



Third Party Assistance Claimant Guide

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The UK insurance and long-term savings market and the ABI

The Association of British Insurers is the voice of the UK's world-leading insurance and long-term savings industry. A productive and inclusive sector, our industry supports towns and cities across Britain in building back a balanced and innovative economy, employing over 300,000 individuals in high-skilled, lifelong careers, two-thirds of which are outside of London.

The UK insurance and long-term savings industry manages investments of over £1.9 trillion, contributes over £16bn in taxes to the Government and supports communities across the UK by enabling trade, risk-taking, investment and innovation. We are also a global success story, the largest in Europe and the fourth largest in the world.

The ABI represents over 200 member companies, including most household names and specialist providers, giving peace of mind to customers across the UK.



Third Party Assistance Claimant Guide

Injured, need vehicle repairs or a replacement vehicle as a result of a recent accident? How the other side's insurer may be able to assist you

If you have been injured, need vehicle repairs or a replacement vehicle and someone else may be at fault, their insurer may be able to offer assistance to help you put the accident behind you, at no cost to you. This guide explains how the other side's insurer or appointed claims handler ('the insurer') may be able to assist you, and what your rights are when dealing with the insurer.

It is important to note that how the insurer can assist you may vary depending on your particular case and the insurer's view of who is at fault for the accident.

How might the other side's insurer be able to help me?

Depending on your particular case, the insurer may be able to offer you a range of services designed to help you put the accident behind you. The insurer, or their appointed claims handler, will do everything possible to restore you to the position you were in prior to the accident, and discuss progress with you throughout. It is important to note that, under law, only reasonable losses connected with the accident can be compensated for.

The services that may be offered are explained in detail below.

Helping you recover from injury	<p>The insurer can provide early assistance to manage your pain, symptoms and condition and get you back to normal, by arranging for a medical professional to assess and provide treatment if necessary, including any rehabilitation needs.</p> <p>Please note for “whiplash” and/or other injuries sustained in a road traffic accident in England and Wales, the insurer can help you recover by offering rehabilitation treatment, but where the compensation claim for your injury(s) including any whiplash is less than £5,000, or your overall claim is less than £10,000, you will need to make an online claim using the Official Injury Claim (OIC) service. Please see ‘Step 2: Assessing your injury and arranging help’ below.</p>
Vehicle repairs	<p>The insurer can repair damage to your vehicle caused by the accident using their approved repairer networks, at no cost to you.</p> <p>If your vehicle cannot be repaired economically, the insurer can arrange to agree a pre-accident value with you/the owner of the vehicle. If the vehicle is financed, any outstanding amounts will be taken into account first as will the amount of any salvage. The insurer can also remove and dispose of vehicle salvage if necessary.</p>
A replacement vehicle	<p>A free replacement vehicle can be provided to you, if necessary, while you are without your own vehicle. This avoids you having to enter into a credit agreement with a vehicle hire company, and the vehicle will be delivered and collected. If you do not need a replacement vehicle, a suitable alternative may be offered to you.</p>
Reimbursement of any lost earnings	<p>If you have missed work because of the accident, the insurer will consider any lost (net) wages. You will need to provide documents to show how much you have lost, for example wage slips or tax returns. In the interim, you may be offered an initial payment while full details of any lost earnings are worked out.</p>
Payment for other losses	<p>If you have suffered other losses because of the accident, such as damage to clothing or personal effects, the need for bus or taxi fares, or for help with housework, the insurer can also help by making payments for these losses.</p>
Compensation for your injury	<p>Once you have started any rehabilitation and/or medical treatment and the medical professional is happy that your injury is resolved or resolving, the insurer will discuss the amount of compensation you are entitled to receive for the pain, suffering and loss of amenity and any injury you have following the accident. The amount of compensation is assessed according to the information you have given the insurer together with any details provided by a medical professional and the insurer will try to agree the amount with you.</p> <p>Please note for “whiplash” and/or other injuries sustained in a road traffic accident in England and Wales, the insurer can help you recover by offering rehabilitation treatment, but where the compensation claim for your injury(s) including any whiplash is less than £5,000, or your overall claim is less than £10,000, you will need to make an online claim using the online Official Injury Claim (OIC) service. Please see ‘Step 2: Assessing your injury and arranging help’ below.</p>

Putting you in touch with a solicitor

The insurer can put you in touch with an independent solicitor through their own referral system, where if your claim is a non-injury claim (e.g. a claim for vehicle damage) they may receive a referral fee should you use that solicitor. The insurer can also put you in touch with an independent solicitor by providing information about how to access the Law Society or Citizens Advice, or how to make a claim under your legal expenses policy or any trade union membership (if applicable).

There are six main steps in resolving your accident claim

Step 1: Immediate aftermath and initial contact with the insurer

Who

After the accident, the insurer may contact you where they understand their customer (the other driver) is at fault, in order to put things right. This could be by letter, phone call, an email, or a text. The insurer will explain who they are and why they are contacting you. They will never appear uninvited at your place of residence. The insurer will also consider whether it is appropriate for them to assist you; for example, the insurer will not be able to assist you where you have less than six months left to bring a claim out of the three years that is allowed from the date of your accident for your injury (or six years for non-injury).

What

The insurer will ask whether you have already instructed independent legal advisers and if you have not, they will explain what services they are able to offer you. These services may include a replacement hire car while yours is being repaired, repair of your vehicle (or the pre-accident market value of your vehicle if it cannot be economically repaired) and medical treatment such as physiotherapy if required, at no cost to you.

The insurer will explain that you are under no obligation to take up the services offered, and that you are at all times entitled to seek independent legal advice. **Please note for “whiplash” and/or other injuries sustained in a road traffic accident in England and Wales, the insurer can help you recover by offering rehabilitation treatment, but where the compensation claim for your injury(s) including any whiplash is less than £5,000, or your overall claim is less than £10,000, you will need to make an online claim using the online Official Injury Claim (OIC) service. Please see ‘Step 2: Assessing your injury and arranging help’ below.** You may also wish to consider other options to bring and pay for your claim such as where applicable your comprehensive motor insurance, any legal expenses policy or trade union membership. The insurer will ask you whether you already have in place an appropriate policy of insurance or other cover to bring and pay for your claim.

If you do decide to accept the services offered by the insurer, then they will begin organising the services for you.

If you decline the offer, the insurer will confirm this in writing and will cease any further contact with you.



	Bear in mind that you have a legal responsibility to keep your losses to a reasonable and proportionate level, and the insurer may not be liable to pay for any unreasonable or disproportionate losses incurred.
When	The insurer will try to contact you as soon as they can after the accident to offer help. There is no set timeline for you to consider your options; however, it is important to know that there are time limits to bringing a claim in court, depending on what type of claim it is. These time limits normally run from the date of your accident and are three years for your injury claim and six years for any non-injury claim such as vehicle damage

Step 2: Assessing your injury and arranging help

Who	<p>If you have suffered an injury, the insurer may be able to provide early assistance by arranging for medical treatment if required, including rehabilitation such as physiotherapy.</p> <p>Please note that the insurer will not be able to compensate you for your injury (which may include a whiplash injury) if (i) your claim for your injury is less than £5,000 or (ii) the total value of your claim is less than £10,000 (this includes claiming back any additional costs for such as medical treatment, lost earnings, and damage to your personal property) and you:</p> <ul style="list-style-type: none">• Are over 18;• Have been involved in an accident you believe wasn't your fault in England or Wales; and• Were the driver or passenger of the car or other motor vehicle. <p>In these circumstances you must use the online Official Injury Claim (OIC) service. You can make your injury claim yourself, without the need for a legal representative. The service is free to use and has been designed so that you can progress your own claim and obtain compensation for your injury. More information is available here. You are also entitled to seek legal support to help bring your claim for compensation. It is important to be aware of any costs and charges if you do not bring your claim yourself.</p> <p>If you make your injury claim using the OIC service, the insurer will still be able to help you with any vehicle repairs, a replacement vehicle, reimbursement of any lost earnings and payment for other losses such as damage to personal property if applicable (please see below) outside of the OIC process. However, please note that if the total value of your claim (including claiming for your injury and any additional costs for things like a replacement car/other expenses which you have paid for personally) is more than £10,000, you will not be able to make your injury claim using the OIC service. If the total value of your claim is more than £10,000, the insurer will be able to help you.</p>
What	The insurer will provide the details of medical treatment, including rehabilitation assistance, in writing to you, including details of the provider. Any treatment



provider will be local to you where possible and will be paid for by the insurer. You can choose your own medical professional. As required by law, the insurer will register your claim with the Compensation Recovery Unit, which is part of the Department of Work and Pensions (DWP). The DWP will send you a copy of the certificate issued to the insurer. This is for your information only and need not be passed onto the insurer. If you have received any benefits from the DWP because of the accident, deductions may be made from your compensation – in which case, the certificate will provide details of this.

The insurer may also require a medical report, which helps assess the nature and extent of your injury and help value the compensation for the claim. You will receive a copy of this report first and have the opportunity to check it for errors – the report will not be sent to the insurer until you agree to this. Alternatively, you can agree in advance in writing that the report will be sent to both you and the insurer at the same time. Where your medical records are required to be considered by the medical professional, the insurer will explain why and provide a consent form for you to sign so they can be sent to the medical professional for review.

If further medical investigation is required after an initial report because the injury prognosis is uncertain (for example the instruction of additional medical experts is needed), this will be explained to you by the insurer. In such circumstances, the insurer will strongly recommend that you seek independent legal advice at this time, as it indicates that the injury may be more complex in nature.

If you suffered minor pain following the accident, e.g. typically only a few days in duration, then the insurer will not normally require a medical report or an examination to value the injury (unless your injury claim consists of or includes whiplash, when a medical report will always be required). However, you always have the right to ask for a medical report and medical examination if you wish to have one. If a minor injury later becomes more serious than anticipated, and the outcome is different to that on which the offer is based, then you have the right to renegotiate your compensation with the insurer. At this stage the insurer will also remind you of your right to seek independent legal advice, particularly if this indicates that the injury may be more complex in nature.

When

Assessing any injury and arranging help will be done as soon as possible, to minimise your discomfort. The insurer will advise you of the likely timescales for assessing and valuing the compensation for your injury and keep you fully informed. They will arrange to have regular updates with you (at agreed intervals) about your injury if necessary.

Step 3: Assessing the damage to your vehicle and arranging help

Who

The insurer can organise for your vehicle to be repaired if necessary. Any provider will be local to you where possible. If it is not economical to repair the vehicle, then the insurer may offer you a sum for the market value of the vehicle. The insurer can also arrange for the removal and disposal of salvage at no cost to you. If you need a replacement vehicle while yours is off the road, the insurer can also



	arrange for one to be provided. You may be approached by a hire company who offers to provide you with a replacement car while yours is off the road. If you do consider this option, it is recommended that you ask for information about all their costs and about any contracts you have to enter into, as the insurer may not be liable for vehicle hire charges at all or those which are beyond a reasonable amount, so you may have to pay the difference or the full amount of the charges.
What	The insurer will provide you with written details of the repairer and also give details of the vehicle hire costs that they will pay for you if you need a replacement vehicle while yours is being repaired. The insurer will discuss and agree with you/the owner of the vehicle a value for the vehicle if it cannot be repaired economically. If the vehicle is financed, any outstanding amounts will be taken into account first as will the amount of any salvage.
When	Assessing and repairing damage to your vehicle will be done as soon as possible. The length of time it takes to repair will depend on the severity of the damage. The insurer will provide an estimate of the likely timescales and keep you fully informed of progress.

Step 4: Reimbursement of any lost earnings and any other losses

Who	The insurer will ask you about other losses you have incurred as a result of the accident.
What	If you have lost earnings as a result of your injury, you will need to get some documents to show how much you have lost, for example, a wage slip. The insurer will ask you about other losses, such as damage to clothing or personal property, the need for bus or taxi fares, or help with housework, and explain what you need to show, to help them calculate the amount of compensation. For losses associated with the injury, the insurer may offer interim payments to you, until the final compensation payment is made, and explain how these will be offset against the final offer of compensation. It is important to note that under law, only reasonable losses connected with the accident can be compensated for and you have a responsibility to mitigate your losses as best as you can, keeping them to a reasonable and proportionate level.
When	The insurer will advise you of timescales for any interim payment to be received.

Step 5: Receive an offer of compensation for injury and other damages

Who	<p>The insurer will discuss the amount of compensation you are entitled to receive for the pain, loss of amenity and any injury you have following the accident.</p> <p>Please note for “whiplash” and/or other injuries sustained in a road traffic accident in England and Wales, the insurer can help you recover by offering rehabilitation treatment, but where the compensation claim for your injury(s) including any whiplash is less than £5,000, or your overall claim is less than £10,000, you will need to make an online claim using</p>
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	the online Official Injury Claim (OIC) service. Please see ‘Step 2: Assessing your injury and arranging help’ above.
What	The amount of compensation is assessed according to the information you have given the insurer together with any details provided by a medical professional. The insurer will provide details of the offer of compensation in writing. They will also remind you of your right to seek independent legal advice. The offer will include an amount of compensation for your injury and may include compensation for other losses associated with the injury. This may be broken down so you can more easily understand the amount of compensation offered.
When	Once your injury is resolved or resolving. This will depend on how quickly the injury resolves. If your injury is complex or involves a child under the age of 18 years in England and Wales and Northern Ireland or under the age of 16 years in Scotland, the insurer will strongly recommend you seek independent legal advice before deciding whether to continue.

Step 6: Accept and receive compensation

Who	You can accept the offer either in writing or verbally to the insurer. There may be a time limit for accepting the offer and it's important to know that there are time limits to bringing a claim in court, depending on the type of claim. These time limits normally run from the date of your accident and are three years for your injury claim and six years for any non-injury claim such as vehicle damage. The insurer may check whether you received the offer and if you have any queries or concerns. If the insurer withdraws the offer, they will do so in writing and explain why they have done so.
What	If you feel the offer is inadequate, the insurer will be happy to discuss any concerns; otherwise, you can seek independent legal advice at any time. The insurer can refer you to an independent solicitor that they know. If your claim is a non-injury claim (e.g. a claim for vehicle damage), they will advise you if they receive a fee for referring you to the solicitor, should you decide to opt for that. Alternatively, you can nominate a solicitor of your choice. With your consent in writing, all your correspondence with the insurer will be sent to your legal representative to facilitate a quick resolution. The insurer will deal directly with your legal representative for the remainder of the process to resolve your claim.
When	If you accept the offer of compensation, the insurer will pay you the agreed compensation amount as soon as possible. This should normally be within ten working days.

Why should I deal directly with the other side's insurer?

Dealing directly with the other side's insurer has a number of benefits. The claim is managed with as little inconvenience to you as possible, and at no cost to you. People who deal directly with the other side's insurer may receive compensation faster when compared to those who choose to use legal representation. If an accident was not your fault and you deal directly with the other side's insurer, the insurer will also never take a portion of the compensation you receive. Moreover, reducing unnecessary legal costs will help keep everyone's insurance



premiums down.

Dealing directly with the other side's insurer also means that a free replacement vehicle can be provided to you, if necessary, while you are without your own vehicle. This avoids you having to enter into a credit agreement with a vehicle hire company, which you may need to do if you deal with your own insurer.

How can I be sure that I will be offered fair compensation by the insurer if I don't have a solicitor?

It is not in the insurer's interest to offer you an unfair amount, and the process for valuing your injury claim and any other financial losses is the same, whether you are legally represented or not. The saving comes to the insurer in not having to meet unnecessary legal costs and this helps insurers keep premiums down. In addition, if your claim includes a whiplash injury which isn't likely to last (or hasn't lasted) longer than two years, then the amount of compensation available to you for your pain, suffering and loss of amenity is now fixed by law, whether you are legally represented or not.

How am I protected?

The Financial Conduct Authority regulates insurers and sets out the principles they must follow. If in breach, a firm is liable to face disciplinary sanctions. And, of course, your right remains at all times to seek independent legal advice.

What if things go wrong?


The insurer will do everything they can to ensure that your claim is handled as quickly and smoothly as possible. However, if you feel unhappy about any aspect of the process or the offer you receive, then contact the insurer and explain your concerns. You will not be able to complain about the insurer to the Financial Ombudsman Service, but you are entitled to seek independent legal advice at any time.

What are my other options?

You are free at any stage, and have the right, to use a legal representative. The insurer can put you in touch with a solicitor or provide information on how to contact the Law Society or Citizens Advice or make a claim under your legal expenses policy or through your trade union membership (if applicable).

Please note that there are some circumstances where you will need to make your injury claim using the online Official Injury Claim (OIC) service. Please see 'Step 2: Assessing your injury and arranging help' above. The service is free to use and has been designed so that you can progress your own claim and obtain compensation for your injury. More information is available [here](#). You are also entitled to seek legal support to help bring your claim for compensation. It is important to be aware of any costs and charges if you do not bring your claim yourself.

The OIC service can be used to agree responsibility for your accident either in full or in part. If another driver is responsible for your injury, it means they are either fully or partly at fault. If the other driver and their authorised representative (legal or otherwise) accepts responsibility either fully or in part, you will be able to claim



compensation for your injury and personal financial losses. If they deny responsibility in full, you may decide to bring your claim through the small claims court for a final decision to be made. If they deny responsibility in part (in other words, they say you were also responsible) you can still challenge this and bring your claim for compensation through the OIC service, and the amount of responsibility (normally set out as a percentage) between you and the other driver as well as the amount of compensation you will receive for your injury claim will be decided by a small claims court at the same time.

You are responsible for the costs of bringing a claim in the small claims court. Please note that normally from the date of the accident you have three years to bring your claim for injury and other financial losses and six years to bring a non-injury claim (such as vehicle damage). If you do not bring your claim within these time limits, you may lose the right to bring your claim at all. For children these time limits start when they turn 18 years of age in England and Wales and Northern Ireland, and 16 years of age in Scotland.

Are there situations where it is better to have legal advice?

While insurers wish to have this process open to most people, insurers will strongly recommend that independent legal advice is sought in certain situations, for example:

- If the injured person is under 18 years old for claims brought in England and Wales and Northern Ireland, and under 16 years old for claims brought in Scotland.
- Where there is complexity over who was at fault for the accident.
- If you have a limited understanding of English or do not have access to anyone who can assist with translation.
- Where the injury involved requires more than one medical report or has a degree of complexity, complication, persistence or permanence.
- Where you have less than six months left to bring a claim. Please note that normally from the date of the accident you have three years to bring your claim for injury and other financial losses and six years to bring a non-injury claim (such as vehicle damage). If you do not bring your claim within these time limits, you may lose the right to bring your claim at all. For children these time limits start when they turn 18 years of age in England and Wales and Northern Ireland, and 16 years of age in Scotland.

Resolving your claim: the typical process

Step 1: Initial contact

You and the other side's insurer make initial contact, and their services will be explained and offered to you, depending on your needs. Your rights, such as the ability to seek independent legal advice at any time, will be explained. You decide whether to accept the offer of help. If you choose not to deal with the insurer, they will acknowledge this in writing, and no further contact will be made.

Step 2: Assessing your injury and arranging help

Where you have suffered an injury, the insurer can arrange medical assessments and treatment, as well as rehabilitation such as physiotherapy, where appropriate and necessary. The assessments will normally result in a medical report which assesses the nature, cause, extent and impact of the injury in order to help value your claim.

Please note that there are some circumstances where the insurer will not be able to compensate you for your injury, and you will need to make your injury claim using the online Official Injury Claim (OIC) service. Please see the full section for 'Step 2: Assessing your injury and arranging help' above.

Step 3: Assessing the damage to your vehicle and arranging help

If you accept the insurer's offer to provide help, the insurer will confirm this in writing, along with a timeframe for providing services such as organising vehicle repair. The insurer will update you on the progress of the claim at agreed intervals, e.g. every two weeks.

Step 4: Reimbursement of lost earnings and any other losses

The insurer will ask you about lost earnings and other financial losses incurred as a result of the accident. They may offer you an interim payment for losses while full details of the compensation are worked out, and explain how these will be offset against the final settlement.

Step 5: Receive an offer of compensation

Once any rehabilitation is complete and the medical professional is happy that your injury is resolved or resolving, the insurer will discuss the amount of compensation you are entitled to receive for the pain, loss of amenity and any condition you have following the accident. The amount of compensation is assessed according to the information you have given the insurer, together with any details provided by a medical professional and the insurer will agree the amount with you. The insurer will provide the offer in writing and remind you of the right to seek independent legal advice at any time. As required by law, the insurer will have registered your claim with the Compensation Recovery Unit, which is part of the Department of Work and Pensions (DWP). The DWP may have sent you a copy of the certificate issued to the insurer. This is for your information only and need not be passed onto the insurer. If you have received any benefits from the DWP because of the accident, deductions may be made from your compensation. The insurer offer will set out in writing any deductions from your compensation that have to be made by law and the net amount of compensation you will receive.

Please note that there are some circumstances where the insurer will not be able to compensate you for your injury, and you will need to make your injury claim using the online Official Injury Claim (OIC) service. Please see the full section for ‘Step 2: Assessing your injury and arranging help’ above.

Step 6: Accept and receive compensation

If you accept the offer, the insurer will pay you the agreed compensation amount as soon as possible, normally within ten working days. The insurer will agree with you the appropriate way to pay your compensation.

However, if you are still unhappy and you do not wish to accept the offer, then the insurer can refer you to an independent solicitor, or alternatively, you can nominate a solicitor of your choice in writing. All your correspondence with the insurer (including any medical reports or documents in support of financial losses such as wage slips) will be sent to your legal representative to facilitate a quick resolution. Your insurer will deal directly with your legal representative for the remainder of the process.

END



For more information, contact:

Association of British Insurers
One America Square
17 Crosswall
London
EC3N 2LB

info@abi.org.uk
www.abi.org.uk

