

Equality Impact Assessment Initial Screening

1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed.

RTA PI Scheme Expansion

A new low value road traffic accident (RTA) personal injury (PI) claims process was implemented on 30 April 2010. It introduced a standard streamlined process intended to avoid duplication of work & deliver compensation to claimants quicker & at a more proportionate legal cost. On 15 October 2010, Lord Young published his report 'Common Sense, Common Safety'. One of the key recommendations is the introduction of a simplified procedure for PI claims similar to that for RTAs under £10k on a fixed costs basis; to examine the option of extending the upper limit for RTA claims to £25k; to explore the possibility of extending the framework of such a scheme to cover low value medical negligence claims & extend the upper limit for RTA PI claims to £25k.

2. Individual Officer(s) & unit responsible for completing the Equality Impact Assessment.

Ginny Skeete
Civil Justice Transformation

3. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?

Aims/objectives	Outcomes
<p>To introduce a simplified claims procedure for PI claims similar to that for RTA claims under £10k on a fixed costs basis; examine the option of extending the upper limit for RTA claims to £25k; explore the possibility of extending the framework of such a scheme to cover low value medical negligence claims; examine the option of extending the upper limit to £25k for all PI claims.</p> <p>This proposal aims to build on the existing scheme by extending its benefits to two-thirds of all claims that currently fall outside the small claims track. PI claims make up some 70% of all claims that currently fall in the fast and multi-track, and 92% of PI claims are under £25k.</p>	<p>This proposal extends the following benefits of the RTA PI process to more claims:</p> <p>Earlier compensation – Earlier payment of damages for claimants due to processes being streamlined, thereby taking away the worry and anxiety of the injured party.</p> <p>Preventing duplication – Fixed time periods and costs making the process more equal for the injured party.</p> <p>Efficiencies – Standardised streamlined processes help to eliminate unnecessary work and develop administrative efficiencies for claimants and defendants. The fixed recoverable costs take account of these efficiencies and reduce the overall legal costs paid by the losing party. A key example is the use of electronic communication through the secure portal for use by parties and their representatives and insurers.</p>

4. What existing sources of information will you use to help you identify the likely equality on different groups of people?

(For example statistics, survey results, complaints analysis, consultation documents, customer feedback, existing briefings, submissions or business reports, comparative policies from external sources and other Government Departments).

The key groups involved in the development of the existing RTA PI process represented claimants, claimant solicitors and defendants. Those same groups have been engaged in respect of this proposal. Although no specific equality group was approached on either occasion, the parties involved have not raised or identified any issues that will impact equality.

One specific impact identified prior to the implementation of the existing scheme was the use of electronic communication for the exchange of information. The MoJ requested that the IT portal being

developed by the industry was Data Protection Act compliant and allowed access to users without charge. It was developed with the intention that existing case management systems could be retained and parties would be able to either access the portal via the internet or by integration of the portal application into their own system. No negative impact on this group was therefore identified.

Anecdotal evidence from the key groups involved suggested that a very small percentage of cases are taken forward by litigants in person. This is mainly because of the aggressive 'claim capture' market that exists whereby either a claims management company, a claimant solicitor directly or an insurer will 'capture' the client as soon as an accident takes place. In the very few cases where a claimant decides to take a claim forward without representation, they would either be able to download the standard forms for the process from the HMCS website or enter the portal directly. Web addresses for both these facilities were made available in the Protocol. The forms provided via the industry-led portal would be user friendly and adaptable so that different formats, screen sizes and fonts could be used. The industry planned to move quickly to address any impact on equality, should it arise. The forms available via the HMCS website did not specifically address particular disabilities but could be provided in an alternative format where requested.

As the process is dependent on electronic communication the risk is that a claimant wishing to act without legal representation does not have access to a computer with internet connection. According to the National Statistics Opinions (Omnibus) Survey (developed by the Office for National Statistics over a three month period in 2009) 18.31 million UK households (representing 70% of the households) had internet access. It also provided that there had been a growth in internet access by all age groups. There is potential for the proposal to affect a proportion of households/claimants without internet access (for whatever reason) and that in these cases engagement of a solicitor may be required where otherwise they may not have been. The evidence, however, is that there are very few cases where the claimant does not have representation but this situation will continue to be monitored via the industry and portal.

5. Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people. If so what are the gaps in the information and how and when do you plan to collect additional information?

As referred to in 4 above, there may be a gap in respect of the accessibility of claimants to a computer with internet connection. This will be monitored via the industry and portal.

6. Having analysed the initial and additional sources of information including feedback from consultation, is there any evidence that the proposed changes will have a **positive impact** on any of these different groups of people and/or promote equality of opportunity?

Please provide details of who benefits from the positive impacts and the evidence and analysis used to identify them.

One of the main positive impacts is that claimants receive compensation more simply, quicker and at a reduced cost. This is particularly beneficial to those with low incomes. The potential ordeal and stress of travelling to and attending a court hearing, especially for the elderly or those with a disability, is also removed. Claimant solicitors and insurers benefit from administrative efficiencies resulting from a more streamlined process with defined time periods and costs. These positive impacts will be monitored via the industry and portal.

7. Is there any feedback or evidence that additional work could be done to promote equality of opportunity?

If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.

None at the moment.

8. Is there any evidence that proposed changes will have **an adverse equality impact** on any of these different groups of people?

Please provide details of who the proposals affect, what the adverse impacts are and the evidence and analysis used to identify them.

See 4 above.

9. Is there any evidence that the proposed changes have **no equality impacts**?

Please provide details of the evidence and analysis used to reach the conclusion that the proposed changes have no impact on any of these different groups of people.

None at this time but will be monitored via the industry and portal.

10. Is a full Equality Impact Assessment Required? No

If you answered 'No', please explain below why not?

NOTE - You will need to complete a full EIA if:

- the proposals are likely to have equality impacts and you will need to provide details about how the impacts will be mitigated or justified
- there are likely to be equality impacts plus negative public opinion or media coverage about the proposed changes
- you have missed an opportunity to promote equality of opportunity and need to provide further details of action that can be taken to remedy this

A decision will be made after consultation when all feedback has been considered, although the impact of the proposal is likely to continue to be positive on all groups concerned through a more streamlined process and the claimant receiving compensation quicker, more simply and at a reduced cost.

11. Even if a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.

As there are no anticipated impacts on equality groups there are no plans to monitor the impacts on equality groups. However, the Post Implementation Review undertaken in 3 years time will be able to evaluate any unexpected equality impacts.

12. Name of Senior Manager and date approved

Name (must be grade 5 or above): Nick Goodwin
Department: Civil, Family and Legal Aid Policy Directorate
Date: 18 February 2011
Note: The EIA should be sent by email to anthony.shepherd@justice.gsi.gov.uk of the Corporate Equality Division (CED), for publication.