

Support Guide

10-20-2022

OFFICIAL NJURY CLAIM



# Go to Court - Offer

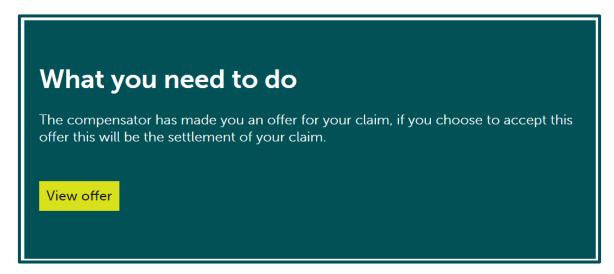
#### Support Guide

There are a few different variations to the court stage at offer. This guide focusses on a claim where liability has been admitted in full and you are going to court over an offer dispute only. This will still follow a similar process to over scenarios when going to court at offer and this guide should still be able to offer some assistance when preparing for court in the portal.

Claim status (this shows what stage your claim is at. Click 'Continue' to open the claim).



Instruction text (this explains your next step in the process).





To go to court over an offer, you will need to select 'Reject offer' and hit 'Continue'.

Check offe	r			
Note that all fields marked w	rith <b>*</b> are mandatory.			
The compensator has made	you an offer. You no	w have 3 options:		
Option 1: Accept offer. The compensator will contact you to arrange payment.				
<b>Option 2:</b> Reject offer, stating the reasons why. You can then send the compensator a counter offer or prepare for court proceedings.				
<b>Option 3:</b> Wait out prognosis. Your claim will not progress until you return and confirm the following:				
·		e recovered from your injury). covery prognosis period as stated in your		
What would you like to do no	ext?*			
Accept offer				
Reject offer				
Wait out prognosis				
Compensator's offer	£615.00	<u>View the offer summary</u>		
Fees offer	None			
Continue Save and Exit				

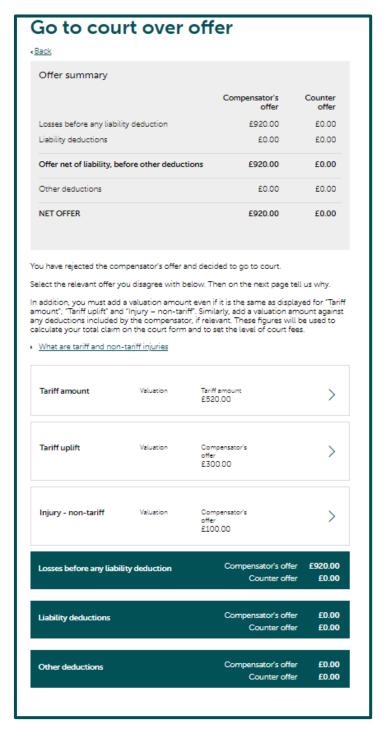


When rejecting an offer, you have the option to 'Go back to the compensator' and provide a counter offer or 'Go to court'. After you have made 3 counter offers, you will only have the option to go to court if you still want to dispute the offer.

OFFICIAL NJURY CLAIM
Decide rejection options
You have rejected the compensator's offer. You now have 2 options:  Option 1: Go back to the compensator. This means you go back to the compensator with your counter offer.  The compensator will:
accept your counter offer, which will be final     reject your counter offer. The compensator may choose to improve the offer, or send the same offer again.  Option 2: Go to court. Your claim will be closed, which means you will
not be able to use the portal for court proceedings but you will be able to access your documents.  You should only go to court if you cannot reach an agreement with the compensator.
How would you like to proceed? *  Go back to the compensator  Go to court
Continue Save and Exit



When you have chosen to go to court, you will first need to provide a valuation of how much you believe you should be offered. If you have already made a counter offer, this will be populated with the figures from your latest counter offer and this cannot be amended. If you have not already made a counter offer, you will need to click on the blue arrow for every section you have been offered on. From here you can provide a figure of how much you feel you should be offered for this section. For any losses, your valuation will default to the amount you have claimed for each loss.





If you have a soft tissue injury (known as whiplash) as a result of the accident, the Compensator will have made you an offer using the whiplash tariff set by the Ministry of Justice. The Tariff sets the amount of compensation that should be offered for a whiplash injury based upon the time it is expected to recover from the injuries. You can only make a valuation using this same tariff. You will need to select what tariff you would like to use. Select 'Whiplash' for just a soft tissue injury. Select 'Whiplash and minor psychological' if you have a soft tissue injury and a minor psychological injury such as shock or anxiety. The type of injury you have will be specified in your medical report.

Tariff amount		
<u> ■Back</u>		
Note that all fields marked with * are mandatory.		
The compensator has selected this tariff: <b>Whiplash</b>		
The compensator has used the following duration of whiplash injury when selecting your tariff amount. This information was contained in the medical report.		
	Compensator tariff amount	
More than 3 months, but not more than 6 months	£495.00	
1st offer		
£495.00		
► <u>View reasons</u>		
1		
You need to provide a figure for the tariff amount, which will either be the compensator's figure or your own selection. The tariff amount is fixed dependent on the duration of your whiplash injuries. You can only challenge the compensator's figure if you disagree over the tariff the compensator has used, or the duration selected. If you need more help about tariff amounts, further details can be found on the tariff amounts information page.		
Based on the injuries suffered and the findings from you want to use	m the medical report select the tariff	
Which tariff do you want to use?*		
Whiplash Whiplash and minor psychological		
Save and Continue Cancel		

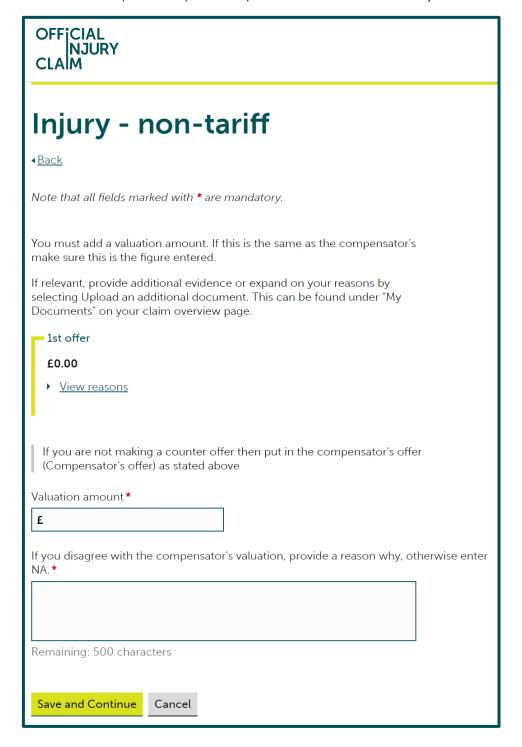


You will then need to select the tariff you wish to use from 'Whiplash' or 'Whiplash and minor psychological' and the time period that it will take or has taken for your injuries to heal. This should be specified in your medical report.

Which tariff do you want to use?*  Whiplash Whiplash and minor psychological	
Select duration of whiplash injury *	Claimant tariff amount
Select ▼	£0.00
If you disagree with the compensator's valuation, provide NA.*	a reason why, otherwise enter
Remaining: 500 characters	
Save and Continue Cancel	

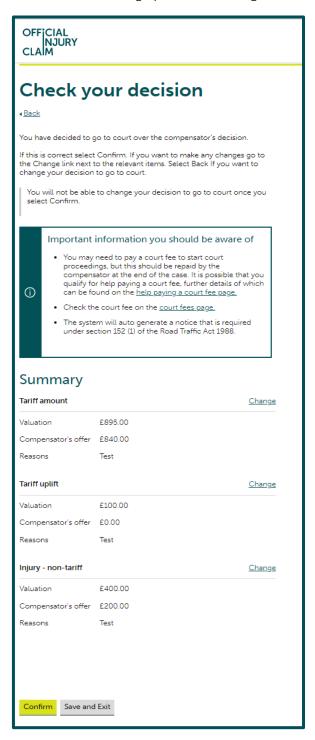


For non-tariff injuries (any injuries other than whiplash), you will need to enter a figure for your valuation and your reasons for challenge the compensators offer in the box below. You can find extracts from the Judicial College Guidelines in the <u>Guide to Making a Claim</u>. This will help you to understand how much compensation you can expect to receive for non-tariff injuries.



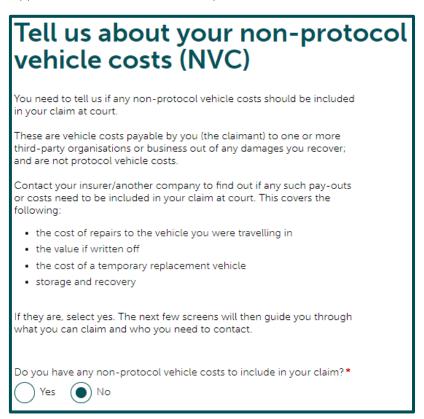


You will then need to check your decision and ensure you are happy with your valuation. There is also some important information to take note of including details surrounding the court fees that will need to be paid. This includes some links that will take you to a page that provides a summary of the court fees that will need to be paid and a page where you can apply for help paying a court fee. If you are happy with your valuation and your decision to go to court, select 'Confirm' but please note that once you have done this you will **not** be able to change your decision to go to court.

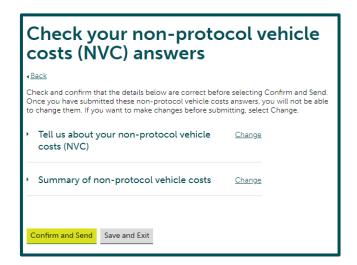




If you are the owner of the vehicle you were in when the accident took place, you will be asked if you have any non-protocol vehicle costs (NVC) to include in your claim. NVC will be costs that have been paid for by your insurance company or another company. Anything that you or the compensator have paid for would not be classed as an NVC. You will need to speak to your insurance company or the company that have paid for these costs to find out if they would like you to include them at court. This guide will focus on the court journey without including any NVC. There is a separate guide that looks into what happens if 'Yes' is answered at this point.

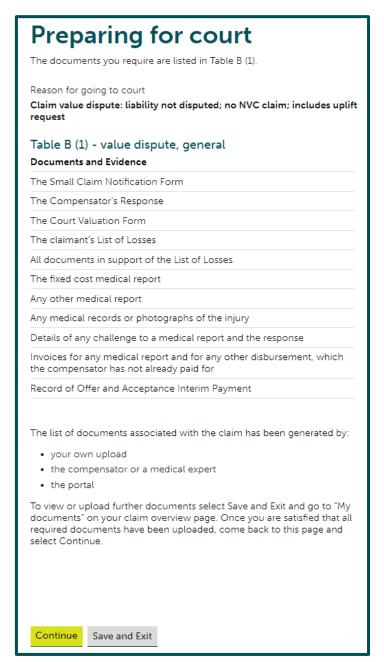


When selecting 'No' to including NVC you will need to review your answers and select 'Confirm and Send'.



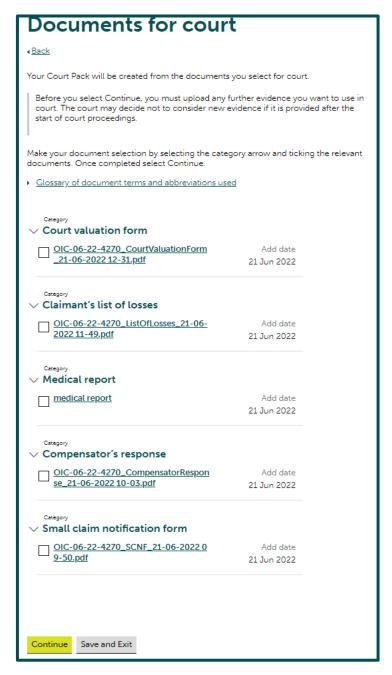


Alongside your court form, you will need to post all the evidence relating to the case to the court. During the steps in the portal, you will create a 'court pack' containing all of the evidence relating to the case. On the next screen you will see a list of documents that are required by the court for an offer dispute. You may not have all the documents listed here, but any that you do have should be included in your court pack. If you have any of these documents but have not yet uploaded them to the portal, choose 'Save and exit' and upload the documents from the 'My documents' section of the claim overview page before continuing through the court journey. When all the documents are uploaded to the portal, select 'Continue'.



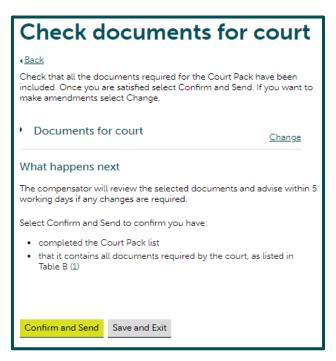


On the next screen you will be able to select the documents you wish to be included in your court pack. The documents are split into different categories. Click on 'Glossary of document terms and abbreviations used' to see a description of each category. Just below this you will see the categories and a blue arrow facing downwards to the left of each one. Click on the arrow to expand the section and view the documents that have been uploaded under that category. Tick the boxes next to the documents that you wish to include in your court pack. You will need to select at least one document from each category. It is important to note at this stage that you are selecting documents uploaded by yourself and the compensator to give an overview of the entire claim. Once you have selected the documents you wish to include, select 'Continue'.

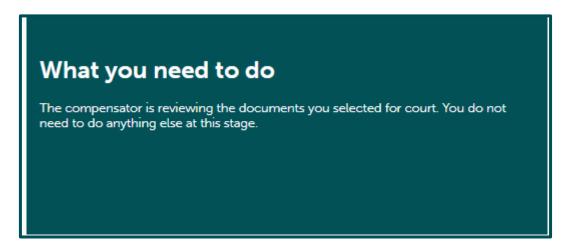




On the next screen you will need to review the documents you have selected. If you are happy with these, select 'Confirm and Send'. Please note that once this has been selected you will be unable to go back and change your documents.



The claim will now go to the Compensator who will review the documents you have selected for court. The Compensator cannot remove any documents you have selected but can add additional documents that have been excluded.



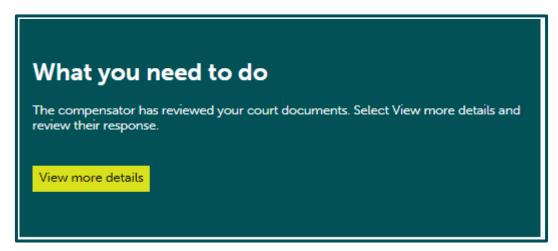


Once the Compensator has reviewed the documents selected and made a decision the claim will return to you.

Claim status (this shows what stage your claim is at. Click 'Continue' to open the claim).

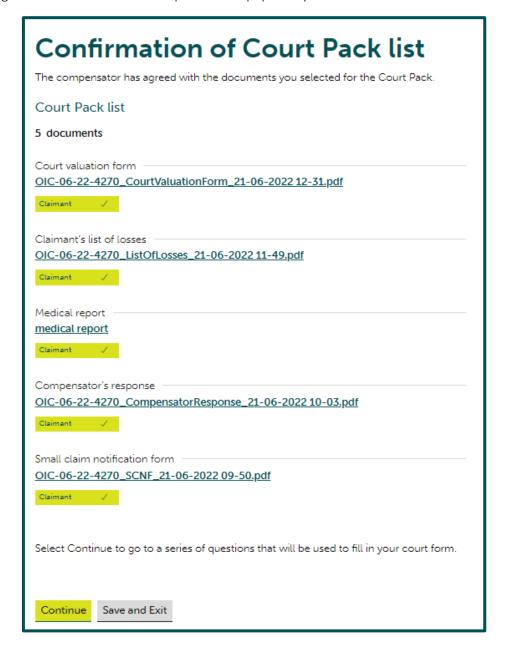
My claim	New
Claimant name	Test Test
Accident date	01 January, 2021
Portal reference	OIC-05-22-17
Claim reference	1234
Status	Pending- OfferListAccept
<u>Continue</u>	

Instruction text (this explains your next step in the process).



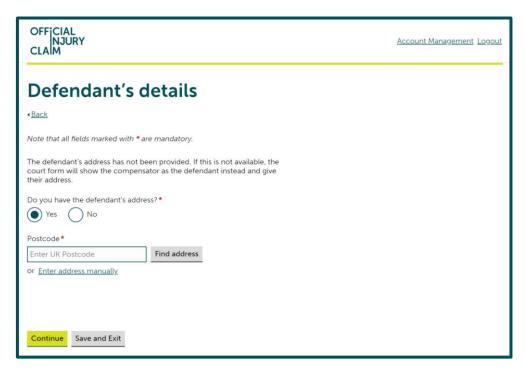


On the next screen you will see the Compensator's response after reviewing the documents you have selected for court. In the below screenshot the Compensator has agreed with the documents selected. If they have not agreed with the documents, you will be able to see the documents they have added but will not be able to dispute these. Either way, you will need to select 'Continue' where you will go on to answer some more questions to populate your court form.

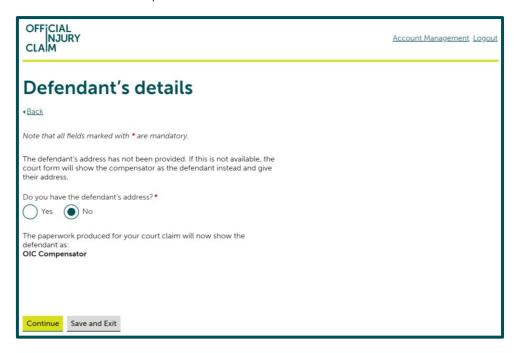




If you have not provided an address for the defendant (the driver you feel was responsible for the accident) already, you will be asked if you have it on the next screen. If you do you will be asked to provide it.



If you do not have the address, the paperwork produced for court will show the defendant as the compensator rather than the responsible driver.



If you have already provided the responsible drivers address, you will not be asked this question and will move on to the next question instead.

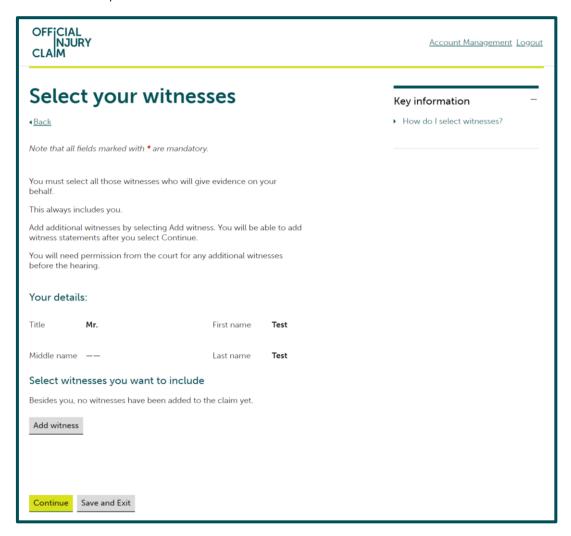


You will need to confirm where your preferred county court hearing centre would be. This will be the court that you would like the hearing to take place at. You can use this link to find your local court. You will also be asked if you have already started court proceedings using the RTA Small Claims Protocol. Only select yes if you have already been to court for this specific claim. It does not matter if you have been to court for a different claim in the past and you will not be required to provide any details about that. If you do select yes, you will be asked for the court claim number from when you have previously been to court. You can also indicate if there is any additional support you would need from the listed options. It is important to list any support you require as this will help the court to find a suitable centre for your needs.

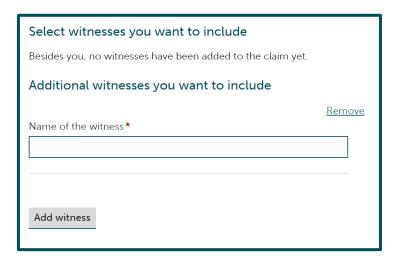
	DFFICIAL NJURY CLAIM
C	Going to court
<u> </u>	Back
No	ote that all fields marked with * are mandatory.
	l court claims must be started at the County Court Money Claims entre.
	our court claim will then be processed and sent out to the local court at will hold your hearing.
Yo	ou can specify your preferred local hearing centre.
W	hat is your preferred county court hearing centre? *
S	alford
	Yes No  If you have already started a court claim for this accident, give the court claim number that the court allocated for that claim.
W	hat is the court claim number of your existing claim?*
Se	elect any support you would need for a court hearing:  Disabled access
	Hearing loop
	Sign language interpreter
	Language interpreter
	Other support
C	Continue Save and Exit



On the next screen you will need to select any witnesses that will be giving evidence on your behalf. You will automatically have been added as a witness.

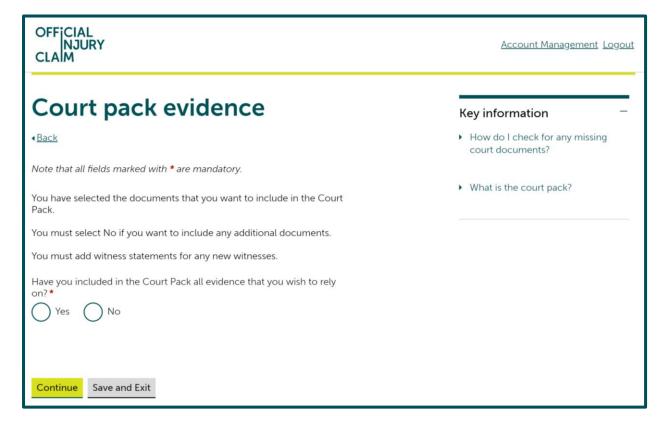


If you would like to select anyone else, select 'Add witness' and provide their name. You can add as many witnesses as you like.





On the next screen, you will be asked if you have included in the court pack all the evidence you wish to rely on. This relates to the evidence you selected to provide to the court earlier on in the process. If everything has already been included, select 'Yes' and 'Continue'.





If you wish to include some additional evidence, you will need to select 'No'. You will be asked if you are attaching new evidence to the form. This means you will be providing the additional evidence alongside your court form and current list of documents for court. You will also need to provide reasoning for why the evidence was not produced previously and give a summary of the evidence. It is important to note that as this evidence has been added after the list of documents for court has been completed, the court will consider whether to give you permission to use the additional evidence.

Have you included in the Court Pack all evidence that you wish to rely on?*
Yes No
As you wish to rely on evidence not in the Court Pack, you now need to tell us what that new evidence is, and attach the evidence, if you have it, to the court form.
The court will then consider whether to give you permission to use this evidence.
Are you attaching the new evidence to the court form?*  Yes No
The reason that the evidence was not produced previously is as follows:*
Remaining: 1080 characters
How do you summarise the evidence? *
Remaining: 1080 characters
Continue Save and Exit

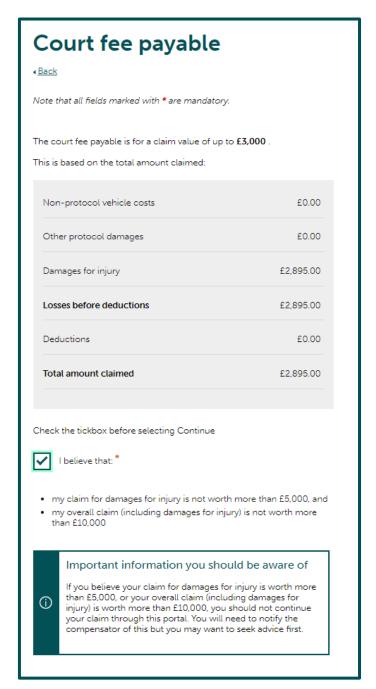


If you answer 'No' to 'Are you attaching the new evidence to the court form?' you will need to give reasoning for why you cannot attach the evidence to the form.

Are you attaching the new evidence to the court form?*  Yes No
The reason that the evidence was not produced previously is as follows: *
Remaining: 1080 characters
How do you summarise the evidence?*
Remaining: 1080 characters
I cannot attach the evidence to this form because: *
Remaining: 1080 characters
Continue Save and Exit

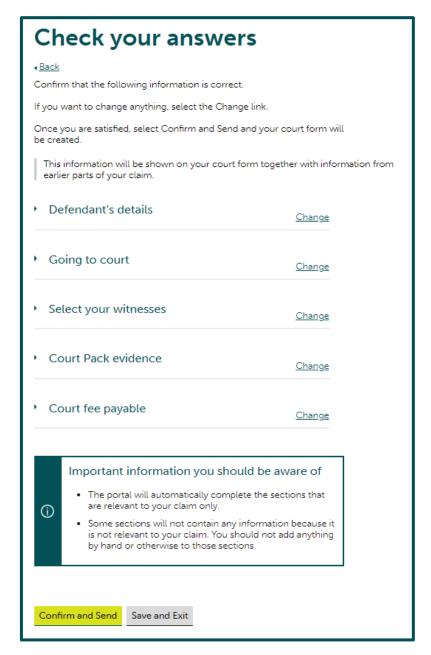


The next screen will confirm the total amount you are claiming which will determine the court fee you need to pay. This is based off the valuation you have previously made on your claim and cannot be amended.





You will then need to check the answers you have provided. Select 'Confirm and Send' if you are happy with them.





You will then be provided with a summary of the steps you will need to take to issue your court proceedings. Once you have clicked 'Return to Claim overview' this list will disappear. However, the instructions will be listed on the last page of your court form.

# Your client is ready to start court proceedings

The court form has now been created.

### What happens next

- print off the court form which must be signed with a Statement of Truth
- print off the List of Documents for Court and the documents to be included in the Court Pack
- put together the printed Court Pack, with the List of Documents for Court at the front and the other documents in the same order as listed
- check the court fee due for the "Amount claimed" on the court fees
   page and write this in the "Court fee" box on the front of the court
   form, or you can apply for help with fees via the help paying a court
   fee page.
- write the reference from the help paying a court fee page in the "Help with Fees Ref no." box on the front of the court form. You may still have to pay a reduced fee, which you must write in the "Court fee" box on the form.

You will be able to download and print all court-related documents by visiting the "My documents" area on the "Claim overview" page.

The signed court form and the Court Pack must be sent with the appropriate court fee, if required, to the Civil National Business Centre to start proceedings:

Civil National Business Centre St Katherine's House Northampton NN1 2LH DX: 702885 Northampton 7



By heading to the 'My documents' section on the claim overview page you will be able to download the court form, list of documents for court and evidence that is required by the court. This is what will need to be posted to the court to start your proceedings.

#### **Documents**

# Documents added

OIC-08-22-10028\_CourtFormRTASCQ\_18-01-2023 16-41.pdf

Court form

Uploaded by Official Injury Claim

18/01/2023

# OIC-08-22-10028\_ListOfDocumentsForCourt\_18-01-2023 16-41.pdf

List of documents for court

Uploaded by Official Injury Claim

18/01/2023

Your claim will now be closed and will need to be settled outside of the portal.

## What you need to do

You decided to go to court because you disagree with the compensator's offer. The claim, any court proceedings and payments will be dealt with outside of this portal. You can still access your documentation via the My document link below.