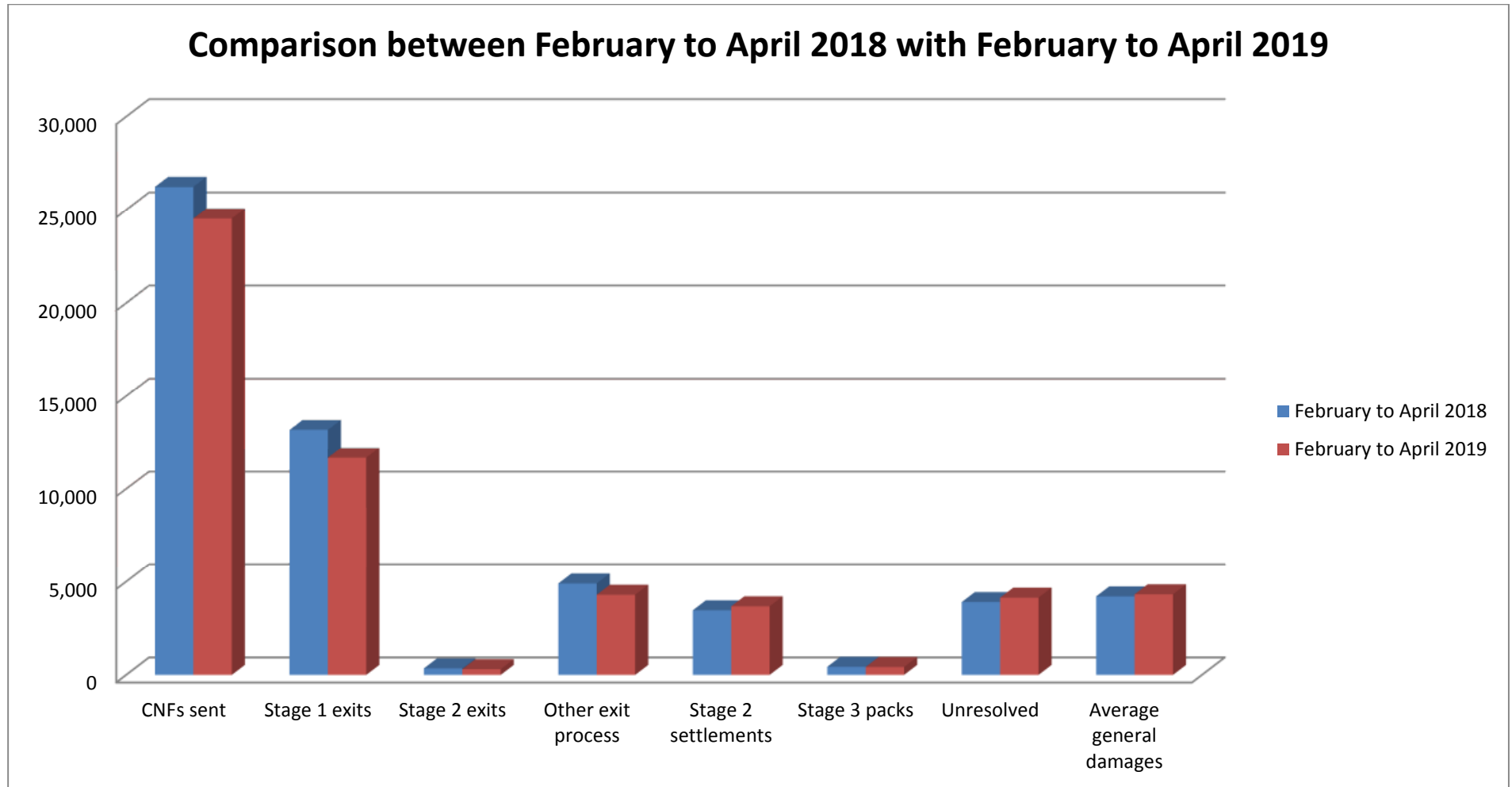
The MoJ provides that the decline in the number of issued personal injury claims can be attributed to reforms in respect of holiday package gastric illness claims along with whiplash reforms.

There has been a small increase in issued claim numbers when comparing January to March 2019 (Q1) to October to December 2018 (Q4). However, the statistics reveal that issued personal injury claim numbers for October to December 2018 (Q4) were at the lowest level of the series.

Interestingly, the number of defended claims has increased and it has taken longer for claims to go to trial. The fact there has been an increase in the number of trials.

Since 2013, when claim numbers were at their highest, there has been a gradual decline in the number of issued personal injury claims. It is predicted that this decline will continue because further reforms are due to take place, such as whiplash reforms and increases to the small claims limit.

Claim volumes



**The statistics in respect of Portal usage for EL and PL claims
Volumes reported by the Claims Portal company**

Calendar Year	Total CNFs sent	Total Stage 1 exits	Total Stage 2 exits	Total general exit process	Total all forms of exit	Total exits as a % of CNFs sent	Stage 3 packs prepared	Stage 2 settlements	Total Stage 2 settlements & Stage 3 resolved	Total Stage 2 and Stage 3 settlements as % of CNFs	Unaccounted for CNFs less total exits/ settlements and Stage 3 resolved
*2013	20,147	6,283	14	3,752	10,049	49.9%	0	196	196	1.0%	9,902
2014	121,537	63,536	927	22,283	86,746	71.4%	293	8,726	9,019	7.4%	25,772
2015	126,983	70,214	1,586	28,469	100,269	79.0%	883	16,736	17,619	13.9%	9,095
2016	113,435	62,619	1,906	26,596	91,121	80.3%	1,272	15,573	16,845	14.8%	5,469
2017	105,256	56,236	1,478	23,241	80,950	76.9%	1,739	14,561	16,300	15.5%	8,006
2018	104,231	53,388	1,306	23,111	77,805	74.7%	1,750	13,812	15,562	14.9%	10,864
#2019	32,958	16,481	424	5,971	22,876	69.4%	597	4,923	5,520	16.7%	4,562

* 5 months of data extrapolated
4 months of data extrapolated

Annual trend analysis between 2014 – 2015, 2015 – 2016, 2016 – 2017 and 2017-2018

	2014 Average per month	2015 Average per month	Change	Change %	Trend	Trend 2014 to 2015 as % of CNF's sent	Outcome for insurers
CNFs sent/received	10,129	10,582	+ 453	+ 4.48%	Up	Increase	Negative
Stage 1 exits	5,295	5,851	+ 556	+ 10.51%	Up	Increase	Negative
Stage 2 exits	77	132	+ 55	+ 70.87%	Up	Increase	Negative
Other exit process	1,857	2,372	+ 515	+ 27.74%	Up	Increase	Negative
Stage 2 settlements	727	1,395	+ 668	+ 91.84%	Up	Increase	Positive
Stage 3 packs	24	74	+ 50	+ 203.03%	Up	Increase	Positive
Unresolved	2,148	758	- 1,390	- 64.71%	Down	Decrease	Positive
Average Damages	2,948	3,574	+ 626	+21.25%	Up	Increase	Negative

	2015 Average per month	2016 Average per month	Change	Change %	Trend	Trend 2015 to 2016 as % of CNF's sent	Outcome for insurers
CNFs sent/received	10,582	9,453	- 1,129	- 10.66%	Down	Decrease	Positive
Stage 1 exits	5,851	5,218	- 570	- 10.82%	Down	Decrease	Positive
Stage 2 exits	132	159	+27	+20.45%	Up	Increase	Negative
Other exit process	2,372	2,216	- 156	- 6.58%	Down	Decrease	Positive
Stage 2 settlements	1,395	1,298	- 97	- 6.95%	Down	Decrease	Negative
Stage 3 packs	74	106	+ 32	+ 43.24%	Up	Increase	Negative
Unresolved	758	456	- 302	- 39.84%	Down	Decrease	Positive
Average Damages	3,574	3,973	+ 399	+ 11.13%	Up	Increase	Negative

	2016 Average per month	2017 Average per month	Change	Change %	Trend	Trend 2015 to 2016 as % of CNF's sent	Outcome for insurers
CNFs sent/received	9,453	8,771	- 682	- 7.21%	Down	Decrease	Positive
Stage 1 exits	5,218	4,686	- 532	- 10.20%	Down	Decrease	Positive
Stage 2 exits	159	123	- 36	- 22.64%	Down	Decrease	Positive
Other exit process	2,216	1,937	- 279	- 12.59%	Down	Decrease	Positive
Stage 2 settlements	1,298	1,213	- 85	- 6.55%	Down	Decrease	Negative
Stage 3 packs	106	145	+ 39	+36.79%	Up	Increase	Negative
Unresolved	456	667	+ 211	+ 46.27%	Up	Increase	Negative
Average Damages	3,973	4,140	+ 167	+ 4.20	Up	Increase	Negative

	2017 Average per month	2018 Average per month	Change	Change %	Trend	Trend 2015 to 2016 as % of CNF's sent	Outcome for insurers
CNFs sent/received	8,771	8,686	- 85	- 0.97%	Down	Decrease	Positive
Stage 1 exits	4,686	4,449	- 237	- 5.06%	Down	Decrease	Positive
Stage 2 exits	123	109	- 14	- 11.38%	Down	Decrease	Positive
Other exit process	1,937	1,926	- 11	- 0.57%	Down	Decrease	Positive
Stage 2 settlements	1,213	1,151	- 62	- 5.11%	Down	Decrease	Negative
Stage 3 packs	145	146	+ 1	+ 0.69%	Up	Increase	Negative
Unresolved	667	905	+ 238	+ 35.68%	Up	Increase	Negative
Average Damages	4,140	4,224	+ 84	+ 2.03%	Up	Increase	Negative

	2018 Average per month	2019 Average per month*	Change	Change %	Trend	Trend 2015 to 2016 as % of CNF's sent	Outcome for insurers
CNFs sent/received	8,686	8,240	- 446	- 5.13%	Down	Decrease	Positive
Stage 1 exits	4,449	4,120	- 329	- 7.39%	Down	Decrease	Positive
Stage 2 exits	109	106	- 3	- 2.75%	Down	Decrease	Positive
Other exit process	1,926	1,493	- 433	- 22.48%	Down	Decrease	Positive
Stage 2 settlements	1,151	1,231	+ 80	+ 6.96%	Up	Increase	Positive
Stage 3 packs	146	149	+ 3	+ 2.05%	Up	Increase	Negative
Unresolved	905	1,141	+ 236	+ 26.08%	Up	Increase	Negative
Average Damages	4,224	4,319	+ 95	+ 2.25%	Up	Increase	Negative

* 4 months of data extrapolated for 2019

During the first four months of 2019, the average number of CNFs sent decreased by 5.13% when compared to the monthly averages for 2018. It is predicted that the number of submitted claims will continue to decline and it will be interesting to see if the percentage decline remains at 5%, which is a more significant decline when compared to previous years.

The statistics for 1 January to 30 April 2019 reveal that the number of stage 1 and stage 2 exits are continuing to decline, which is positive because this shows that more claims are remaining in the portal and will likely to continue to stage 3 if quantum cannot be agreed between the parties. Also, the statistics show that there has been a continuing decline in the number of claims leaving the process under the other exit function. In addition, the figures to date for 2019 show that the number of stage 2 settlements has increased compared to the average number of stage 2 settlements during 2018.

It is interesting to note that the average number of stage 2 settlements (to date) during 2019 is similar to the average number of stage 2 settlements during 2017. This indicates that overall the number of stage 2 settlements will remain at similar levels in the future but there will be slight fluctuations.

During 1 January to 30 April 2019, only 1.42% of EL claims exited the portal at stage 2 in comparison to the number of claims that were submitted during this period. In respect of PL claims, the position has been similar with 1.11% exiting the portal at stage 2 in comparison to the number of claims that were submitted during this period.

The average number of stage 2 settlements has declined when comparing 2015 with 2016, 2017 and 2018. The lowest number of stage 2 settlements was in 2018 but the figures, to date, for 2019 reveal an increase in the average number of settlements when compared to 2017 and 2018. Also, the statistics reveal that the number of court packs created has continued to increase but only slightly.

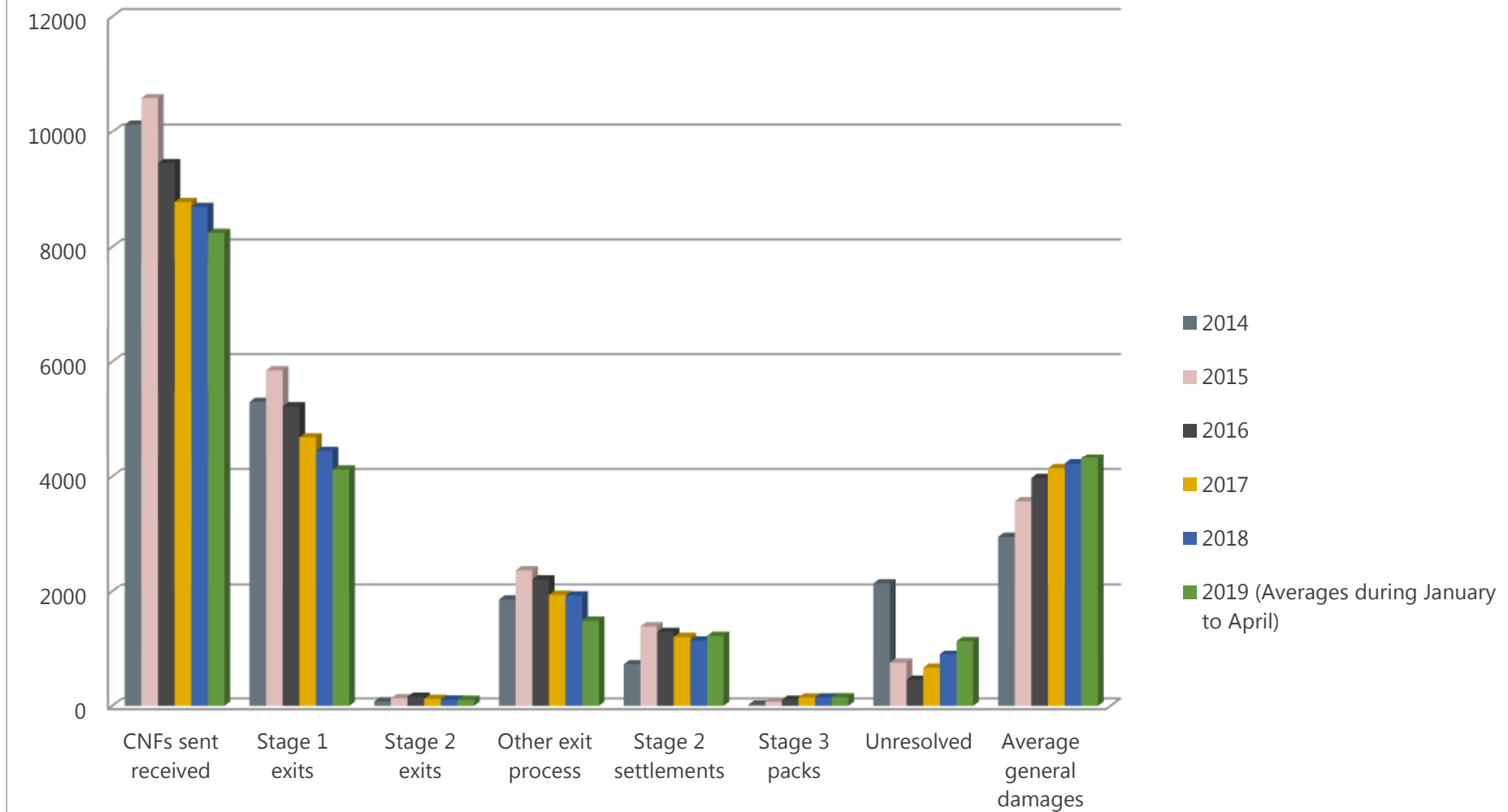
The number of unresolved EL and PL portal claims has increased since 2016. This could be due to an increase in the number of inactive claims, such as cases where liability has been admitted at stage 1 but where there has been no submission of the stage 2 settlement pack and/or an increase in the number of cases where the claimant no longer continues with the claim but does not exit the claim from the portal.

There are large numbers of claims where protective proceedings are issued for limitation purposes and stays granted for unlimited periods of time to enable the protocol process to be followed. In these cases, there may be significant delays in respect of the progress of a claim and the claim may be inactive for several months.

Based on the current figures it is predicted that the numbers of unresolved claims will continue to rise in 2019. However, it is positive that the number of overall exits from the portal has slightly declined each year. This indicates that users are becoming more accustomed with portal timescales and response times etc.

The statistics unsurprisingly show that the amount of average general damages offered is continuing to increase, albeit on a relatively modest basis. The percentage increase each year from 2017 has only been by approximately 2%, which is very modest and barely takes into account interest and inflation. It is predicted that the average general damages offered will continue to slightly increase each year in accordance with previous trends.

Annual trend analysis for 2014, 2015, 2016, 2017, 2018 and 2019*



1. The statistics from the Claims Portal company show the following key points:-

- A decrease in the number of CNFs sent/received for EL claims when comparing the average for February to April 2019 with the average for the corresponding period in 2018. In comparison, there was also a decrease in the number of CNFs sent/received for PL claims when comparing these same periods. It is predicted that there will continue to be a decline by approximately 5-7% in the number of submitted EL and PL claims by the end of 2019. However, there could possibly be a surge in the number of EL and PL claims submitted in the portal if the small claims limit for these claims increases from £1,000 to £2,000. Although on the whole, the average claim value for both EL and PL claims is for considerably more than £2,000.
- On average, 8,240 EL and PL claims were submitted in the portal each month during January to April 2019. During this period, the highest number of both PL and EL claims were submitted in March 2019. However, the difference each month in the number of submitted EL and PL claims has not been significant and overall statistics remain relatively consistent despite there being a slight decline each year.
- The statistics indicate that claim numbers for the rest of 2019 will be lower than claim numbers for 2018. The figures for 2019 (January to April) indicate that there will be a larger decline in claim numbers between 2019 and 2018 compared to the decline in claim numbers between 2018 and 2017.
- Nearly 50% of all EL and PL claims exit the portal at stage 1 of the process but there has been a gradual decline each year. It is predicted that the majority of exits from the portal for 2019 will be at stage 1, which is supported by the statistics for previous years along with the current figures for February to April 2019.
- The recently published statistics also show that there has been a decrease in the number of stage 2 exits when comparing the monthly averages for 2019 with the monthly averages for 2018 and 2017. The decrease in the number of stage 2 exits is positive because it shows that more claims are remaining in the portal. However, far less claims exit the portal at stage 2 compared to stage 1. Also, more claims leave the portal under the general exit process compared to stage 2 exits.
- The number of stage 3 packs for PL claims increased when comparing the monthly averages for February to April 2019 with February to April 2018. In contrast the number of stage 3 packs completed for EL claims decreased when comparing the monthly averages for February 2019 to April 2019 with

the corresponding period for 2018. Also, the figures for 2019 (to date) show an increase by approximately 2% in the number of stage 3 court packs for both EL and PL claims, which is due to the significant increase in court packs created for PL claims.

- A big increase by two-thirds in the number of unresolved claims when comparing the monthly averages for 2017 and 2018 with 2019 (to date). This indicates that significant numbers of claims are remaining in the portal, some of which may be inactive or abandoned but not exited from the portal. This could be due to a failure to obtain instructions from the client, a failure to obtain supporting medical evidence and/or to submit the stage 2 settlement pack in order to progress the claim through the portal etc. Also, there are an increasing number of cases where claimants are issuing protective proceedings in accordance with PD 8B (the stage 3 procedure) and obtaining a stay of proceedings for an indefinite period of time.
2. The statistics for 2014, 2015, 2016, 2017, 2018 and 2019 (to date) continue to show that over 50% of PL claims and nearly 50% of EL claims exit the portal at stage 1, whilst much lower numbers of claims exit the portal at stage 2. The recent statistics also indicate that proportionately more EL than PL claims exit the portal at stage 2 in comparison to the number of claims that are submitted.
 3. In 2014 only 0.76% of claims exited the portal at stage 2. In comparison, 1.25% of claims exited the portal at stage 2 in 2015 and 1.68% of claims exited at the portal at stage 2 in 2016. The figures for 2018 reveal that 1.39% of all submitted claims during that period exited at stage 2. Overall trends indicate that the numbers of exits at stage 2 will unlikely change to any great extent but the current figures for 2019 show that there continues to be a modest decrease in the number of exits at stage 2.
 4. The average monthly statistics reveal that the amount of general damages offered is gradually increasing each year. In particular, there has been an increase by 2.25% in the average amount of general damages offered when comparing the monthly average for 2018 with the monthly average, to date, for 2019. It can be seen that any increase is predominately due to inflation and the JC Guidelines being updated. It is predicted that there will be continue to be a slight increase each year in the average amount of general damages offered taking into account inflation and updated JC Guidelines.
 5. The number of CNFs submitted in the portal from 31 July 2013 to 30 April 2019 for EL claims totalled 263,994 whilst the total number of CNFs submitted for PL claims totalled 355,059. These statistics show that more PL claims are being submitted in the portal each month compared to EL claims and it is expected that this will continue to be the case.

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6. The highest numbers of claims continue to exit the portal using the other exit function for "other" undefined reasons. Also, there continues to be a large numbers of exits as a result of claims requiring further investigation or being a duplicate. It is predicted that these trends will continue during the rest of 2019, which is currently supported by the reported statistics for the year to date.
 7. The highest numbers of exits at stage 1 are due to a liability decision not being provided in time. However, due to the fact that there has been a gradual decline in the number of stage 1 exits, it can be seen that defendants are getting better at investigating and providing a liability decision within the relevant time period under the portal. In respect of EL claims, the time limit for completing the response section of the CNF is within 30 business days of the date the CNF is submitted in the portal. In respect of PL claims, the time limit for completing the response section of the CNF is within 40 business days of the date the CNF is submitted in the portal.
 8. There continues to be a decrease in the number of EL and PL claims submitted in the portal each year. Currently there has been a bigger decline in claim numbers between 2019 and 2018 compared to the decrease in claim numbers between 2017 and 2018. It will be interesting to see the figures for the rest of 2019 to better gage whether claim numbers are declining to any more significant extent.



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