Medical evidence required for a whiplash claim

The Ministry of Justice has confirmed plans to create medical panels to assess whiplash injury claims. The justice secretary, Chris Grayling, also wants the insurers to end the practice of making offers to settle personal injury claims without requiring medical evidence.

There is a practice, known as ‘third party capture’ whereby the insurer of a driver who is at fault in an accident, which will approach an innocent injured party directly, and offer them compensation, without the benefit of legal advice and without the benefit of a medical report with an opinion and prognosis.

The injured party, approached within days of an accident, is unlikely to have had the benefit of treatment, such as physiotherapy for their injuries, and will not be able to predict when in the future they are likely to recover from those injuries. If they were to accept a payment, and continue to suffer symptoms for a period of time, they will have under compensated themselves, and it is likely the claim will have been settled on a full and final basis, meaning they cannot look to make a further claim. These victims often feel as though they have been mugged by the insurers.

Whether the offer is made directly to an injured party, or to a solicitor without medical evidence, the full effects of the injury and the correct level of compensation cannot be fully determined.

Eatons Solicitors support plans for all claimants to undergo a medical examination following an accident, so that the correct level of compensation can be awarded, and any recommended treatment can be undertaken. Eatons can also arrange treatment on a private basis to assist with the recovery from an injury in road traffic claims. Whilst looking to maximise the damages that are recovered, it is also important to us that we help our client’s to have treatment needed to assist with a full recovery.

For sound expert legal advice, trust Eatons Solicitors

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Specialising in claimant personal injury, Joanne is an Associate of the Chartered Institute of Legal Executives a member of the Association of Personal Injury Lawyers. For 19 years she has represented claimants in all types of accidents, including road accidents, accidents at work, tripping and Occupiers Liability claims, from the outset to trial in both fast track and multi track cases. Joanne has also dealt with professional negligence claims in relation to personal injury matters and has some experience in Noise Induced Hearing Loss Claims, often being complimented by clients as to the professional, caring and sympathetic manner in which their claims have been dealt with.