

ASSOCIATION OF PERSONAL INJURY LAWYERS

Standard of competence for Portal Claims Handlers

SUMMARY

A Portal Claims Handler acts for the victims of accidents and injury, and seeks to establish, assert and enforce their rights through the Ministry of Justice Low Value Personal Injury Claims process (the Portal).

A Portal Claims Handler deals with a case in a legal framework where there are rules, duties and obligations to be observed, and where all work must be to a standard appropriate to a matter which could result in a court hearing. A Portal Claims Handler works under supervision, and if a case leaves the Portal process it will usually pass to a more senior fee earner.

A Litigator meets the following standards of effective performance:

1. Taking initial instructions

The Portal Claims Handler establishes the identity of the client and that the nature of the claim is within the capability of the firm, checks the limitation date, collects the information necessary to establish liability and quantum of damages, establishes the client's entitlement to any state benefit, establishes any need for rehabilitation, and ensures that the client has a clear understanding of the next steps to be taken.

2. Dealing with funding and regulatory matters

The Portal Claims Handler conducts a risk assessment, makes funding arrangements, complies with professional regulatory requirements and issues the client engagement letter.

3. Advising the client and managing their expectations

The Portal Claims Handler advises the client on the case, its conduct and possible outcomes, and manages the expectations of the client.

4. Preparing the case, gathering evidence, and making the claim

The Portal Claims Handler prepares the case, gathers evidence, addresses any need for rehabilitation, completes the Claims Notification Form, the Stage 2 settlement pack and (where appropriate) the Stage 3 forms.

5. Dealing with the compensator

The Portal Claims Handler progresses the case within the Pre-Action Protocol, and negotiates using the Stage 2 procedure and, where appropriate, outside the Portal.

6. Drafting documents

The Portal Claims Handler drafts, in a timely manner and in clear English, witness statements, schedules, and other documents which are comprehensive but succinct and which fulfil all legal and court requirements, within the constraints of the Portal screens.

7. Instructing counsel and experts

The Portal Claims Handler instructs, within the policies of their firm, counsel and experts who are appropriate in relation to the issues in the case and the evidence to be proved.

8. Managing post-settlement and file closure procedures

The Portal Claims Handler assesses their costs, ensures that legal fees are dealt with so that the client is fully indemnified, and archives the file.

The full Portal Claims Handler Standard has eight units, reflecting the heads set out above. Each unit has within it a number of elements, each setting out functions which must be undertaken effectively, to demonstrate competence. It sets out the knowledge, understanding and know-how which underpin that competence, and the behaviours which support effective performance in the role of the Portal Claims Handler.