

# Reforming the Soft Tissue Injury Claims Process

Submitted by: Beacon Independent Medical Examiners

Wednesday, 4 January 2017

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This Friday, 6 January 2017 is the deadline for interested parties to give their feedback on the Ministry of Justice consultation paper 'Reforming the Soft Tissue Injury ('whiplash') Claims Process' (<https://www.gov.uk/government/organisations/ministry-of-justice>).

The weighty 82-page document outlines plans to scrap the right to compensation, or at the very least, put a cap on the amount people can claim for minor whiplash injuries. Whiplash claims are 50% higher than a decade ago. Insurers have pledged to pass on savings from any proposed changes to drivers that could be worth a total of £1Billion.

Although there is usually no clear and precise definition of whiplash, the Association of British Insurers (ABI) (<https://www.abi.org.uk/>) says it accounts for more than 20% of the average motor insurance premium. Perhaps because of its ambiguous nature – and because some lawyers are keen to encourage motorists to make claims - whiplash is strongly associated with insurance fraud which costs the UK over £3Billion a year (<https://www.gov.uk/government/publications/insurance-fraud-taskforce-final-report>). The ABI says that fraud accounts for at least an extra £50 a year per person in increased premiums.

There are over 1,500 whiplash insurance claims (<https://www.abi.org.uk/Insurance-and-savings/Topics-and-issues/Personal-injury-claims/Whiplash-claims>) made in the UK every day and usually they are the result of road traffic accidents.

Beacon Independent Medical Examiners (<https://www.beaconime.co.uk/>) is the only UK firm that provides evidence-based medicine reports to the insurance industry. The firm's CEO Phillip Kizun (<https://www.beaconime.co.uk/>) says, "We've completed our submission to the Ministry of Justice and sincerely hope that our feedback doesn't fall on deaf ears.

"The most important reform needed is the overhaul of the standard of medical reporting in the UK. There is no good reason for people to continue to simply rely upon 'medical expert opinion' based on a claimant's story or an individual doctor's own experience.

"The evidence-based medicine (EBM) (<https://www.beaconime.co.uk/Case-Study>) model is a proven effective tool for settling claims more accurately and giving stakeholders the key facts needed to weed-out exaggeration and fraud. Evidence-based medicine is used to settle insurance claims in other advanced jurisdictions such as Australia, Canada, and the United States. Why not here in the UK?

"Disappointingly we at Beacon Independent Medical Examiners (<https://www.beaconime.co.uk/>) do not believe that evidence-based medicine is used to qualify insurance claims and it is not being considered seriously. This is in spite of the huge savings on offer.

"The fundamental issue is that the current UK claims system reinforces exaggeration and fraud. In the vast majority of low-value claim medical reports a doctor's opinions is based on the claimant's history, which is taken as reliable, in spite of financial incentives to provide false information.

Doctors take the claimant's word when they attribute severe symptoms to a minor collision such as whiplash occurring following a decision. The doctor is paid to produce a report, confirming the subjective claims made by the individual. This practice of accepting the doctor's experience and personal opinion as sufficient to support a medical claim, ignores objective assessment of the claims made using the latest medical science.

"Current evidence-based and peer-reviewed medical literature should inform the doctor's opinions regarding expected recovery from the conditions in question. Evidence-based medicine improves decision-making by emphasising the use of evidence from well-designed and conducted research. Using this methodology, fair and objective conclusions can be drawn about the claims made.

"Dealing with the medical elements of a personal injury claim has been marginalised and undervalued for far too long. Gone are the days when a range of medical opinions are relied upon when documenting an injury. By using opinion based on science to both document an injury and then to qualify a claim using the same science, everyone with a legitimate claim wins. Those looking to take advantage of current weaknesses in the system lose.

"If the Ministry of Justice started to take evidence-based medicine seriously this would have a radical and positive impact on insurance claims. We would see premiums reduced considerably in the future and help millions of motorists save their hard-earned cash.

"There are many shades of fraud and realistically it would be difficult to eradicate completely, however, evidence-based medicine would make the most significant measurable difference in the shortest space of time."

Links:

Beacon IME Website: <https://www.beaconime.co.uk/>

Association of British Insurers: <https://www.abi.org.uk/>

Ministry of Justice: <https://www.gov.uk/government/organisations/ministry-of-justice>

Insurance Fraud Taskforce Report:

<https://www.gov.uk/government/publications/insurance-fraud-taskforce-final-report>

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If you would like an interview with Beacon IME CEO Phillip Kizun please do not hesitate to get in touch and we will be happy to arrange this.

Further information and high resolution images are available on request.

Media information provided by Famous Publicity. For more information please contact Tina Fotherby at [tina@famouspublicity.com](mailto:tina@famouspublicity.com) or 07703 409 622 or Adam Betteridge at [adam@famouspublicity.com](mailto:adam@famouspublicity.com) or 0333 344 2341.

About Beacon IME

Beacon IME (<https://www.beaconime.co.uk/>) provides scientific, evidence-based expert medical assessments

for insurers, lawyers, employers and public bodies that process personal injury and occupational health claims. Their products and services facilitate efficient claim closure, thereby reducing reserves, leakage and costs.

The majority of the United Kingdom's Medical Reporting Organisations (MROs), which provide services to claimants' legal advisors, rely upon referral fees, volume and lowest cost providers. Beacon IME's experience indicates that MRO reports regularly contain unverified findings, possibly overlooking fraudulent claims which claims handlers are generally uncomfortable to challenge.

Beacon IME's team of specially trained experts provide professionals with accurate validity of medical damages claims to settle cases precisely and quickly.

Currently, no other organisation offers a methodology for assessing the quality of evidence used to determine settlements and to provide insurers with court reports.

Beacon IME offers significant competitive advantage based upon its unique access to medical expertise, records and growing knowledge base.

Beacon IME's clinical lead consultant Dr Marjorie Eskay-Auerbach MD, JD is a highly regarded US-based spine surgeon and bar certified lawyer and has been instrumental in establishing their high standards.