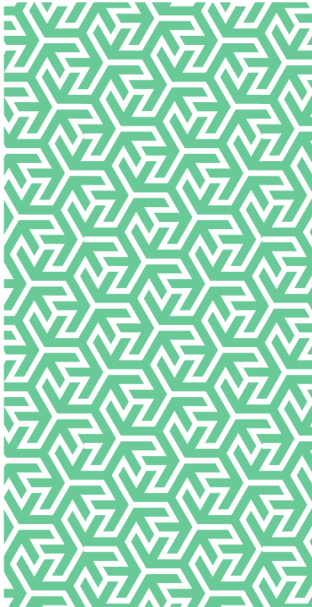


rmp

Risk control

Judicial College Guidelines
Update – March 2024



In partnership with



Judicial College Guidelines Update – March 2024

Judicial College Guidelines – 17th Edition

The much-anticipated 17th Edition of the Judicial College Guidelines was released in 2024¹.

As expected, it featured an inflationary increase across all areas, with the increase an unprecedented 22%.

This uplift saw large increases for not only the most severe injuries, but also relatively significant increases for more minor injuries.

With the changes made to the recoverable fixed costs regime in October 2023, this increase will no doubt put pressure on those claims close to the relevant track thresholds as well as claims that would have been fit for either of the Portals.

With Portal claims, in particular in motor injury, this is further complicated with the ongoing matter surrounding the valuation of 'mixed injuries' which was heard in the Supreme Court in February 2024 as well as the fact the whiplash tariff is also set for review this summer.

The combination of the inflationary increase to injury awards in the guidelines, mixed injury methodology and tariff review will no doubt see more claims reach the relevant Small Claims Track (SCT) limit and therefore qualify for recoverable legal costs.

Within the introduction to the 17th edition there is an instruction that the inflationary adjustment of injury assessments should be an ongoing process, the Bank of England have predicted further falls in inflation over the next two years which will assist in controlling this, but this again will add additional upward pressure to settlements and existing offers.

Claims handlers will need to review current Part 36 offers on claims where offers relied on the figures given in the 16th edition to ensure that adequate costs protection is in place, it may well be that claimant offers also become more attractive to be accepted if not allowing for the uplift.

For those dealing with Portal claims, we may well see a rise in arguments surrounding the issue of value and the wording relied on in the protocols which states a claimant reasonably believes that the claim is valued at above the applicable Portal limit.

This has caused issues in the past and now is likely to see a rise in such arguments, defendant claims handlers need to ensure as before the relevant notice is given in order to challenge the level of recoverable costs at the conclusion of the claim.

Injury	16 th Edition	17 th Edition	Bracket Increase (£)
Back injuries			
Severe - Type (i)	£91,090 to £160,980	£111,150 to £196,450	£20,060-£35,470
Severe – Type (ii)	£74,160 to £88,430	£90,510 to £107,910	£16,350-£19,480
Severe – Type (iii)	£38,780 to £69,730	£47,320 to £85,100	£8,540-£15,370
Moderate – Type (i)	£27,760 to £38,780	£33,880 to £47,320	£6,120-£8,540
Moderate – Type (ii)	£12,510 to £27,760	£15,260 to £33,880	£2,750-£6,120
Minor – Type (i) – 2 years – 5 years	£7,890 to £12,510	£9,630 to £15,260	£1,740-£2,750
Minor – Type (ii) – 12 months – 24 months	£4,350 to £7,890	£5,310 to £9,630	£960-£1,740
Minor – Type (iii) – 3 months – 12 months	£2,450 to £4,350	£2,990 to £5,310	£540-£960
Minor – Type (iv) – up to 3 months	Up to £2,450	Up to £2,990	£540
Brain damage / Head injury			
Very Severe Brain Damage	£282,010 to £403,990	£344,150 to £493,000	£62,140-£89,010
Moderately Severe Brain Damage	£219,070 to £282,010	£267,340 to £344,150	£48,270-£62,140

The table that follows highlights the 22% uplift in awards for both severe and minor injuries, a claim for the most severe brain injury will see an increase of PSLA of up to £90,000, where a more minor and common back injury where recovery takes place between 3 months and a year will see an uplift of between £540 and £960.

¹ Guidelines for the Assessment of General Damages in Personal Injury Cases: Amazon.co.uk: Judicial College, Mrs Justice Lambert

DBE, Hon., Sullivan, Master Lisa, McKechnie KC, Stuart, Snowden KC, Steven, Wilkinson, Richard: 9780198900702: Books

Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

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For more information, please contact your broker, RMP risk control consultant or account director.

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