

# Legislative and Regulatory Moves in England and Wales Impacting on the Future of ODR

## The Claims Portal

*Tim Wallis\**

My brief comments will focus on the following: (1) the background of an established electronic online dispute resolution (ODR) platform for personal injury claims, known as the Claims Portal, which operates in England and Wales; (2) the proposed Civil Liability Bill and Whiplash reforms (part legislative and part regulatory change); and (3) how these will impact on the future of ODR.

The Claims Portal, established in 2010, is an electronic platform for low-value personal injury claims. Legislation effectively prescribes that all personal injury claims arising from road traffic, employer's liability (accident and disease) and public liability accidents with a value between £1,000 and £25,000 have to be started online in the Claims Portal.

The Claims Portal is run by Claims Portal Limited, a not-for-profit company, the directors of which represent the users of the service. In 2017, over 827,000 claims were submitted via the Claims Portal and over 192,000 were settled.

At present, all claims made via the portal are conducted by solicitors who recover fixed legal fees from the defendant. Government reforms will change the way in which such claims are made by providing that the value of some of these claims will be decided by a tariff, not the judiciary, and by removing the right to recover legal costs.

One consequence of the reforms, particularly removing the right to recover costs, will be that such claims will have to be bought by the claimants themselves, as litigants in person. To facilitate this, the government has in mind setting up an electronic portal for such claimants.

So, it appears, there will be a new form of claimant-operated ODR. Developing such a portal will involve a number of significant challenges. Clearly, it needs to be designed so that litigants in person can operate it. Additionally, and this is tougher, it needs to enable them to process their claims without, generally speaking, resorting to legal assistance.

In short, the requirement of these reforms is for quite a sophisticated ODR system to deal with a significant volume of claims. The proposed implementation date was 2019. On 17 July 2018, after the Justice Reimagined Conference, the government announced that the implementation of the reforms would now take place in April 2020.

\* Tim Wallis is a mediator and a solicitor with an interest in 'tech'. He is the Chair of Claims Portal Limited and Trust Mediation Limited. He prepared this talk in his personal capacity and not on behalf of Claims Portal Limited.