

# 2021 annual report & accounts



Building a Brighter Future  
for Injured People



# The Association of Personal Injury Lawyers Objectives



Building a Brighter Future  
for Injured People

- To promote full and just compensation for all types of personal injury;
- To promote and develop expertise in the practice of personal injury law;
- To promote wider redress for personal injury in the legal system;
- To campaign for improvements in personal injury law;
- To promote safety and alert the public to hazards wherever they arise;
- To provide a communication network for members.



# Contents

4-5	President's report
6-7	Secretary's report
8-9	Chief executive's report
10-43	Annual review
44-45	Financial report
46-47	Report of the executive committee
48-51	Independent auditor's report
52-60	Financial statements
61	APIL officers and executive committee members

“Before APIL existed, something which younger lawyers will not remember, we tended to work in our room; and if we came across a challenge or some different approach from defendants, then we would seek help from work colleagues who were probably in the same position as ourselves.”



Neil McKinley  
President

With the formation of APIL, which I immediately joined, suddenly more information was available, and it was coming from all over the country. APIL members were willing to tell their stories, put details of cases into articles, talk at courses and conferences. As members we could make contacts, friendships and seek solutions to our common problems.

APIL developed an authoritative reputation and was consulted regularly and widely on PI matters. Courses, meetings, conferences and the accreditation schemes allowed individuals, including myself, to become more confident and be able to speak about our work.

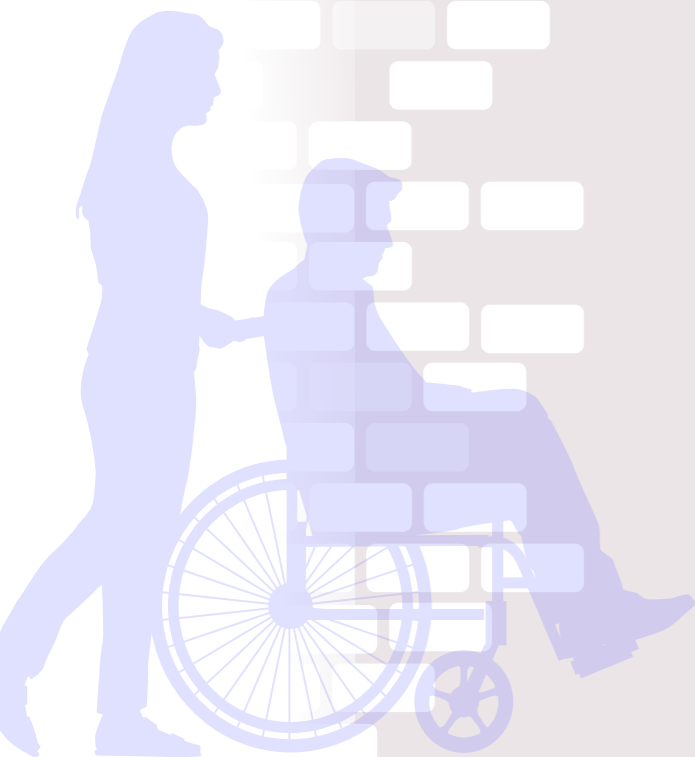
For our members, these opportunities still exist; and when covid is just a memory, everyone will be able to meet and discuss the present problems, how PI is going to change in the coming years, and how we can best serve injured people.

In the meantime, PI is already changing, with the introduction of the whiplash tariff and the Official Injury Claim portal, government moves which may bring in fixed costs for clinical negligence claims and changes created by covid which may well be here to stay. Who would have expected remote trials and hearings two years ago, and yet remote hearings are now an option available to most of us, depending

on the particular circumstances of the case. Our work co-operating with FOIL and other organisations at a time of crisis and upheaval has created best practices which can only be beneficial to our clients and our businesses when looking ahead. I have continued to maintain contact with our counterparts at FOIL, meeting to discuss where we can work together in the next year as well as meeting members at regional groups and presenting on the ever-popular quarterly webinar. This year I have also been fortunate to be able to represent our members and their clients' interests on the Diffuse Mesothelioma Payment Scheme oversight committee, a scheme in which APIL continues to play a role.

I can say that my time in APIL has been a fulfilling one and something I would not have missed. It was a great decision to join all those years ago and it has been an honour to be your president in this most unusual year.

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“Despite the continuing global pandemic, the association has been busy implementing changes agreed at the 2020 AGM. In particular, the approval of plans to appoint non-lawyers to the executive committee has been put into practice.”



John McQuater  
Secretary

By the end of the year the Remuneration and Appointments Committee had identified two suitable candidates for appointment: one of whom was appointed immediately, so I am delighted to confirm that Victoria Lebrec joined the EC in January 2022 and Musa Garba will join us after the 2022 AGM. Victoria was horrifically injured when she was knocked off her bicycle by the driver of a skip lorry. She turned this into positive action and was Head of Policy, Campaigns and Communications at RoadPeace. She now plans to study for a part-time Master's degree. Musa suffered major leg injuries in a car accident which had seriously affected his sporting and outdoor activities. He is an architect and project manager and has been actively involved in the Society of Black Architects UK, a founding member of Architects for Change and has held voluntary roles in local organisations linked to his home, work or family.

I am grateful to all for the work and commitment to the organisation shown by my fellow officers Neil McKinley, elected president in 2021, vice presidents Brett Dixon and Jonathan Scarsbrook and treasurer Jill Greenfield.

I would like to thank all members of the EC and to congratulate Guy Forster, who was newly elected at the 2021 AGM, as well as Suzanne White who was re-elected and Gordon Dalyell who returned as an additional officer and Scottish representative on the EC.

In line with the Governance Code adopted by the directors, this year's report also notes those members who have been on the EC for nine or more years. They are: Gordon Dalyell (12 years as at 2022 AGM) and I (16 years as at 2022 AGM).

During the year the organisation welcomed Iman Anthony, who provided maternity cover as Press and Communications Officer for Lizzy Freeman, Leesha Weir our new Public Enquiries Officer, Amir Rehman in a new role as Digital Events Officer and Paul Fleming, our new Head of Business Development. Alice Taylor returned from maternity leave and we said goodbye to Meyer Hazard as a result. Marcus Brown and Megan Pownall also left the organisation. We wish them all well for the future. The staff headcount, as of 31 December 2021, increased by one to 26.

This is my final report as secretary, having come to the end of the maximum term of office, six years, in this role. It has been a pleasure to be involved with APIL as secretary and to have worked with the officers, EC and APIL staff throughout this time. I would very much like to thank them all for their help and support.

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“It comes more naturally to me to look to the future and not to dwell on the past, so I hope you’ll forgive me if, during this report, I give away a few things which I hope will come to fruition in 2022 and beyond.”

2021 was the first year of APIL's exciting strategic plan, 'Building a Brighter Future for Injured People' launched towards the end of 2020. As you would expect our resources have been directed by the strategy throughout the year and this annual report focuses on the impact we have had.

From an operational perspective, like all organisations we have had to work hard to keep things on track faced with the headwinds of the ongoing pandemic. In 2020, during the first months of the pandemic, we learnt to adapt, react decisively but considerately and be progressive. Effective financial and risk management have been essential to our success during 2021. The commitment, determination and resilience of the staff team, often not meeting each other face-to-face for months at a time, has been a major factor in our performance.



Mike Benner  
Chief Executive Officer

Our strategic plan identified a number of essential enablers required to deliver our objectives and we have progressed well on these. As a key foundation of our strategic plan, we have completed our review of communications and members are already seeing changes with much more to come in 2022. Having formed a new Diversity and Inclusion Committee we have published the organisation's equality, diversity and inclusion policy and action plan and launched 'Harness Voices' to provide the opportunity for members from under-represented groups to share their stories.

We also completed the review of our staff structure which included the appointment of our first Head of Business Development. Paul Fleming joined the team in October and is tasked with developing new opportunities to grow our organisation.

Finally, following a strong financial performance in 2020, we have again exceeded our expectations in 2021 with an outcome close to break-even. This enables us to maintain our reserves and investment funds for campaigning activity. It creates a solid foundation on which to build with confidence in 2022 despite the risks and uncertainties which face our sector.

We are a campaigning organisation and our strategy makes clear how we will focus our resources on proactive campaigns while also ensuring injured people have a voice when reacting to government consultations and arising events.

The first year of our flagship campaign, 'Rebuilding Shattered Lives', which aims to rebuild public trust in personal injury and stamp out the many misconceptions which enshroud it, has been a real highlight. Almost two million people have seen the campaign since it started with members from over forty firms engaging with blogs, videos and other content, all of which will help ensure people recognise and value the contribution of PI lawyers in rebuilding lives.

In September we launched our campaign to ban cold calling. Public support for a ban is overwhelming and I am confident we will see change soon.

In July we published our 'Bereavement Damages – a Disunited Kingdom' report which laid bare the inequities facing bereaved families across the UK.

On clinical negligence, we submitted our uniquely powerful views to the Health and Social Care Select Committee inquiry into NHS litigation, de-coupling the link between litigation and failures in patient safety. We proposed that the role of Patient Safety Commissioner is broadened to create a champion for patient safety across health and social care. We published the 'Value of Compensation' report providing insight from interviews with patients on the importance of fair compensation in rebuilding lives after injury through clinical negligence.

Our legal affairs team, with the support of member working groups, responded to no fewer than 25 government consultations across a broad range of subjects relevant to injured people and our members. In each case our views have been based on evidence and careful research to help form our policy positions. Our member engagement panel continues to provide an essential source of views and information from our members.

Our intervention in Ho v Adekun and the decision which provided clarification on the costs regime and the judicial review of the discount rate in Northern Ireland have been hugely important to many members and their clients.

Alongside our essential campaigning work we have continued to deliver the services our members want. We were undeterred by the ongoing impacts of the pandemic and delivered over 70 webinars,

24 virtual group meetings, four virtual conferences and two hybrid conferences including the popular clinical negligence conference in October. As the world starts to return to some kind of normality we are in a stronger position to respond to our members' needs and expectations for both face-to-face and virtual meeting and training opportunities.

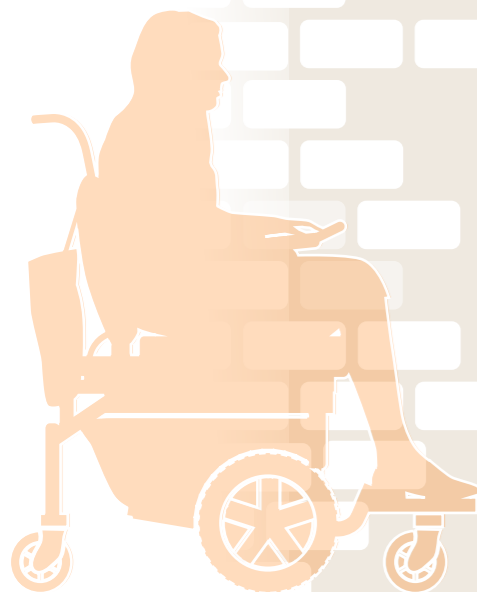
We received calls from almost 2,000 people seeking help following an injury and many of these were referred to our specialist accredited members.

We ended the year with almost 3,200 members, despite the challenges the sector has faced.

We have many plans to increase member benefits in 2022 including a new soft skills training programme, improved insight for members, a new mentoring platform, a revitalised members' magazine, a new website and much more. The opportunities for you to engage with your association are greater than ever.

Thank you to our committed executive committee members who give up their valuable time and share their expertise to lead the organisation. Thank you to my passionate and energetic senior management team for turning our plans into reality and to all the staff for their hard work and amazing contribution, often against the odds.

Finally, thank you to all our members and your firms for your support in 2021. I believe the challenges of the last two years have made us stronger together and that by continuing to focus on what matters most and what can be delivered we will go from strength to strength this year and beyond.



## Annual review

### Some highlights from our Public Affairs team:

- A print press circulation of five million.
- APIL messages published in major news outlets, including The Times, Daily Express, The Scotsman, The Sun, Daily Mirror, and the Daily Mail.
- Key regional titles covered APIL news and opinion on issues affecting injured people, including South Wales Evening Post, Newcastle Journal, Oxford Mail, Leicester Mercury, Cambridge News, South Wales Argus, Southern Daily Echo, Derby Telegraph, Lancashire Telegraph, and Newcastle Evening Chronicle.
- Regular coverage in legal news outlets including The Times law pages, Law Society Gazette, Legal Futures, New Law Journal, Claims Media, Irish Legal News, and Solicitors Journal.

- 1.2 million impressions across Twitter, Facebook, and Instagram.
- Broadcast interviews on all major news outlets;
- Nearly 11,000 users looked at APIL's @APIL Twitter account profile each month on average in 2021. Broadcast interviews on all major news outlets;
- Cross-party political support for Injury Prevention Week and cold calling campaign.
- High profile involvement in the campaign against the Overseas Operations (Service Personnel and Veterans) Act, working closely with senior opposition politicians.
- High profile involvement in Northern Ireland discount rate debate.

### Some highlights from our Membership Services team:





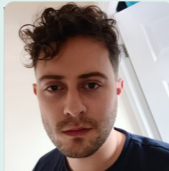














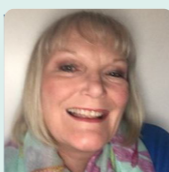

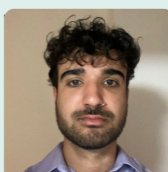

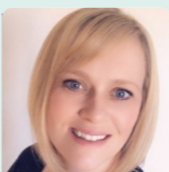

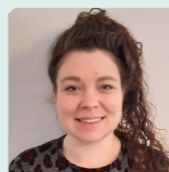


- APIL was one of the first membership organisations to deliver hybrid events in the Autumn.
- Further refinement of the APIL app ensured seamless delivery of events to the satisfaction of all stakeholders.
- Membership satisfaction continued with a total of 3,174 members by the end of the year.
- All services were maintained and enhanced.
- 4 hybrid events.
- 78 webinars.
- 63 per cent in-person attendees at APIL's hybrid residential clinical negligence conference.

### Some highlights from our Legal Affairs team:

- Involvement in a cross-stakeholder collaborative group to help resolve mixed injury claims valuation by bringing test cases to establish case law about how such claims are to be handled.
- Research establishing that an outright ban on phone calls and texts touting for personal injury compensation claims would have overwhelming support from the public.
- Ground-breaking research report, in which injured NHS patients spoke out about the human cost of clinical negligence.
- Taking decisive action to protect APIL's name and trademarks.
- Intervention in the Supreme Court in Ho v Adelekun.
- Continuing to shape and influence the debate over the discount rate in Northern Ireland.
- Working collaboratively with insurers and defendant lawyers on projects including the Serious Injury Guide, Covid 19 response and other issues affecting our members and injured people.
- Challenging the impact of reform on injured people through 25 consultation responses, commenting on a wide range of topics from preventing needless injury by calling for improvements to patient, road and product safety, to driving excellence in legal representation by ensuring competence in legal providers.



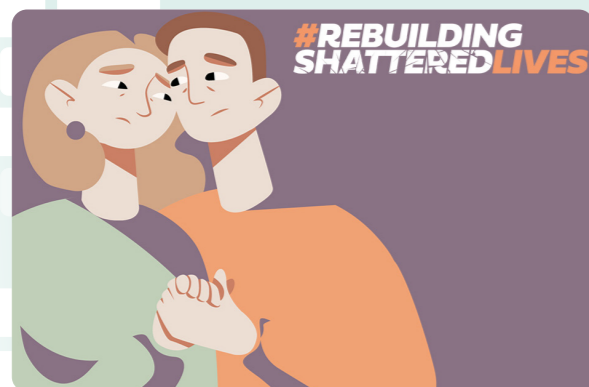
### The APIL team – in alphabetical order

 <b>Benner, Mike</b> Chief Executive Officer	 <b>Anthony, Iman</b> Press & Communications Officer	 <b>Benjamin-Edwards, Tanya</b> HR & Business Support Officer
 <b>Blundell, Helen</b> Legal Services Manager	 <b>Collins, Daniel</b> Digital Events Officer	 <b>Donovan, Jo</b> Accounts Assistant
 <b>Ellis, Sam</b> Public Affairs Manager	 <b>Fleming, Paul</b> Head of Business Development	
 <b>Fowler, Lizzy</b> Press & Communications Officer	 <b>Gamble, Yvette</b> Receptionist	 <b>Gwinnutt, Lorraine</b> Head of Public Affairs
 <b>Hartwell, Jane</b> (until May 2021) Communications Manager	 <b>Hazard, Meyer</b> (until May 2021) Legal Policy Assistant	
 <b>Humphries, Donna</b> Head of Finance	 <b>Humphreys, Holly</b> Accreditation Officer	 <b>Jennings, Abi</b> Head of Legal Affairs
 <b>Lord, Anthony</b> Digital Events Manager	 <b>Lord, Marlene</b> Head of Membership Services	
 <b>McGlade, John</b> Senior Policy Researcher	 <b>Newman, Jacqui</b> Experts & Public Enquiries Officer	 <b>Pownall, Megan</b> (Until October 2021) Events Organiser
 <b>Rehman, Amir</b> Digital Events Officer	 <b>Raizada, Robert</b> IT Manager	
 <b>Scott, Kathryn</b> Senior Events Manager	 <b>Smith, Sharon</b> Membership & Accreditation Manager	 <b>Taylor, Alice</b> Legal Policy Manager
 <b>Watson, Alison</b> HR & Welfare Adviser	 <b>Weir, Leesha</b> Public Enquiries Officer	

Pillar 1 – Rebuild public trust

Misconceptions about the role and contribution of personal injury lawyers have resulted in low public trust and confidence in the sector. This poor public perception has fuelled misguided government intervention to the detriment of genuinely injured people and the lawyers who support them, weakening access to justice without delivering meaningful gains for consumers such as lower insurance premiums. The result has led to knee-jerk government policy being shaped by populist, uninformed and prejudicial views. Even the image of claimants themselves has been damaged by the view that fraudulent claims increase insurance premiums. Too many injured people have felt ashamed to make a claim at a time when they needed help to recover from an injury.

This section of the report outlines our work towards rebuilding public trust.



Campaign: Rebuilding Shattered Lives

Rebuilding Shattered Lives is the biggest public relations campaign APIL has undertaken in its 30-year history. Launched at the end of 2020, the long-term aim of the campaign is to change hearts and minds about injured people and the lawyers who help them, and to create a fairer and more empathetic environment in which claimants are not subject to unfair legislation and lawyers are respected for the important work they do.

Following its launch the momentum of the campaign continued to grow through 2021, thanks to an unprecedented level of support from APIL members. The first priority was to create a strong social media base for the campaign by telling a series of true stories about the experiences of injured people. Thanks to the support and commitment of members, more than a year's worth of incredibly moving content was created.

The involvement did not stop there. In addition to providing case studies, members from around 40 firms either wrote blogs in support of the campaign, provided video content or signed up for a social media pack.

During the year, close to a million social media users across Twitter, Facebook, Instagram and LinkedIn saw Rebuilding Shattered Lives content.

Public feedback was overwhelmingly supportive. Facebook users, in particular, were keen to provide messages of support for those people whose stories were shared.



A good engagement rate on Facebook, Twitter, LinkedIn is currently considered to be around two per cent. Rebuilding Shattered Lives content consistently reached a rate of up to 3.5 per cent on LinkedIn, and as high as 4.9 per cent on Twitter.

APIL worked with an external agency to produce the campaign's highly emotive launch video, which was highly commended at the MemCom awards in the Best Use of Video, Animation or Audio category. The MemCom Membership Excellence Awards celebrate the work of professional bodies, associations, charities, and the wider not-for-profit sector.

This campaign is key to our strategic ambition that people will recognise and value the contribution of PI lawyers in rebuilding the lives of injured people.

Instagram

APIL's new Instagram account (@injuredpeople) creates a link with consumers and issues affecting injured people. The association engages with other organisations, shares facts about personal injuries, corrects misinformation, and shares material about access to justice and injury prevention. APIL has also lent support through Instagram to awareness days including International Workers Memorial Day, Mental Health Awareness Week, Action Brain Injury Week, and Spinal Cord Injury Awareness Day.

1  
Rebuild  
Public  
Trust

Pillar 1 – Rebuild public trust

Taking a lead on cold calling

Cold calls and texts about injury claims are tasteless and intrusive and bring the PI sector into disrepute. APIL has campaigned for an outright ban on cold calling for five years, and a relaunch of the campaign in 2021 generated cross-party political support. The campaign is an important part of APIL's plan to stamp out misconceptions and build positive perceptions of personal injury. The renewed call came on the third anniversary of the introduction of measures in the Financial Guidance and Claims Act, which the Government said would curb the number of these calls and texts.

APIL's commissioned research found that an outright ban on phone calls and texts touting for personal injury compensation claims would have overwhelming support from the public.

Published on the third anniversary of the Government's introduction of measures to curb the practice, the

YouGov research revealed that 29 million UK adults had received such a call or text in the last year.

Ninety-three per cent of UK adults think there should be a total ban on calls and texts about personal injury compensation claims.

Nine out of ten people feel annoyed, angry, anxious, disgusted, or upset when they receive a call or text about making a claim for compensation for an injury. Commenting on the research, APIL's chief executive stated that "it is no surprise with such strong emotional responses, that the people of this country want this practice to end".

The research formed the basis of a press campaign, highlighting that almost the entire adult population would support a full ban on calls and texts which tout for personal injury compensation claims. The release was published in newspapers up and down the country, including the Scottish edition of the Daily Mail. A regional

version of the release attracted supporting comments from MPs including former Conservative cabinet minister Liam Fox, Liberal Democrat justice spokesperson Wera Hobhouse, and the SNP's shadow culture secretary Jon Nicolson. Support was also received from Labour MP Emma Lewell-Buck, and House of Commons deputy speaker Dame Rosie Winterton, who both warned about the effect of nuisance calls on their vulnerable constituents.

A comment piece from APIL's president, Neil McKinley, about the issue was published in Insurance Post magazine as part of its Trade Voices series, and a further comment piece was published in Modern Insurance Magazine.

Mr McKinley also wrote to the new secretary of state, Nadine Dorries, about the research, urging her to review the current rules.

Rebuttal and defence

In addition to our proactive work, APIL's long-term approach of zero tolerance to misinformation about personal injury continued.

Comments from former MP Ann Widdecombe about a so-called 'compensation culture' in her Daily Express column earned one robust rebuttal. A letter in The Times which criticised the right of injured NHS patients to claim full and proper compensation earned another. On the introduction of the new system for whiplash claims, The Times reported that the aim of the reforms was to put "injured people at the heart of the process". APIL responded to the article to correct figures provided by the ABI about the number of "exaggerated" claims and to highlight that the changes were "no victory for consumers".

An internal analysis of use of the phrase "compensation culture" in the print press found a 99 per cent decrease between January 2011 and January 2021. While the nature of legislation at the time will certainly have been a factor, the public affairs team's practise of meticulous, consistent rebuttal of misinformation has undoubtedly had a significant impact.

This work has been supported by APIL's in-house analytical function which has continued to produce research which challenged the "compensation culture" narrative.

Appointing Lay EC members

The creation of the role of lay EC member forms a crucial part of APIL's strategic plan and forms a part of pillar one of our strategy to rebuild public trust in personal injury lawyers. The EC approved amendments to the articles to permit the appointment of lay EC members. The changes required a special resolution which was approved by members at the 2021 AGM.

Further work was done to finalise the internal policy documents which guide the Remuneration and Appointments Committee when recruiting lay EC members and the terms of reference for the committee. Both documents received the EC's approval as the committee is acting on the EC's delegated authority.

Following the 2021 AGM, work started to constitute the Remuneration and Appointments Committee to recommend the appointment of at least one lay EC member, with a view to recommending a second lay EC member, should there be room on the EC following the 2022 AGM.

Out of a total of 31 applicants, a long list of 18 individuals matched the set criteria. Some very able candidates did not make the long list with such a high-quality field.

Following interviews which took place in December 2021, two candidates were approved by the EC, Victoria Lebec was appointed immediately and Musa Garba will join the EC after the 2022 AGM.

Trademark Challenge – APIL Ltd

It is important to ensure that when the public is dealing with 'APIL' it is confident that it is dealing with our trusted association. In early 2021 we were alerted to a company which had recently been registered as 'APIL Ltd'. External solicitors were engaged and a complaint was lodged with the Company Names Tribunal. No defence was filed by the respondent director and after a protracted tribunal process, the company was struck off. APIL was awarded fixed costs. Steps have now been taken to register a dormant company in the name of APIL Ltd to protect the name and prevent a similar occurrence in the future.





Pillar 2 – Prevent needless injury

Despite progress in the prevention of needless injury in the UK, more could be done by prioritising injury prevention through a renewed focus on public health. Injury prevention policy is far-reaching and there are many stakeholders. APIL's specific interest is in stamping out needless injury, i.e. injury caused by the negligence of others.

This section of the report highlights what has been done this year to champion this aspect of injury prevention and the work conducted with others to improve upon the current disjointed approach.



2 Prevent Needless Injury



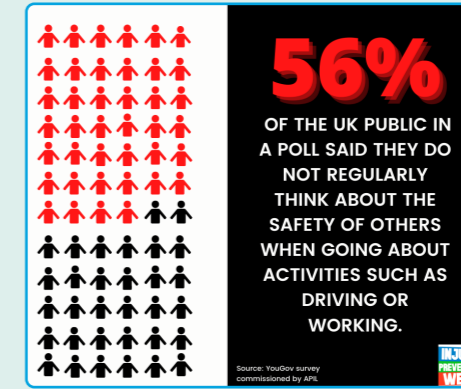
Injury Prevention Week

One of APIL's aims is to build public support for our ambition to prevent needless injury. A cornerstone of the association's work on this is Injury Prevention Week, which is held each summer. The aims for 2021's Injury Prevention Week were to help people understand where their responsibilities to each other lie; spread the message that prevention of needless injury is not onerous - it's usually just common sense; clarify the difference between an accident and negligence; and reassure the public that people who help others are unlikely to be sued.

Specially-commissioned YouGov research about public attitudes toward these issues was sent to all traditional press. A package of social media posts included messages about the scale of avoidable injuries in the UK, and infographics linked to a blog explaining the difference between an accident and negligence.

MPs from across the country and across parties supported the event, urging their constituents to think of others while carrying out their day-to-day activities. Three members of Labour's Shadow Cabinet were among 28 MPs who supported the campaign, either in the press or on social media, by sharing photographs of themselves holding a poster supplied by APIL. Others included the SNP's John McNally, Labour's Bambos Charalambous and the late Conservative MP Sir David Amess.

#IPW2021 featured in the top three most used hashtags by MPs (alongside #TeamGB, #Tokyo2020). APIL's content achieved a reach of 221,825 users on Twitter, Facebook, and Instagram.



**WHAT IF....**

*We took our time...*

*We took proper care...*

*and spoke up when we see hazards and do something about them...*

**WE'D BE A STEP CLOSER TO REDUCING THE HUNDREDS OF THOUSANDS OF AVOIDABLE INJURIES EACH YEAR.**

*We ALL have a responsibility to avoid causing needless harm to others.*

**INJURY PREVENTION - IT'S COMMON SENSE!**

**2 - 6 AUGUST 2021**

Brought to you by

APIL's content achieved a reach of **221,825** users on Twitter, Facebook, and Instagram



2  
Prevent  
Needless  
Injury

Pillar 2 – Prevent needless injury

Product liability

APIL called for the establishment of a new national regulatory body to identify and investigate risks from unsafe products. The recommendation was made in a submission to the House of Commons Public Accounts Committee where it was argued that the current regime is not effective.

MPs were warned that local authorities, which are responsible for trading standards, do not have the resources or power to collect data, identify and investigate risks, or enforce recalls or action to fix the safety issue. In addition, and for the proposed body to be effective, it must be accompanied by a compulsory requirement for it to be sent information on all suspected safety concerns and potential risks.

After calling for the new body to be established, APIL was invited to join the All-Party Parliamentary Group for Online and Home Electrical Safety as a stakeholder.

APIL  
All-Party  
Parliamentary  
Group for Online  
and Home  
Electrical Safety  
stakeholder



Scotland: Regulation of electricians

Other injury prevention press work included a call for new safety measures to protect Scottish homeowners from electrocution and electrical fires. A press release highlighted the point made in APIL's response to a Scottish Government consultation on the regulation of electricians that skills, qualifications, or expertise were not required for someone to set up a business as an electrician. Executive committee member Gordon Dalyell urged electricians to be regulated using a system similar to the widely recognised Gas Safety Register.

Scotland: Proposed Scottish Employment Injuries Advisory Council Bill

APIL supported draft legislation which could improve workplace safety in Scotland. A Bill was proposed by Scottish Labour MSP Mark Griffin to establish a new Scottish Employment Injuries Advisory Council (SEIAC). The council would provide scrutiny of the employment injuries assistance scheme (EIA) which is expected to replace industrial injuries disablement benefit in Scotland.

APIL supported the establishment of the SEIAC if EIA is to be introduced, adding that the new council could have an important role in keeping workers safe. It has been proposed that the SEIAC would also investigate and review industrial and employment hazards to ensure EIA is available for those who need the benefit. APIL argued that if the Scottish Government, regulators and employers were made aware of new hazards, it would be expected that action would be taken to reduce those hazards, and keep workers safe.



Pillar 3 – Prompt and full redress

APIL campaigns effectively through evidence-based, policy-driven submissions and public affairs activity taking both reactive and proactive stances as necessary. We identify and respond to arising threats and opportunities and also proactively focus on major campaigns, such as bereavement damages, while also making our views known on issues such as reforms to the small claims track limit, the discount rate and future costs reforms.



3 Prompt and Full Redress



Identifying threats to injured people

**Whiplash – in parliament and in the media**

APIL has a strategic aim to identify and respond to arising threats to the rights of injured people. The association welcomed publicly a delay to implementation of the whiplash reforms, because of outstanding concerns about issues of critical importance to injured people. These concerns, and practical issues for representatives, were discussed at length among the legal community in events including one for the Law Society, at which Sam Elsby spoke on behalf of APIL.

APIL vice president Brett Dixon took part in an online event organised by news website Legal Futures, about the new rules and key issues. Insurance Times asked APIL to contribute to a feature about the unintended consequences of the reforms: APIL cited cold calling, reduced rights, little or no savings on car insurance, and unpopularity with consumers.

An article by APIL president Neil McKinley featured in Modern Insurance Magazine, about the impact of the new claims portal on consumers. Brett Dixon also contributed to an article for the Law Society Gazette on the issues for litigants in person in the new Official Injury Claim portal.

Meanwhile APIL made yet another intervention to warn MPs and peers that the whiplash tariffs are derisory, offensive, and will under-compensate injured people.



**Whiplash – legal reform**

Following the introduction of the new whiplash portal in April, many members will be aware that legislation and regulations have failed to address concerns about the complexities faced by people suffering both whiplash injuries, which are subject to the new tariffs, and injuries which fall outside the tariff system.

As a result, a cross-stakeholder collaborative group, of which APIL is a member, has agreed to help resolve these issues by bringing test cases to establish case law about how such claims are to be handled. The group's work is facilitated by the Motor Insurers' Bureau. Work will continue into 2022 until appropriate cases have been identified to resolve this issue.

**Whiplash – working with others: FOIL cross-industry group**

The work relating to rehabilitation for lower value soft tissue injury claims was put on hold for most of 2021, to allow some time for the online injury claims platform to bed in. Meetings have been scheduled for early 2022 to review the process to determine whether it is still fit for purpose now that Official Injury Claim is up and running, and following changes in the provision of rehabilitation as a result of the pandemic. A meeting with the Ministry of Justice, to put forward the draft process, is scheduled for February 2022. Work remains outstanding on the framework which will govern the process, and on the rates that will be charged for treatment

3  
Prompt  
and Full  
Redress

Pillar 3 – Prompt and full redress



**Clinical negligence – in parliament and in the media**

The importance of full and fair compensation was defended by APIL as reform of clinical negligence was put firmly on the political agenda.

In response to recommendations from a parliamentary inquiry to change how compensation in maternity cases is assessed, APIL chief executive Mike Benner wrote to health minister Nadine Dorries urging her to look beyond media headlines on the subject, and remember that, in these cases, families' lives are turned upside down by the very institution which is supposed to help them. Changes should not be introduced which could leave those people under-compensated, or which could put extra pressure on the NHS if those patients are denied financial help to pay for rehabilitation services from other providers.

APIL also responded to a further inquiry from the Health and Social Care Select Committee on reform of NHS litigation.

The association told the committee in written evidence that the cost of clinical negligence is falling; there is no link between providing redress for patients who have been harmed needlessly and the sustainability of the NHS; there must be greater candour between clinicians and patients; the availability of private treatment for injured patients must be retained; and a 'no fault' system would not provide full and fair redress to injured patients. The written evidence also pointed out that the current approach to patient safety has failed: the patient safety crisis requires a Patient Safety Commissioner with an overarching remit to create a meaningful link between all the parties involved and policy-makers.

An article about APIL's call for a Patient Safety Commissioner with an extended remit was published in November in The Times online.

The year ended with APIL accepting an invitation to give oral evidence to the committee.

Earlier in the year, amid ongoing concerns that the right to compensation for clinical negligence may come under threat, a research report was commissioned which would examine the value of financial compensation to patients.

**Clinical negligence – report gives voice to “devastated” NHS patients**

Injured NHS patients spoke out about the human cost of clinical negligence in a research report commissioned by APIL.

Patients who took part in the research, conducted by Opinium, cite mounting debt; uncertainty about their future health; isolation; abandoned careers; relationship breakdowns; and loss of independence, as some of the many far-reaching side effects of injuries sustained through failures in care.

The research found that compensation helped victims recoup expenses, alleviated financial pressure, and provided access to private medical treatment, which could be a “key factor” in recovery. On an emotional level, compensation could provide “recognition of the injustice experienced” by victims and families. It could also provide a “sense of security”, particularly where children were involved, and was not about “shaming” the NHS.

According to the research, making claims against the NHS can be “a difficult and, in some cases, inhumane experience”, with the worst cases seeing staff trying to “proactively cover up” errors and even fabricating medical records.

**Clinical negligence and patient safety – consultation responses**

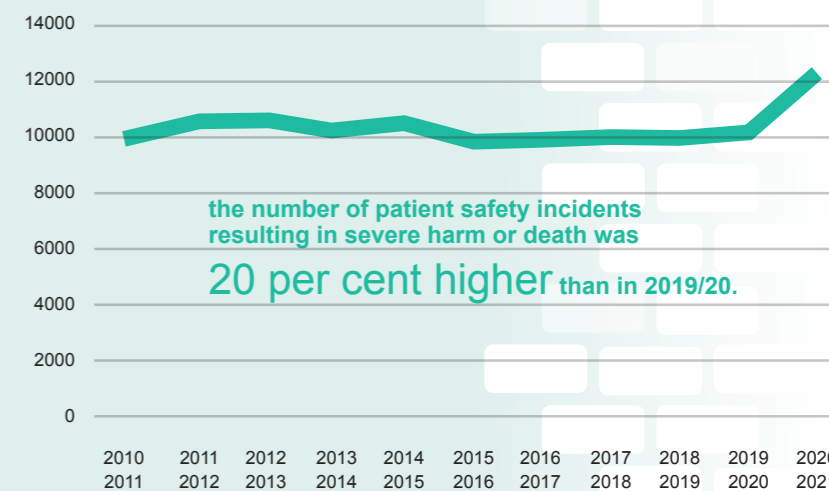
Baroness Cumberlege's “First Do No Harm” report was the catalyst for a number of consultations on patient safety this year. While APIL welcomed proposals for a Patient Safety Commissioner in both Scotland and England, it is disappointing that the commissioner's role will be focussed solely on patient safety in relation to medicines and medical devices. APIL argued that while these areas are important, there is a need to look at patient safety as a whole throughout the entire healthcare system. It is clear there are deep-seated systemic issues, and the commissioner must have a broader remit to be effective. APIL also remains concerned about the independence of the role in England if the commissioner is to be funded by the Secretary of State for Health.

Another missed opportunity to tackle patient safety issues properly was the Medicines and Healthcare Regulatory Authority (MHRA) consultation on the regulation of medicines and medical devices. APIL welcomed the proposals for manufacturers of medicines and medical devices to have appropriate liability insurance, and for there to be a “UK responsible person” liable on the same basis as the manufacturer if the manufacturer is based outside of the UK. The consultation failed, however, to examine the current effectiveness of the MHRA or how improvements could be made to strengthen the regulatory system to protect patients. APIL also criticised the lack of consideration for the problems that are likely to arise as a consequence of Great Britain and the EU having separate regulatory frameworks for medicines and medical devices. These include increased costs for manufacturers and the UK becoming an unattractive market for manufacturers to launch their products.

**Patient safety - research**

Since 2010, NHS organisations have been mandated to report all patient safety incidents resulting in severe harm or death. APIL analysis of this data found that during that time no progress has been made in reducing the number of incidents. In fact, between 2010/11 and 2019/20, the number of these incidents actually increased by two per cent.

Incidents dramatically increased during the pandemic. In 2020/21, the number of patient safety incidents resulting in severe harm or death was 20 per cent higher than in 2019/20.



**Clinical negligence - early notification scheme for birth injuries**

The Early Notification scheme (ENS) commenced on 1 April 2017 and since then APIL has held regular meetings with NHR to discuss the process of the scheme. We remain concerned about the lack of signposting to early independent legal advice or to legal advice at all. Where investigations find that the care was not substandard it is unclear if families are informed that they can still seek independent advice. A recent response to a Freedom of Information Act enquiry shows that cases are starting to settle within the scheme but it is still unclear if these have been subject to court approval.

3  
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## Bereavement damages

A new research report, 'Bereaved Damages: A dis-United Kingdom' was published as part of APIL's ongoing campaign to reform the laws on bereavement damages in England, Wales, and Northern Ireland. The report, which was launched at an online event attended by APIL members and MPs, explains the inequities in the support available for bereaved families across the UK. Copies of the report were circulated to politicians and individual APIL members got involved by lobbying their own MPs.

To coincide with the launch, press releases were issued to regional newspapers and online news outlets, and legal press contacts. Details of an English case study were included, and a separate one

for Northern Ireland. The story was printed in The Times' main and Scottish editions.

The campaign received an extra boost when shadow justice minister Anna McMorrin took to Twitter to criticise the position of the UK Government, which continues to resist much-needed changes to the law in England and Wales. In response to the APIL campaign, the Government said it had considered the case for reform in 2020, but refused to reveal exactly what was considered, and what information was used by ministers to come to a decision. In response to a request from APIL under the Freedom of Information Act, however, the Ministry of Justice revealed that ministers are "returning to this issue and the policy arguments that relate to it on a regular basis".

## Judicial review and Interventions

## Judicial Review and Courts Bill

The Judicial Review and Courts Bill was criticised by APIL as a missed opportunity to support bereaved families. The Bill included reforms to the coroner's court with the aims of removing unnecessary procedures, and to speed up the process for bereaved families.

Absent from the Bill, however, were proposals which would help ensure families have legal representation at inquests. APIL worked with Inquest and Justice to urge MPs to support changes to the Bill which would grant legal aid for representation for bereaved families at inquests where public authorities are legally represented.

Amendments were tabled by shadow justice minister Andy Slaughter to insert the legal aid provisions into the Bill, but were rejected by the Government. Also tabled and opposed were amendments drafted by APIL to add safeguards to the coroner provisions already in the Bill. These were designed to ensure families are not denied the answers they need from inquests.

## Challenging Judgments

Applications to issue judicial reviews in the name of the association or to apply to intervene in other actions or appeals are another way in which APIL takes steps to ensure prompt and full redress for injured people. The Challenging Judgments Working Party (CJWP) is constituted of the president (vice-president to delegate) treasurer, EC barrister member and two other EC members to be appointed according to the subject matter under consideration. The CJWP has delegated authority from the EC to act. Its purpose is to consider requests from members for APIL to provide assistance for their clients' cases. This can take the form of either a request for APIL to intervene in an appeal or judicial review, or to assist by providing data, or to provide evidence to assist with a claim.

## Morgan Judicial Review intervention

APIL was approached by solicitors representing a child, Conal Morgan, in Northern Ireland who has a claim under the Untraced Drivers' Agreement. The solicitors asked APIL to intervene in a judicial review of the lawfulness of the agreement as it applies to Morgan's application. The agreement in Northern Ireland does not require the approval of an infant settlement (either by the court or an arbitrator) as is required in England, Wales and Scotland. This application highlighted the inequality suffered by applicants in Northern Ireland under this agreement. APIL assisted the applicant by providing an affidavit sworn by the then APIL president, Sam Elsby, in support.

## Ho v Adekun – intervention

This appeal related to the interpretation of the civil procedure rules in relation to qualified one-way costs shifting (QOCS) and set-off. The CJWP had previously considered a possible intervention in this appeal to the Supreme Court in 2020, but waited to find out whether the issue of set off could be dealt with by rule change. That did not happen and the appeal was listed to be heard in June 2021. APIL re-considered the request from the claimant's solicitors. Ben Williams QC, who is familiar with the appeal, was instructed directly by APIL and an application to intervene was made. APIL's intervention proved to be an important part of the successful appeal and is referred to in the Supreme Court's judgment at paragraphs 9 and 30. Ensuring that claimant's solicitors are able to be paid for the work done forms part of the overall aim to ensure legal representation for injured people.

3  
Prompt  
and Full  
Redress

## Pillar 3 – Prompt and full redress

**Discount rate in Northern Ireland - Judicial Review**

At the start of 2021 the EC accepted the recommendations of the CJWP to challenge the decision of the Department of Justice in Northern Ireland (the DoJNI) to keep the personal injury discount rate in Northern Ireland unchanged at 2.5 per cent while the DoJNI sought to introduce new legislation to determine how the discount rate should be set in the future.

This is one of the strongest applications for APIL to conduct a judicial review (JR) or intervene that the CJWP has ever considered. It was difficult to think of anything which was more important at the time, which had the potential to affect a broad range of cases for seriously injured people, to ensure prompt and full redress.

The Northern Ireland discount rate was substantially out of line with the rest of the United Kingdom, to the detriment of injured people in that jurisdiction and was in urgent need to review and realignment with the market.

APIL instructed Bindmans and Phoenix Law to issue a formal pre-action protocol letter with a view to making an application for a judicial review of the minister's failure to review the discount rate and set a rate under the Damages Act. Another JR was also issued by a Mr McCrossan, arguing on similar grounds. There was scope for APIL to add substantial meaningful content to that judicial review which already had permission. Leave was granted for APIL to intervene. Jude Bunting, Doughty Street Chambers, a barrister who practises in both jurisdictions, was instructed on our behalf. The JR hearing took place on 11 March 2021. After the hearing, it became obvious that the Bill proposed by the Department for Justice to change how the rate is calculated would not be finalised until October. APIL and McCrossan returned to court. In the meantime, the DoJNI capitulated. Its statement issued on 25th March confirmed that a new discount rate of -1.75 per cent would come into effect on 31 May 2021 and remain in place until new legislation has gained Royal Assent and a review under the new rules has been completed.

This outcome follows years of lobbying, two judicial reviews and this intervention in a judicial review, in all three of the main UK jurisdictions to work towards ensuring prompt and full redress.

**Discount rate - Damages (Return on Investment) Bill – media and parliamentary activity**

APIL's ongoing work to influence the setting of the discount rate across all domestic jurisdictions continued with extensive press comment on developments in relation to the setting of the rate in Northern Ireland. Executive committee member Oonagh McClure explained that injured people are "not canny investors" as APIL made arguments both publicly and to the Northern Ireland Assembly's Committee for Justice about the methodology for setting the rate.

Ms McClure gave evidence to politicians in Northern Ireland as they considered the issue after Northern Ireland's Department of Justice (DoJNI) had introduced the Damages (Return on Investment) Bill to change the methodology to one based on the model used in Scotland.

Ms McClure defended the method used under the Wells v Wells methodology as "the best way of ensuring that a person receives 100 per cent full compensation". It was apparent, however, that the DoJNI was intent on change, and there were those both inside and outside of the Assembly who wanted Northern Ireland to adopt the model used in England and Wales. In briefings to members of the Assembly, APIL argued that there were aspects of the Scottish system which made it preferable to the one used in England and Wales. The Bill, with a model based on the one used in Scotland, was passed by Assembly members.

**Letters to the press – a key plank of APIL's media strategy**

Readers' letters pages in local newspapers are an important platform for highlighting issues to the public, as they are one of the most read pages of any newspaper. They are also typically monitored by MPs and, therefore, provide us with a valuable lobbying tool. A published letter from APIL calling for the time limit in historical child sexual abuse cases to be abolished reached a circulation of more than half a million. Other letter campaigns in 2021 covered the injustice of the whiplash reforms (reaching a circulation of 260,000) and highlighted the antiquated approach to bereavement damages in the 21st century. In the latter, figures from the Office of National Statistics were quoted which showed that half of all babies in Great Britain had been born to unmarried parents the previous year. Considering that the fathers of 'illegitimate' children are unable to claim bereavement damages, this was the perfect illustration of how out of touch the law has become.

A letter on the same issue was sent to Northern Ireland newspapers which included similar statistics from the Northern Ireland Statistic and Research Agency.

**Vnuk – in the media**

APIL issued a press release which was widely used in trade publications as the Government announced its plans to scrap the EU ruling on Vnuk, which requires compulsory insurance for vehicles used on private land. APIL president Sam Elsby said that the Government's decision not to adopt an EU rule that would ensure much needed compensation for people injured by off-road vehicles is "illogical and inexcusable".

**Public liability insurance**

APIL's campaign for public liability insurance was placed on hold as businesses continue to recover from the coronavirus pandemic. Opportunities for the campaign have continued to be explored, but a further financial burden on businesses, however small, is unlikely to be welcomed by MPs in the current economic climate. The campaign will be reviewed in 2022.

**Challenging the impact of reform on injured people through consultation responses.**

APIL responded to 25 consultations in 2021, commenting on a wide range of topics from across our aims, from preventing needless injury by calling for improvements to patient, road and product safety, to driving excellence in legal representation by ensuring competence in legal providers. APIL aimed to ensure prompt and full redress for injured people when commenting on consultations relating to civil justice procedure.

All of APIL's responses can be found at <https://www.apil.org.uk/consultations-and-apil-responses>

3  
Prompt  
and Full  
Redress

Pillar 3 – Prompt and full redress



**Road safety**

APIL highlighted the dangers of smart motorways in response to a Highways England consultation, in particular that smart motorways have been introduced without crucial stopped vehicle detection technology to ensure that those who have been forced to stop in a live lane of motorway traffic are protected as far as possible. APIL submitted that such technology should have been in place before the roll out of smart motorways began. APIL's concerns, along with those of other respondents, were taken on board in Highways England's response to the consultation, with Highways England pledging to look again at stopping distances.

APIL also responded to a consultation on the establishment of a Road Collision Investigation Branch, welcoming proposals to introduce an overarching, nationwide branch which conducts thematic investigations into road collisions. This is a sensible step towards improving road safety, and would help to bring closure for those who are injured or bereaved in road collisions. It is vital that the branch is properly resourced and fully operational across the whole road network.

**Product safety**

APIL also called for a wholesale review of product safety law in response to both an Office for Product Safety and Standards review, and the Law Commission's call for ideas for their 14th Programme of Reform. The current product liability framework is extremely complex, and out of step with modern methods of purchasing e.g. online, so is inadequate to protect consumers. Enforcement of product safety regulations is also ineffective, as there is a misalignment between local and central governments.

**Ensuring quality legal service**

This year APIL responded to a number of consultations relating to the Legal Services Board (LSB)'s ongoing project on quality indicators. It is vital that consumers are fully informed to make the correct choice of legal provider. APIL highlighted the value of accreditation as an indicator of technical quality, and stressed that information on success rates and price may not be reflective of the provider's technical and service quality.

**Improving the civil justice procedure**

In November, APIL responded to the Ministry of Justice's consultation on making out of court dispute resolution a more mainstream option. APIL welcomes alternative dispute resolution processes where they support access to justice, and pointed to the numerous forms of dispute resolution that personal injury practitioners employ at present to achieve the best outcome for their client. APIL warned against a one-size-fits-all approach to dispute resolution however, and there must be consideration of the unique circumstances arising in different cases which determine whether a particular method of dispute resolution is most suitable.

In December, APIL responded to the Civil Justice Council's interim report on its review of the pre-action protocols. APIL welcomed strengthened sanctions and a mandatory stock-take requirement for parties to step back and assess which issues remain unresolved before issuing proceedings. APIL believes that many of the proposed changes, however, are unnecessary and could have unintended consequences, rendering the protocols less effective. APIL supports work to develop separate protocols for foreign accident claims and historic abuse claims.



**Northern Ireland - consultations**

In Northern Ireland this year, APIL urged the Department of Justice to bring forward changes to require all settlements to minors to be approved by the court. APIL stressed that if children's damages are not protected via court approval, they are at risk of under-compensation and/or their damages being frittered away by even well-meaning parents and guardians. There was also a focus on clinical negligence in Northern Ireland this year, with APIL welcoming a proposed statutory duty of candour for healthcare professionals as a step in the right direction for patient safety. APIL also provided feedback on a draft clinical negligence protocol and practice direction, largely welcoming the drafts.



**Scotland - consultations**

APIL responded to both the Scottish Government and Scottish Civil Justice Council on the importance of a return to face-to-face hearings for proofs. While we welcome the benefits that increased use of technology has brought such as allowing procedural matters to be dealt with virtually, and the electronic signing of documents, the power and potency of a face-to-face hearing cannot be truly replicated online.

**Scotland – in parliament and in the media: Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021**

APIL urged members of the Scottish Parliament to protect the legal rights of abuse survivors as politicians continued to scrutinise legislation to establish a redress scheme for survivors of abuse in care. Those who accept a payment have to sign a waiver which prevents them from pursuing a separate legal claim against organisations which contribute financially to the scheme.

In briefings to MSPs, APIL warned that the waiver does nothing to benefit survivors of historical abuse. Instead, it restricts their legal rights, risks leaving them under-compensated, and adds complications to a process which should be simple for survivors. APIL supported an amendment which would have supported survivors, and allowed them as much time as they need to investigate and pursue a civil claim before deciding whether or not to accept a redress payment. The idea was rejected by the Scottish Government, which got its proposals through the Scottish Parliament with the waiver unchanged.

Ahead of the debate a press release was issued which called the restrictions in the Bill unfair and unjust. It was covered in The Scotsman and Scottish regional titles.

Pillar 4 – Drive excellence in the PI sector

APIL is a diverse community of PI lawyers committed to injured people. We want our members to be recognised as providing the best in legal representation for needlessly injured people. Not only do we want to have the very best people with the highest standards in our organisation, we also want to attract a diverse range of members at different stages of their lives and professional development. We want to provide a community where members can thrive through networking, engagement and the very best training. We want to build a larger and more diverse community of people committed to injured people.

Our membership vision is for all our members to be happy and engaged advocates for our association. For this reason, our strategic focus is on developing the membership experience to bring the very best benefits for all our members and a journey of engagement to help them in their careers.

When things do go wrong, we act to ensure our strict code of conduct and consumer charter are upheld. In so doing, we try to ensure that injured people always get the very best service from APIL members.

Considerable work has been undertaken to develop links with a growing community of professionals on LinkedIn who work with injured people. It includes lawyers, law firm staff, case managers, campaigners, and rehabilitation provers. They are kept updated and engage regularly with news relating to injured people, and APIL's campaign work.

4 Drive Excellence in the PI Sector

Engagement Panel

The engagement panel comprises 142 APIL members, who are broadly representative of the wider membership.

142 panel members

Diversity

APIL's equality, diversity and inclusion (EDI) policy and action plan was published in November following the work of the Diversity and Inclusion Committee, which was formed in 2020 as a sub-committee of the EC. The terms of reference of the group were revised by the EC in September to enable it to oversee the delivery, development, monitoring and review of the EDI policy and plan, providing support to the chief executive and advising on any matters related to diversity. The committee reports to the EC after each meeting.

The committee membership was Kim Harrison, chair, Trevor Sterling, Laura Hibberd, Amey Welch, and Michael Imperato. It was supported this year by the chief executive along with Tanya Benjamin-Edwards, Helen Blundell and Alison Watson from the APIL staff. The revised group has additional members which will be announced in 2022.

APIL's EDI policy and plan is an essential step towards achieving APIL's challenging strategic plan, Building a Brighter Future for Injured People.

Our EDI vision is to create a membership embracing inclusivity, celebrating diversity, and reflecting the communities we serve. We want to create a gold standard and lead by example in encouraging all our members' firms to embrace and improve diversity.

A key element of our five year plan is that we will embed diversity in all our activities across the organisation. Through this commitment and strong leadership we will hopefully turn well-meaning words into genuine impacts in the coming months and years, measuring our performance against milestones and key indicators and taking steps to improve where we are failing.

The aims in our plan include increasing recruitment and retention of groups currently under-represented in our membership, widening participation in committees, groups and training delivery, improving member perceptions of our approach to diversity, working with firms to improve our own and sector diversity and leading on best practice in the sector.

Considerable progress has been made towards improving our diversity data collection from the membership and this will

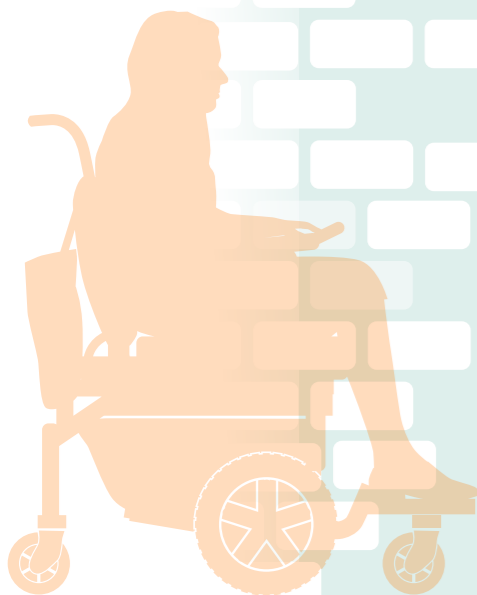
encourages members to form informal 'affinity groups' of members from under-represented groups to provide comfortable spaces for everyone in our organisation and also to feed views and ideas to the diversity group; (2) Harness Voices: APIL is for everyone project which aims to provide an opportunity for members from under-represented groups to tell their story about their journey into personal injury law. The EC will review performance against the action plan regularly and report to members.



continue to be a priority to ensure our actions are based on reliable data. The outline action plan has been developed further to include milestones, key performance indicators and timelines to ensure the plan is realistic and performance is easy to track.

A new provision has been included in the APIL code of conduct incorporating reference to the EDI policy. The application process for laypersons on the EC included an essential requirement for an active commitment to equality and diversity.

Two positive initiatives were launched in November: (1) the Affinity Groups project which





4  
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in the  
PI Sector

Pillar 4 – Drive excellence in the PI sector

Dealing with emerging issues in the sector

Guideline Hourly Rates

APIL set up a working group to consider the Civil Justice Council’s (CJC) consultation on the guideline hourly rates (GHR) which was issued at the start of the year. The working group members were: Julian Chamberlayne, Roger Mallalieu QC, Gary Barker, Jamie Jones, Steven Green, Jill Greenfield and Jonathan Scarsbrook. APIL’s response was critical of the CJC’s methodology and use of the various indices at its disposal. The response also urged the CJC to recommend regular reviews of the rates, looking ahead. Ensuring that claimants’ solicitors are able to be paid for the work done forms part of the overall aim to ensure legal representation for injured people.



Upholding APIL’s code of conduct

APIL’s code of conduct is regularly reviewed by the secretary and Legal Services Manager. In 2021 a small working group was also set up to take into account external advice received from Browne Jacobson solicitors on competition advice, along with updating the code to include a requirement for members to act in the best interests of the client, reflecting both the physical and mental well-being of the client, to act with integrity and to include statements on diversity and inclusion. The EC members on the review group, along with the secretary were: Richard Baker, Guy Forster, Pauline Roberts and Sam Elsbey.

Working with others

Serious Injury Guide

A survey of participants this year revealed that the Serious Injury Guide continues to achieve its aims, with over 80 per cent of respondents agreeing that the guide leads to greater collaboration between the parties. 75 per cent said that the guide helps the claimant to obtain earlier rehabilitation. Three quarters of respondents agreed that following the guide improves the claimant’s “claim journey”. Trust is built between the parties, friction is removed, and the open dialogue facilitated by the guide means that the claimant’s needs can be understood by all sides. While liability may not necessarily be resolved more quickly under

the guide, due to external issues such as police investigations, it still provides for collaboration and allows the parties to narrow the issues in dispute.

Following the success of the Serious Injury Guide for cases above £250,000, a pilot is underway to assess whether the existing guide is workable for all multi-track personal injury cases involving serious injuries and which involve a claim for future continuing loss, regardless of value. The pilot will run until at least June 2022, with a potential further extension if needed. Work is also underway with NHS Resolution to explore how the guide could be adopted in some form for clinical negligence cases.

Work with FOIL - recording of medical experts

Master Davidson wrote to FOIL and APIL following the case of Mustard v Fowler inviting us to examine the issues that had arisen around the covert recording of medical examinations. APIL established a working group last year to draft best practice in this area. Work continues with FOIL.

Work with FOIL - best practice

The APIL/FOIL best practice documents which have been in effect since April 2020 for England & Wales, Scotland and Northern Ireland were reviewed and updated twice in 2021 and remain in place for members to use and refer to while the pandemic continues in some shape or form. The best practice documents work across the four pillars of our strategy, in particular ensuring prompt compensation and working towards building public trust in practitioners on both sides of the litigation process.

Work with FOIL - universal credit

Work continued with FOIL this year on the thorny issue of the effect of universal credit on CRU recoupment. With the introduction of universal credit, the certificate of recoverable benefits (CRB) will not identify separately any ‘earnings related’ benefits, but will record a single payment on the CRB of universal credit, which covers earnings-related benefits previously paid by way of separate benefits which used to be paid before universal credit. The benefits are ‘lumped together’ with the earnings-related benefit. Not all benefits are repayable or capable of being offset against claims for loss of earnings. APIL and FOIL realised in 2020 that compensators are having to pay large sums to the CRU relative to the sums paid pre-universal credit and injured people are having large portions of their loss of earnings claims deducted to repay the state for universal credit.

In 2021 APIL and FOIL decided to find out the extent of the problem and to hear of some of the most extreme cases. A call for evidence was sent out to members of both organisations. Once sufficient evidence has been obtained, APIL and FOIL will consider what avenues exist to require the state to consider the legitimacy of the post universal credit position or to challenge the current repayment obligation. This work will continue into 2022 and also forms part of pillar 3: to ensure prompt and full redress for injured people.



4  
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Pillar 4 – Drive excellence in the PI sector

Ensuring that members have access to the support that they need

Covid lockdown update emails

From March 2020 when the first Covid-19 lockdown was implemented in the UK, the lockdown update emails to members continued into early 2021 as lockdowns entered their third incarnation, with members continuing to grapple with working from home and dealing with remote courts and their staff. This year the updates also included popular interviews with members who were asked about their work and life since the start of the pandemic, sharing tips and stories on work-life balance, positives to take from the strange circumstances in which they found themselves, their favourite piece of equipment used in the previous 12 months at work, as well as answering crucial questions such as Teams or Zoom? and 'show us your desk' photos.

Building our delivery of market-leading training

As a consequence of the continued pandemic, APIL made the decision to keep all training events virtual for the first half of the year.

In line with APIL's strategic plan, members were kept informed of emerging trends in personal injury through a variety of different training tools – conferences, webinars, courses, and meetings.

Conferences

Between March and July, we successfully ran four fully virtual conferences with APIL's popular annual residential advanced brain and spinal cord injury conference having been successfully reconstructed into two separate one-day digital programmes. These conferences attracted a total of 344 delegates and 54 speakers. All speakers and delegates delivered their talks through Zoom, via APIL's dedicated conference app.

**"The app is very useful with access to electronic copies of the slides rather than cumbersome files to take home at the end of the event."**

As restrictions were eased later in the year, our autumn conference season moved towards hybrid delivery. While two smaller conferences remained virtual only, three out of five between September and December were offered to delegates with the opportunity to either attend virtually or in-person. These two options enabled delegates to change to virtual if their circumstances changed, even at the last minute. This new format was very well received with around one third choosing to attend in-

person. We were delighted to see overall record numbers at both our asbestos conference and accidents abroad conference.

**"Excellent – best training I've attended in a very long time"**

**"Excellent – high quality training people who know their stuff"**

**"Sponsoring the event went well from our perspective and we appreciated the opportunity and support from APIL as well."**

Our residential annual clinical negligence conference enjoyed a 63 per cent in-person attendance rate with 214 attendees in-person and 68 virtually. This audience comprising delegates, speakers, sponsors, exhibitors and staff was delighted to be brought back together again and thoroughly enjoyed the social and networking activities that had been arranged at the superb Celtic Manor Resort. The three-day programme covered the theme of sensory injuries and included inspiring talks from guest speakers Professor Dame Clare Gerada GP and Victoria Abbott-Fleming MBE, founder of Burning Nights, Derbyshire.

**"Being able to log on to watch sessions online was really useful - even though I attended in person there were occasions when I had some work to do, but I was able to have it on my phone in the background"**

**"I thought that given the challenges of remote vs live, it was an excellent conference and a really commendable achievement for APIL admin and organisation!"**

Event	Sponsor	Format
Military claims conference	12KBW	Virtual
Advanced spinal cord injury conference	FCIR	Virtual
Advanced brain injury conference	The Children's Trust	Virtual
Abuse conference	Held in association with ACAL	Virtual
Clinical negligence conference	Outer Temple Chambers	Hybrid: Wales or Virtual
Legal training for expert witnesses (course 2: court proceedings, trial and post-trial)	In conjunction with 7BR	Virtual
Asbestos conference	Maggie Sargent & Associates	Hybrid: London or Virtual
Child brain injury conference	Held in association with The Children's Trust	Virtual
Accidents abroad conference	12KBW	Hybrid: London or Virtual



Webinars

A total of 73 commercial webinars ran throughout the year, covering many differing subject areas, including insolvency for PI lawyers, stress at work claims, and getting Part 36 right in 2021. Our highest audience reached a total of 409 delegates and covered the new small claims track changes. We welcomed new trainers into the webinar programme and also increased the reach of our webinars to the wider sector, to include audiences of expert witnesses. All webinars were recorded and remain available for purchase after the events.

In addition, four free-of-charge quarterly review webinars were provided to members. They provided updates on current legislation and APIL's campaigning and lobbying activities. A further new webinar was introduced, enabling members to discuss particular practice areas and issues with members of APIL's executive committee.

Training courses

APIL increased the accessibility of its training by continuing to offer virtual training. Fifteen courses were delivered for legal professionals, and two courses aimed at a wider

audience of expert witnesses, covering pre-trial and report writing. Part 2 of the expert witness training on court proceedings, trial and post-trial was delivered as a virtual conference.

The biannual popular PI update courses ran virtually in the Spring and in London and Manchester in the Autumn, the latter as our first hybrid course. Delegates were offered opportunities to attend in-person, virtually, or to listen to the recordings after the event. 275 members attended over both series.

Sixteen courses were delivered in-house, the majority of which were also delivered online.

APIL continued its regular clinical negligence training at various levels; the fundamentals, intermediate, quantum and the annual update. All were very popular. Our first clinical negligence update for members in Scotland and Northern Ireland was run in virtual format.

Further training courses included specialist training on how to run accidents and illnesses abroad claims and asbestos.

**"Excellent speakers, clear and pitched at exactly the right level."**

Groups

The surge in popularity of our group meetings was evidenced by a total of 24 meetings and 2,719 bookings during the year. The brain injury special interest group was the most active, holding six meetings throughout the year. The most popular meeting was held by the clinical negligence special interest group which followed the virtual AGM on 13 May.

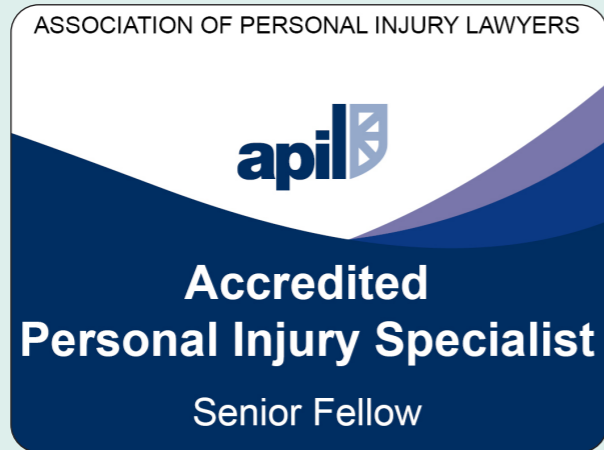
APIL Northern Ireland met once during the year to hear from Ciaran O'Hare of McIvor Farrell about the judicial review of the MIB and minor claims, and Christopher Deacon of Stewarts on Brexit and accidents abroad. APIL Cymru Wales held two meetings covering witness evidence by Simon Hughes of Civitas Chambers and traumatic brain injury for non-specialists by Dr Tracey Ryan-Morgan.

Members also welcomed Master Gordon-Saker to the costs and funding group meeting; HHJ Bird at the North West regional meeting; and Master Amanda Stevens, past president of APIL, gave an enlightening talk on the CCMC and how to get what you need from the court at a London group meeting.



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Promote and develop our accreditation programme

Competence standards

Accreditation criteria were reviewed throughout the year and amended as appropriate.

The competence standards for 'fellowship' and 'portal claims handler' status were reviewed and updated. The criteria for 'senior fellowship' were considered with the consequent removal of the prerequisite for fellowship to enable senior litigators, who have not chosen to manage or lead a personal injury department, to apply.

During the year, the competence standard for specialist counsel was considered with a view to creating a second accreditation level for barristers. In March we announced that new accreditation levels for junior counsel and senior counsel had been introduced.

APIL's CPD requirement was reviewed twice during the year to ensure that members were able to accrue sufficient hours through the various options available. It was agreed that, if required, all CPD hours could be obtained through distance/virtual learning with the next review scheduled for January 2022. Monitoring of training logs and revalidation of accredited members continued throughout the year. A remote corporate monitoring process was also developed to reflect the changing times.

Enquiries received from members of the public seeking competent lawyers to handle their claims were passed to accredited members. Client satisfaction was monitored and followed up a week after each enquiry. Clients were offered contact details of further accredited members in cases where the initial referral could not be progressed. Particular geographical areas and specialisms were identified and non-accredited members encouraged to apply.

Training and accreditation committee

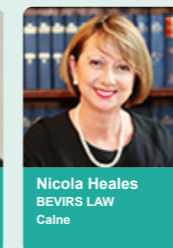
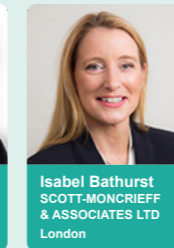
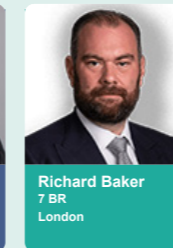
Following a call for applications to join APIL's Training and Accreditation Committee (TAC) the role was filled in June. Isabel Bathurst, a clinical negligence specialist at Scott-Moncreeff and Associates joined the committee in place of Isobel Lovett of Hodge Jones and Allen.

The TAC met four times to oversee activities and discuss strategic objectives. There are ten committee members, along with the two co-opted members: Oonagh McClure representing APIL Northern Ireland and Gordon Dalyell for APIL Scotland.

Chair



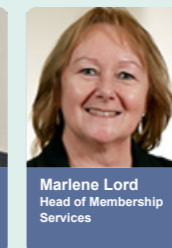
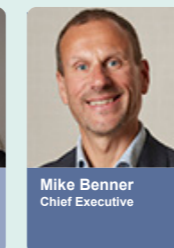
Other committee members



Co-opted members

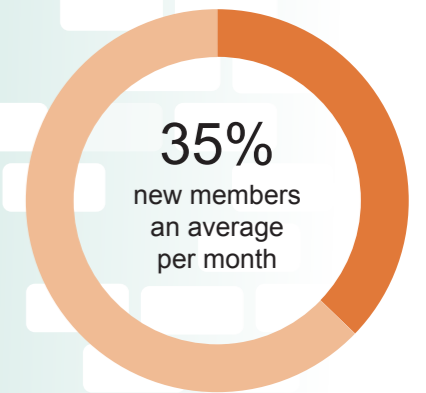


Staff members

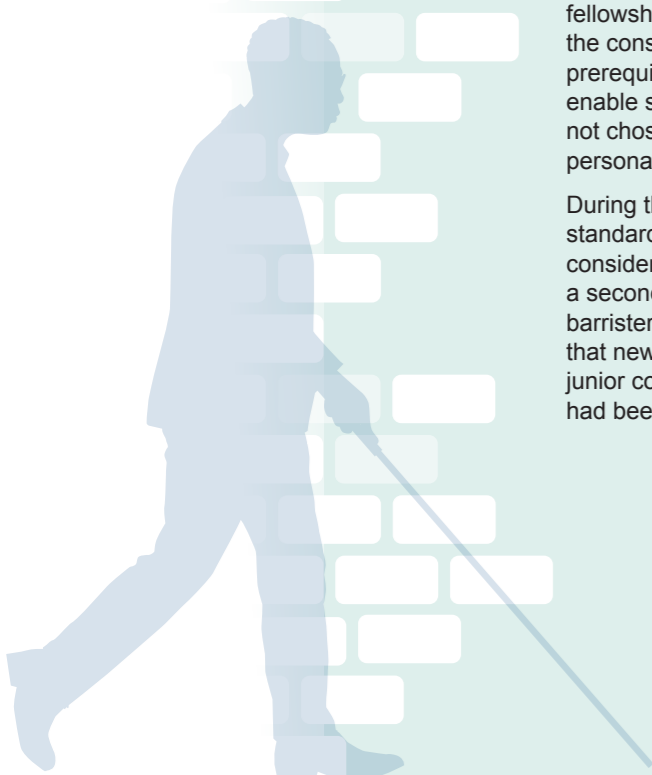


Grow our membership and supporter base

By the end of the 2021 financial year, APIL had 3,174 members, 504 of which were complimentary members. Half-price memberships were offered to all new members joining from 1 April. A total of 421 new members were recruited during the year, an average of 35 per month.



A number of experts did not renew their listing on APIL's expert witness register during 2021 either due to retirement or having too much expert witness work at the current time. The latter were invited to join APIL as associate members. Twenty-six of the 104 associate members are former experts who wish to continue supporting APIL in its work and activities.



4 Drive Excellence in the PI Sector

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Statistics

Our strategic enablers

Ensure effective communication

A staff team was established early in the year with a view to considering key activities and how communication could be improved through the various tools that are available. Work is continuing on the following projects:

- Website redesign
- New members' magazine
- Re-energising our bulk emails programme
- Integrating social media use
- EC discussion webinar
- Re-energising our quarterly review webinar
- Revamping our regional, membership and special interest groups
- Reviewing our member discussion forums
- Increasing our use of videos and images

Microsoft Teams telephone system

The APIL telephone system now runs via Microsoft Teams. Staff can make and receive calls wherever they are logged into Teams. Additionally, an auto-attendant has been incorporated for calls that are not answered by our reception team within 15 seconds. This helps to ensure calls are routed quickly, efficiently, and correctly during busy times and staff absence.

Cyber security

A new "cyber security awareness" document has been produced and circulated to all staff. The document broadly covers the key aspects of cyber security but focuses on educating users to identify phishing emails, as these are by far the most common method attackers use to gain access to IT systems and networks.

We have implemented multi-factor authentication to allow access to resources as an additional security function and are continuing to educate staff both at induction and in an ongoing manner as this is crucial to protecting the association.

Conference sponsors and exhibitors

An additional benefit for advertisers has been introduced which enables potential delegates to view all sponsors and exhibitors from a single event web page. The page displays an initial list of sponsors along with their package before showing the full list of exhibitors. Advertisers can display their company logos which keeps the page visually appealing and promotes their brands.



Website

New areas have been developed on the website, including the implementation of a new landing page for expert witness services. The page is geared towards both lawyers and experts.

Lawyers can search directly for appropriate experts, "recommend an expert", and "ask the expert". Experts can renew their listings and find all on-demand training as well as upcoming events.

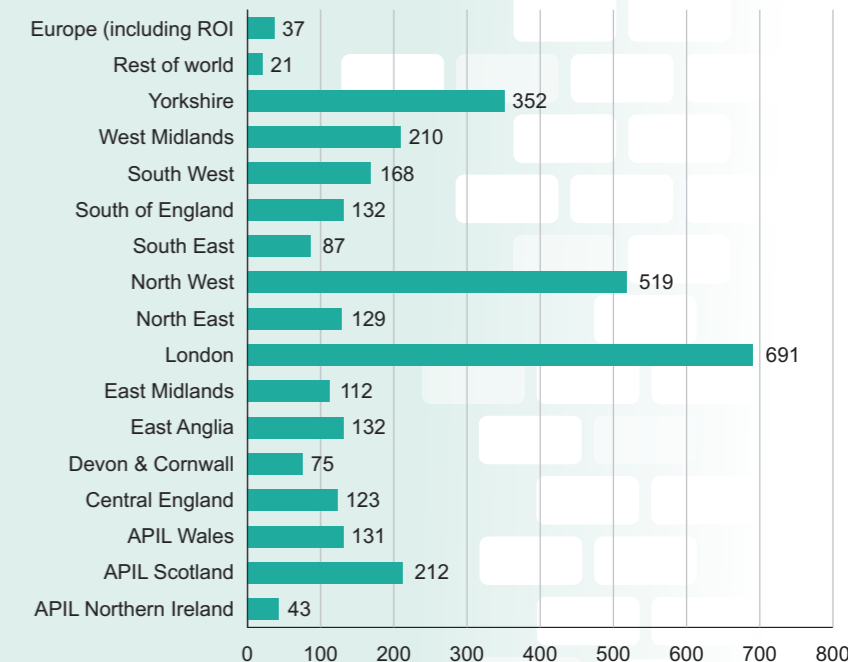
To increase awareness of our training events we have also added a 'get training updates' option specifically for experts who would like to subscribe to our training events

Membership totals as at 31 DECEMBER 2021 by subscription category

Category	Members
Legal practitioners	2554
Practitioners (claimant barristers)	85
Legal practitioners – non-practising	18
Honorary life	23
Barristers	26
Junior barristers	11
Paralegals	273
Students	5
Student eMembers	11
Academics	5
Overseas	56
Associates	104
Associate charity member	3
<b>Total</b>	<b>3174</b>

Category	Percentage
Legal practitioners	80.47%
Practitioners (claimant barristers)	2.68%
Legal practitioners – non-practising	0.57%
Honorary life	0.72%
Barristers	0.82%
Junior barristers	0.35%
Paralegals	8.60%
Students	0.16%
Student eMembers	0.35%
Academics	0.16%
Overseas	1.76%
Associates	3.28%
Associate charity member	0.09%

Membership by Region



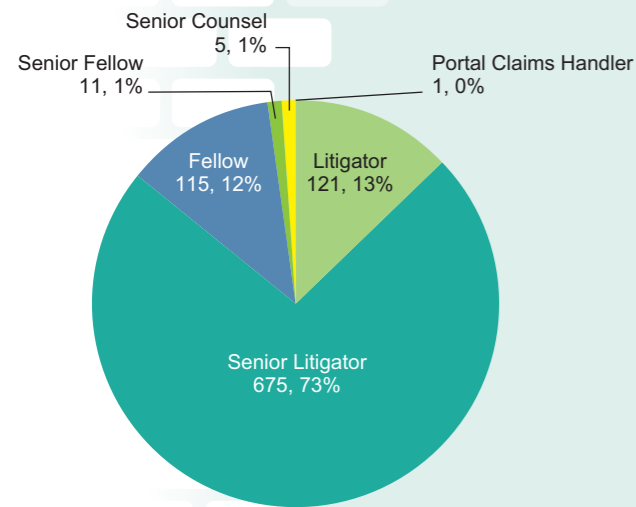
Regional groups

APIL Northern Ireland	43
APIL Scotland	212
APIL Wales	131
Central England	123
Devon & Cornwall	75
East Anglia	132
East Midlands	112
London	691
North East	129
North West	519
South East	87
South of England	132
South West	168
West Midlands	210
Yorkshire	352
Rest of world	21
Europe (including ROI)	37
<b>Total</b>	<b>3174</b>

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**Accreditation Numbers**



**Accreditation**

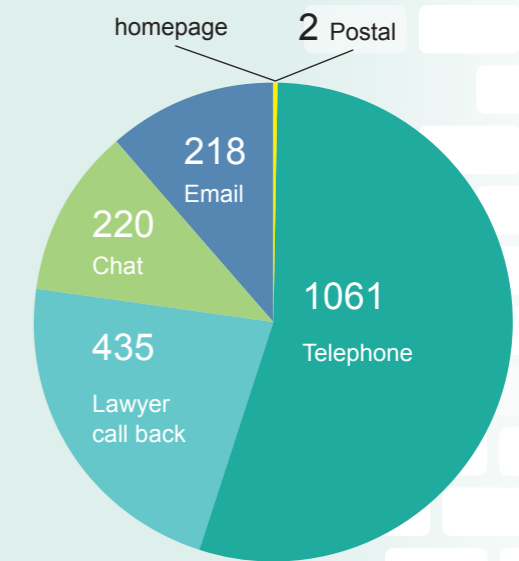
	Number	Emeritus
Litigator	121	-
Senior Litigator	675	14
Fellow	115	9
Senior Fellow	11	4
Senior Counsel	5	0
Junior Counsel	0	1
Portal Claims Handler	1	-
<b>Total</b>	<b>927</b> (one member holds litigator and portal claims handler status)	<b>28</b>
Not accredited	2219	28

Corporate accreditation	130
In-house	57
Training providers	35

**Public Enquiries by Injury Type**

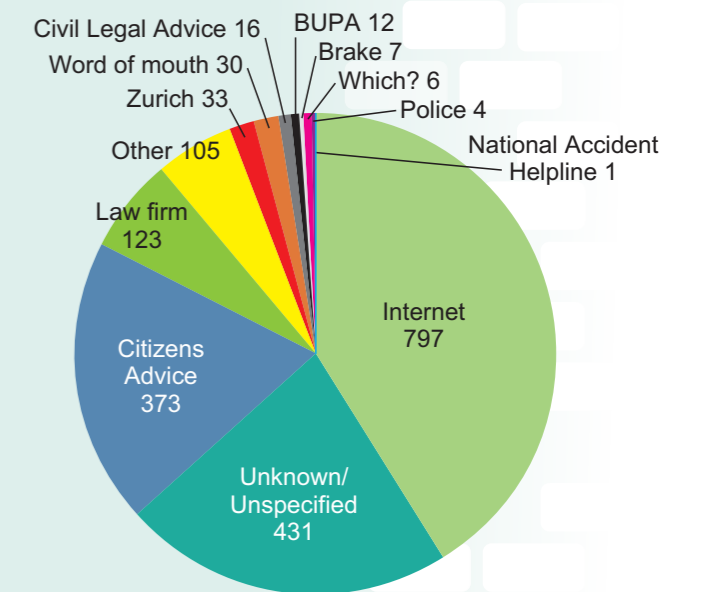
Type of injury	Number of enquiries
Accident at work	398
Public liability	280
Trip or slip	267
Road accident	259
Clinical negligence	172
Criminal injuries	93
Occupational disease	85
Defective premises	55
Abuse	52
Defective products	44
Asbestos and mesothelioma	29
Animals	27
Accidents & illnesses abroad	24
Fatal accident	23
Back injury	20
Police or prison	19
Head injury	16
Beauty treatment	14
Sport injury	14
Brain injury	12
Claims against injury lawyers	11
Military	8
Spinal cord injury	7
Environment / pollution	5
Aviation	2
Not claimant personal injury	2
<b>Total</b>	<b>1,938</b>

**Method of Enquiry**

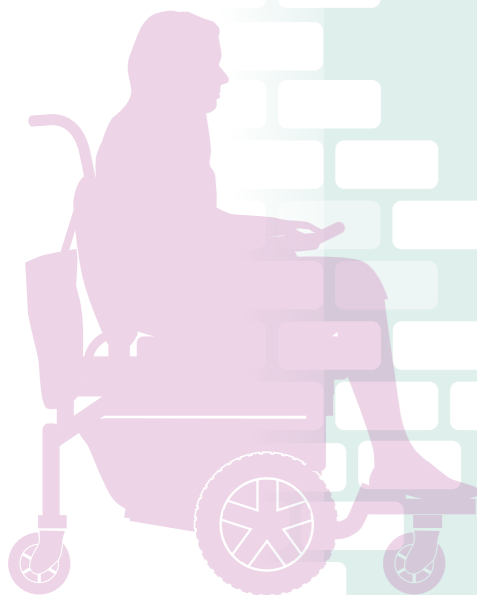
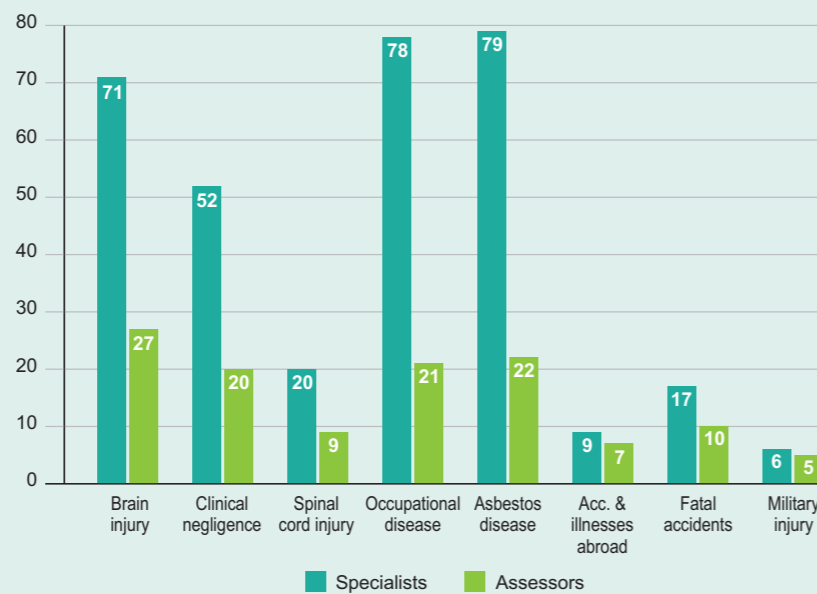


Percentage of eligible members holding accreditation:  
**31.71%**

**Source of Public Enquiry**



**Accredited specialists and assessors**



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Outcome	Number of enquiries
Member of public did not respond to follow-up email	705
Advice received	440
No further contact	348
Member instructed	165
No further help needed	74
Rejected by member - poor merits	56
Firm instructed - not initial accredited member	40
Rejected by member - limitation	30
Rejected by member - no reason given	28
Requested general advice	24
Rejected by member - quantum	15
Member of public did not respond to initial email	4
Not claimant personal injury	3

## Confirmed instructions

165 enquiries (8.5% of the total enquiries) have resulted in instructions for members. These cover the following work types:

Type of injury	Number of enquiries
Accident at work	46
Road accident	23
Trip or slip	22
Public liability	18
Asbestos and mesothelioma	11
Criminal injuries	7
Defective products	7
Clinical negligence	6
Animals	5
Back injury	4
Defective premises	4
Occupational disease	4
Abuse	2
Fatal accident	2
Head injury	2
Military	1
Spinal cord injury	1

## Attendance at Executive Committee Meetings 2021

Executive Committee Members (alphabetical order)	Total meetings attended
Richard Baker 7 BR, London	2/5
Richard Barr Scott-Moncrieff & Associates Ltd, Norwich	4/5
Gordon Dalyell <sup>e</sup> Digby Brown LLP, Edinburgh	5/5
Brett Dixon Scott-Moncrieff & Associates Ltd, Clithero	5/5
Sam Elsby <sup>c</sup> Dean Wilson Solicitors LLP, Brighton	4/5
Guy Forster <sup>e f</sup> Irwin Mitchell LLP, Cambridge	4/4
Jill Greenfield <sup>b</sup> FieldFisher, London	4/5
Kim Harrison Slater & Gordon Lawyers, Manchester	4/5
Michael Imperato <sup>f</sup> Watkins & Gunn, Cardiff	4/5
Oonagh McClure <sup>f</sup> Thompsons NI, Belfast	3/5
Neil McKinley <sup>a</sup> JMP Solicitors, Grantham	5/5
John McQuater Atherton Godfrey LLP, Doncaster	5/5
Pauline Roberts NewLaw, Cardiff	4/5
Jonathan Scarsbrook Irwin Mitchell LLP, Sheffield	4/5
Sharham Sharghy <sup>g h</sup> 9 Gough Square, London	1/1
Suzanne Trask Bolt Burdon Kemp, London	5/5
Suzanne White <sup>d</sup> Leigh Day, London	2/5
Leticia Williams Hodge Jones & Allen Solicitors, London	3/5

a Elected as president at AGM 13 May 2021

b Re-elected as treasurer at AGM 13 May 2021

c Post of immediate past president started at AGM 13 May 2021

d Re-elected at AGM 13 May 2021

e Elected at AGM 13 May 2021

f Out of a possible four executive committee meetings after the AGM

g Out of a possible one executive committee meeting before the AGM

h Was not re-elected at the AGM 13 May 2021

# Financial Report

The year immediately following the outbreak of the covid-19 pandemic was always envisaged as being a difficult one, as the association began to take stock of the long term effects of the pandemic on its business model.

The association's financial position at the end of 2021 confirms that we have had to work with extremely challenging conditions, continuing to adapt to many changes throughout the year.

Our training activities have continued to remain mostly online, but there was some movement towards hybrid events later in the year as the economy re-opened. The APIL staff, speakers and executive committee worked to meet the challenges of providing a full programme and new content, constantly monitoring the effectiveness of its training and conference events.

Overall, the contribution from training events was £19,000 over the budgeted figure. A decision was taken to replace the residential annual conference and we ran two one-day virtual events instead: an advanced brain injury conference and an advanced spinal injury conference. As there were no venue costs, the contribution from these two events was £46,625. For the second year running, the AGM was run as an online event and will continue to be so for the foreseeable future.



**JILL GREENFIELD**  
Treasurer

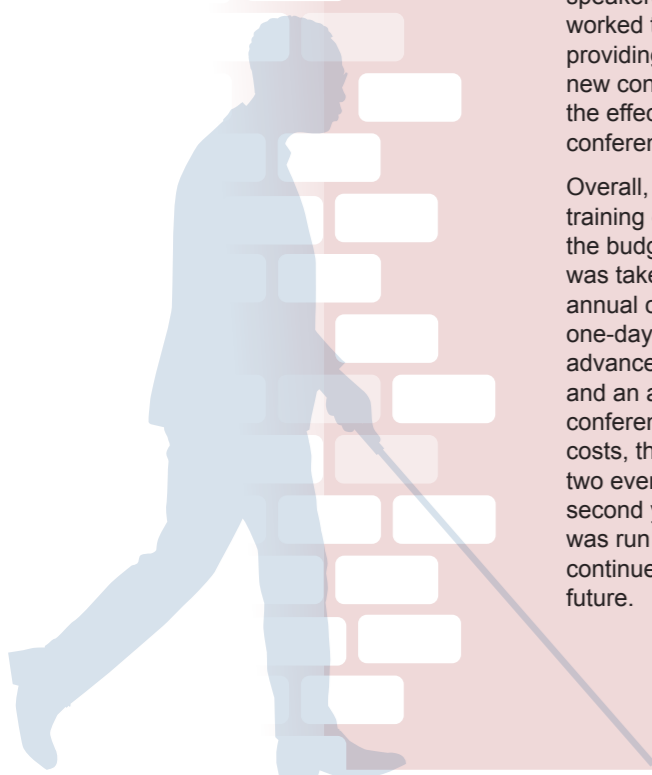
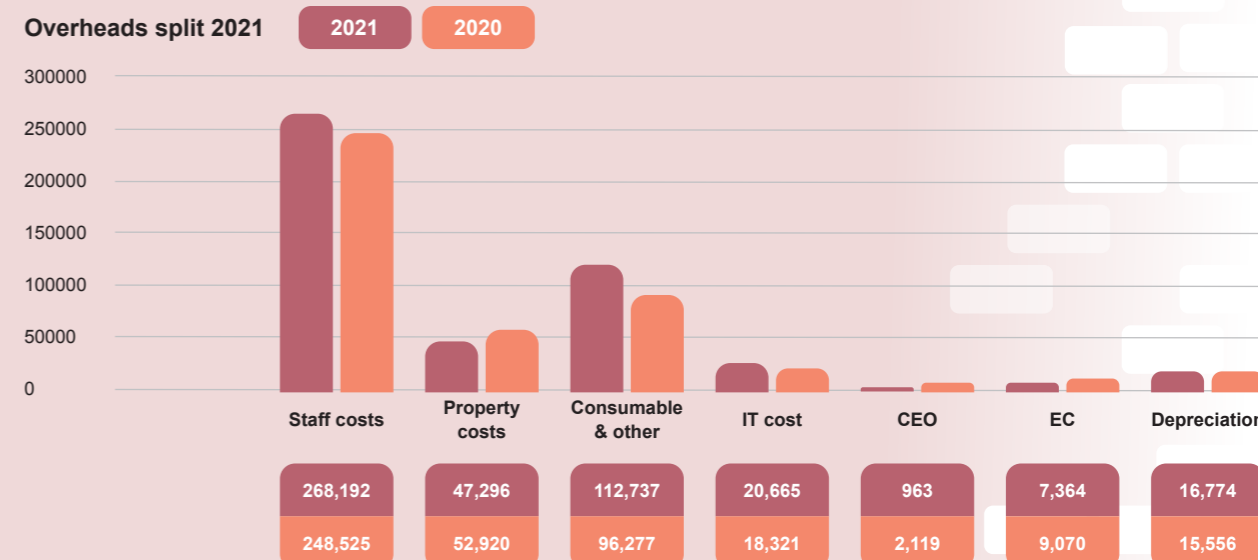
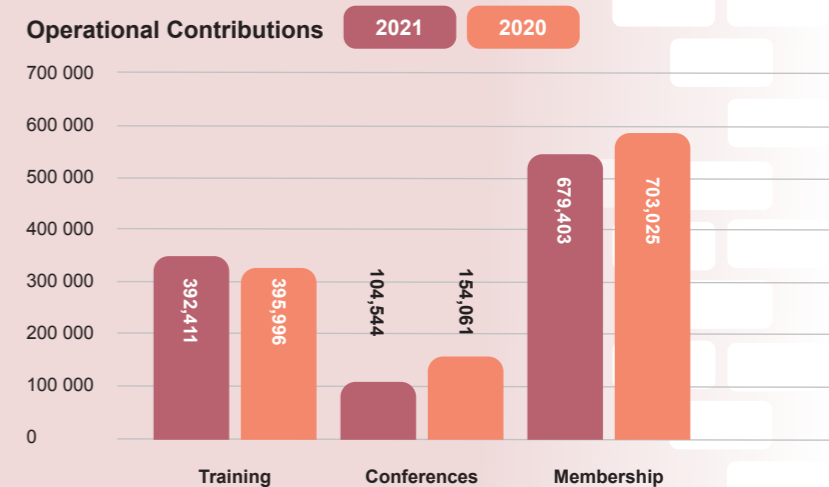
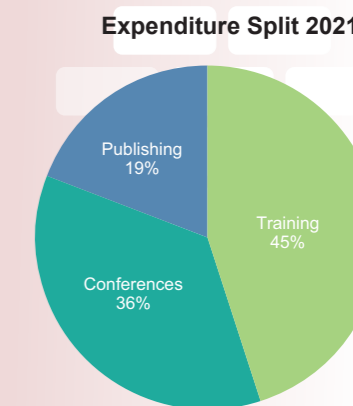
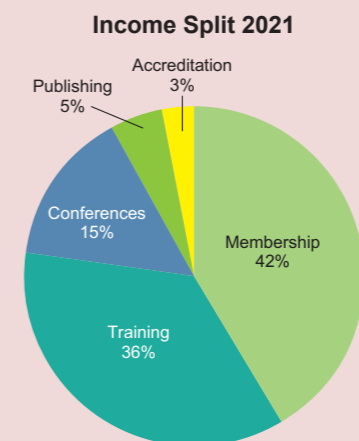
The number of members overall was lower during the year but we have seen an increase in associate membership. The number of gratuitous and honorary members has remained nearly unchanged, increasing from 492 to 495. Membership subscriptions accounted for 42 per cent of APIL's income, closely followed by training activities which contributed 36 per cent, conferences contributed 15 per cent, accreditation 3 per cent and publishing activities added a further 4 per cent.

APIL spent £16,073 on legal fees in connection with its judicial review intervention in Northern Ireland on the discount rate and £10,350 on legal fees relating to our Supreme Court intervention in Ho v Adekun.

Turnover in 2021 rose by 4.8 per cent on 2020 but operational costs rose by 30 per cent. The year ended with a small deficit of £7,065.

I am pleased to report that we have not had to make any withdrawals from APIL's reserves in 2021. The reserves have been reduced by the deficit at the end of the year. At the year-end reserves stood at £1,064,191.61. In view of the ongoing uncertainty created by the pandemic and expected changes in the market we continue to take the view that this is an appropriate reserve level. We applied ring-fencing to sections of the reserves again this year for particular projects such as future challenges in the courts or legal advice for the association's activities. This also affords the association opportunities to meet any future, as yet unknown, challenges.

Cash holdings at the end of 2021 stand at £877,013.



## Directors' report For the year ended 31 December 2021

The directors present their annual report and financial statements for the year ended 31 December 2021.

### Principal activities

The principal activity of the company continued to be that of campaigning for improvements in personal injury law on behalf of the injured people; to promote, encourage and develop expertise in the practice of personal injury law by education and the exchange of information and knowledge.

### Directors

The directors who held office during the year and up to the date of signature of the financial statements were as follows:

R Baker	S Sharghy (Resigned 13 May 2021)
R E Barr	
G Dalyell	S J Trask
B Dixon	S White
S R Elsby	L A Williams
J Greenfield	J McQuater
K L Harrison	P J Roberts
J M Imperato	G W Forster (Appointed 13 May 2021)
O M McClure	
N C McKinley	V Lebrec (Appointed 7 January 2022)
J Scarsbrook	

### Auditor

In accordance with the company's articles, a resolution proposing that Seagrave French LLP be reappointed as auditor of the company will be put at the Annual General Meeting.

### Statement of disclosure to auditor

So far as each person who was a director at the date of approving this report is aware, there is no relevant audit information of which the company's auditor is unaware. Additionally, the directors individually have taken all the necessary steps that they ought to have taken as directors in order to make themselves aware of all relevant audit information and to establish that the company's auditor is aware of that information.

### Small companies exemption

This report has been prepared in accordance with the provisions applicable to companies entitled to the small companies exemption.

The financial statements were approved by the board of Directors on 14 March 2022 and were signed on its behalf by:

J McQuater

J McQuater  
Director

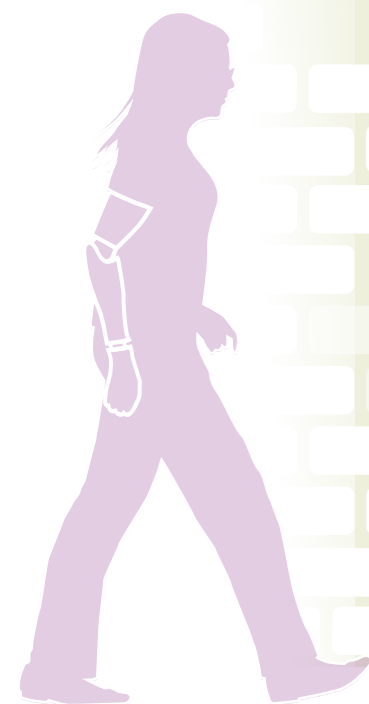
## Directors' responsibilities statement For the year ended 31 December 2021

The directors are responsible for preparing the annual report and the financial statements in accordance with applicable law and regulations.

Company law requires the directors to prepare financial statements for each financial year. Under that law the directors have elected to prepare the financial statements in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and applicable law). Under company law the directors must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the company and of the surplus or deficit of the company for that period. In preparing these financial statements, the directors are required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and accounting estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the company will continue in business.

The directors are responsible for keeping adequate accounting records that are sufficient to show and explain the company's transactions and disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.





## Independent auditor's report

To the members of the Association of Personal Injury Lawyers

### Opinion

We have audited the financial statements of Association Of Personal Injury Lawyers (the 'company') for the year ended 31 December 2021 which comprise the income and expenditure account, the balance sheet and notes to the financial statements, including significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards, including FRS 102 The Financial Reporting Standard applicable in the UK and Republic of Ireland (United Kingdom Generally Accepted Accounting Practice).

In our opinion the financial statements:

- give a true and fair view of the state of the company's affairs as at 31 December 2021 and of its deficit for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice; and
- have been prepared in accordance with the requirements of the Companies Act 2006.

### Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (UK) (ISAs (UK)) and applicable law. Our responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of our report. We are independent of the company in accordance with the ethical requirements that are relevant to our audit of the financial statements in the UK, including the FRC's Ethical Standard, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Conclusions relating to going concern

In auditing the financial statements, we have concluded that the directors' use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work we have performed, we have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the company's ability to continue as a going concern for a period of at least twelve months from when the financial statements are authorised for issue.

Our responsibilities and the responsibilities of the directors with respect to going concern are described in the relevant sections of this report.

### Other information

The other information comprises the information included in the annual report other than the financial statements and our auditor's report thereon. The directors are responsible for the other information contained within the annual report. Our opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in our report, we do not express any form of assurance conclusion thereon. Our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the course of the audit, or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact.

We have nothing to report in this regard.



## Independent auditor's report

To the members of the Association of Personal Injury Lawyers

### Opinions on other matters prescribed by the Companies Act 2006

In our opinion, based on the work undertaken in the course of our audit:

- the information given in the directors' report for the financial year for which the financial statements are prepared is consistent with the financial statements; and
- the directors' report has been prepared in accordance with applicable legal requirements.

### Matters on which we are required to report by exception

In the light of the knowledge and understanding of the company and its environment obtained in the course of the audit, we have not identified material misstatements in the directors' report.

We have nothing to report in respect of the following matters where the Companies Act 2006 requires us to report to you if, in our opinion:

- adequate accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of directors' remuneration specified by law are not made; or

- we have not received all the information and explanations we require for our audit; or

- the directors were not entitled to prepare the financial statements in accordance with the small companies regime and take advantage of the small companies' exemption in preparing the directors' report and take advantage of the small companies exemption from the requirement to prepare a strategic report.

### Responsibilities of directors

As explained more fully in the directors' responsibilities statement, the directors are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view, and for such internal control as the directors determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error. In preparing the financial statements, the directors are responsible for assessing the company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the company or to cease operations, or have no realistic alternative but to do so.

### Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. We design procedures in line with our responsibilities, outlined above, to detect material misstatements in respect of irregularities, including fraud. The extent to which our procedures are capable of detecting irregularities, including fraud, is detailed below.

We assessed the susceptibility of the company's financial statements to material misstatement and how fraud might occur, including through discussions with the directors, discussions within our audit team planning meeting, updating our record of systems and ensuring these systems operated as intended. We evaluated possible incentives and opportunities for fraudulent manipulation of the financial statements. We identified laws and regulations that are of significance in the context of the company by

discussions with directors and by updating our understanding of the sectors in which the company operates.

Laws and regulations of direct significance in the context of the company including the Companies Act 2006 and UK Tax legislation.

Other laws and regulations that do not have a direct effect on the financial statements but compliance with which may be fundamental to their ability to operate or to avoid a material penalty include anti-bribery legislation, health and safety legislation and employment law.

We identified revenue recognition to be the area most susceptible to the risk of material misstatement due to a fraud and non-compliance.

Audit response to risks identified.

We consider the extent of compliance with these laws and regulations as part of our audit procedures on the related financial statements items including a review of financial statement disclosures.

During the planning meeting with the audit team, the engagement partner drew attention to the key areas which might involve non-compliance with laws and regulations or fraud. We enquired of management whether they were aware of any instances of non-compliance with laws and regulations or knowledge of any actual, suspected or alleged fraud. We assessed the risk of fraud through management override of controls by testing the appropriateness or journal entries and identifying any significant transactions that were unusual or outside the normal course of business. We assessed whether judgements made in making

accounting estimates gave rise to a possible indication of management bias. At the completion stage of the audit, the engagement partner's review included ensuring that the team had approached their work with appropriate professional scepticism and thus capacity to identify non-compliance with laws and regulations and fraud.

There are inherent limitations in the audit procedures described above and the further removed non-compliance with laws and regulations is from the events and transactions reflected in the financial statements, the less likely we would become aware of it. Also, the risk of not detecting a material misstatement due to fraud is higher than the risk of not detecting one resulting from error, as fraud may involve deliberate concealment by, for example, forgery or intentional misrepresentations, or through collusion.

A further description of our responsibilities is available on the Financial Reporting Council's website at: <https://www.frc.org.uk/auditorsresponsibilities>. This description forms part of our auditor's report.

Jason Seagrave

Jason Seagrave ACCA  
(Senior Statutory Auditor)

For and on behalf of Seagrave  
French LLP

Statutory Auditor

1 Poplars Court  
Lenton Lane  
Nottingham  
NG7 2RR

## Financial Statements

These financial statements have been prepared in accordance with the provisions applicable to companies subject to the small companies regime.

The financial statements were approved by the board of directors and authorised for issue on 14 March 2022 and are signed on its behalf by:

J Greenfield

J Greenfield  
Director

Company Registration  
No.2889757

### Income and expenditure account For the year ended 31 December 2021

Income	2021 £	2020 £
Cost of sales	1,615,614 (445,182)	1,541,141 (339,911)
<b>Gross surplus</b>	<b>1,170,432</b>	<b>1,201,230</b>
Administrative expenses	(1,177,594)	(1,199,738)
<b>Operating (deficit)/surplus</b>	<b>(7,162)</b>	<b>1,492</b>
Interest receivable and similar income	114	679
Interest payable and similar expenses	(17)	(1,275)
<b>(Deficit)/surplus before taxation</b>	<b>(7,065)</b>	<b>896</b>
<b>Tax on (deficit)/surplus</b>	<b>-</b>	<b>2</b>
<b>(Deficit)/surplus for the financial year</b>	<b>(7,065)</b>	<b>898</b>

### Balance sheet As at 31 December 2021

	Notes	2020		2019	
		£	£	£	£
<b>Fixed assets</b>					
Tangible assets	5		450,658		465,880
<b>Current assets</b>					
Debtors	6	95,658		98,593	
Cash at bank and in hand		877,013		921,422	
<b>Creditors: amounts falling due within one year</b>	7	972,671 (359,139)		1,020,015 (414,640)	
<b>Net current assets</b>			613,532		605,375
<b>Net assets</b>			1,064,190		1,071,255
<b>Reserves</b>					
Income and expenditure account			1,064,190		1,071,255
<b>Members' funds</b>			1,064,190		1,071,255

## Notes to the financial statements

For the year ended 31 December 2021

### 1 Accounting policies

#### Company information

Association Of Personal Injury Lawyers is a private company limited by guarantee incorporated in England and Wales. The registered office is Unit 3 Alder Court, Rennie Hogg Road, Nottingham, Nottinghamshire, England, NG2 1RX.

### 1.1 Accounting convention

These financial statements have been prepared in accordance with FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" ("FRS 102") and the requirements of the Companies Act 2006 as applicable to companies subject to the small companies regime. The disclosure requirements of section 1A of FRS 102 have been applied other than where additional disclosure is required to show a true and fair view.

The financial statements are prepared in sterling, which is the functional currency of the company. Monetary amounts in these financial statements are rounded to the nearest £.

The financial statements have been prepared under the historical cost convention, modified to include the revaluation of freehold properties and to include investment properties and certain financial instruments at fair value. The principal accounting policies adopted are set out below.

### 1.2 Income and expenditure

Membership subscriptions to the association cover a period of twelve months to 31 March each year. Subscriptions received during the year have been credited to the income and expenditure account, subject to the deferral of three months of each subscription, representing that portion attributable from 1 January 2021 to 31 March 2021.

Other income represents income from conferences, training events and publishing, and is recognised when the contractual obligations of the service for which the receipt relates have been delivered.

Expenses are included in the financial statements as they become receivable or due.

Expenses include VAT where applicable as the company cannot reclaim it.

### 1.3 Tangible fixed assets

Tangible fixed assets are initially measured at cost and subsequently measured at cost or valuation, net of depreciation and any impairment losses.

Depreciation is recognised so as to write off the cost or valuation of assets less their residual values over their useful lives on the following bases:

Freehold land and buildings 2% on cost

Plant and equipment 20% on cost

The gain or loss arising on the disposal of an asset is determined as the difference between the sale proceeds and the carrying value of the asset, and is credited or charged to surplus or deficit.

## Notes to the financial statements

**1.4 Impairment of fixed assets**

At each reporting period end date, the company reviews the carrying amounts of its tangible assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss (if any). Where it is not possible to estimate the recoverable amount of an individual asset, the company estimates the recoverable amount of the cash-generating unit to which the asset belongs.

Recoverable amount is the higher of fair value less costs to sell and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset for which the estimates of future cash flows have not been adjusted.

If the recoverable amount of an asset (or cash-generating unit) is estimated to be less than its carrying amount, the carrying amount of the asset (or cash-generating unit) is reduced to its recoverable amount. An impairment loss is recognised immediately in surplus or deficit, unless the relevant asset is carried at a revalued amount, in which case the impairment loss is treated as a revaluation decrease.

Recognised impairment losses are reversed if, and only if, the reasons for the impairment loss have ceased to apply. Where an impairment loss subsequently reverses, the carrying amount of the asset (or cash-generating unit) is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset (or cash-generating unit) in prior years. A reversal of an impairment loss is recognised immediately in surplus or deficit, unless the relevant asset is carried at a revalued amount, in which case the reversal of the impairment loss is treated as a revaluation increase.

Cash and cash equivalents are basic financial assets and include cash in hand, deposits held at call with banks, other short-term liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities.

**1.5 Cash and cash equivalents**

Cash and cash equivalents are basic financial assets and include cash in hand, deposits held at call with banks, other short-term liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities.

**1.6 Financial instruments**

The company has elected to apply the provisions of Section 11 'Basic Financial Instruments' and Section 12 'Other Financial Instruments Issues' of FRS 102 to all of its financial instruments.

Financial instruments are recognised in the company's balance sheet when the company becomes party to the contractual provisions of the instrument.

Financial assets and liabilities are offset, with the net amounts presented in the financial statements, when there is a legally enforceable right to set off the recognised amounts and there is an intention to settle on a net basis or to realise the asset and settle the liability simultaneously.

**Basic financial assets**

Basic financial assets, which include debtors and cash and bank balances, are initially measured at transaction price including transaction costs and are subsequently carried at amortised cost using the effective interest method unless the arrangement constitutes a financing transaction, where the transaction is measured at the present value of the future receipts discounted at a market rate of interest. Financial assets classified as receivable within one year are not amortised.

**Classification of financial liabilities**

Financial liabilities and equity instruments are classified according to the substance of the contractual arrangements entered into. An equity instrument is any contract that evidences a residual interest in the assets of the company after deducting all of its liabilities

**Basic financial liabilities**

Basic financial liabilities, including creditors, bank loans, loans from fellow group companies and preference shares that are classified as debt, are initially recognised at transaction price unless the arrangement constitutes a financing transaction, where the debt instrument is measured at the present value of the future payments discounted at a market rate of interest. Financial liabilities classified as payable within one year are not amortised.

Debt instruments are subsequently carried at amortised cost, using the effective interest rate method.

Trade creditors are obligations to pay for goods or services that have been acquired in the ordinary course of business from suppliers. Amounts payable are classified as current liabilities if payment is due within one year or less. If not, they are presented as non-current liabilities. Trade creditors are recognised initially at transaction price and subsequently measured at amortised cost using the effective interest method.

**1.7 Taxation**

The company is exempt from corporation tax, it being a company not carrying on a business for the purposes of making a profit.

**1.8 Employee benefits**

The costs of short-term employee benefits are recognised as a liability and an expense, unless those costs are required to be recognised as part of the cost of stock or fixed assets.

The cost of any unused holiday entitlement is recognised in the period in which the employee's services are received.

Termination benefits are recognised immediately as an expense when the company is demonstrably committed to terminate the employment of an employee or to provide termination benefits.

**1.9 Retirement benefits**

Payments to defined contribution retirement benefit schemes are charged as an expense as they fall due.

**1.10 Foreign exchange**

Transactions in currencies other than pounds sterling are recorded at the rates of exchange prevailing at the dates of the transactions. At each reporting end date, monetary assets and liabilities that are denominated in foreign currencies are retranslated at the rates prevailing on the reporting end date. Gains and losses arising on translation in the period are included in profit or loss.



## Notes to the financial statements

**2** Judgements and key sources of estimation uncertainty

In the application of the company's accounting policies, the directors are required to make judgements, estimates and assumptions about the carrying amount of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised where the revision affects only that period, or in the period of the revision and future periods where the revision affects both current and future periods.

**3** Employees

The average monthly number of persons (including directors) employed by the company during the year was:

2021  
**25**  
employees

2020  
**25**  
employees

**4** Membership subscriptions

	2021	2020	2021	2020
	No	No	£	£
Practitioner members	2,446	2,506	554,422	579,900
Student members	5	3	280	175
Paralegal members	75	84	8,905	10,760
Academic members	5	7	550	715
Overseas members	57	57	6,110	6,705
Associate members	82	62	11,085	10,150
Barrister	36	35	6,390	7,470
Other member	5	4	1,105	790
Complimentary members	495	492		
<b>Total</b>	<b>3,206</b>	<b>3,250</b>	<b>588,847</b>	<b>616,665</b>
Add deferred income brought forward			154,013	160,561
Less deferred income carried forward			(146,737)	(154,013)
			596,123	623,213
Corporate accreditation income received in the year			43,751	41,310
Add deferred income brought forward			15,663	18,163
Less deferred income carried forward			(21,169)	(15,663)
			38,245	43,810
<b>Total</b>			<b>634,368</b>	<b>667,023</b>

**5** Tangible fixed assets

	Land and buildings	Plant and machinery	Total
Cost	£	£	£
At 1 January 2021	577,135	54,608	631,743
Additions		1,549	1,549
Disposals		(1,596)	(1,596)
At 31 December 2021	577,135	54,561	631,696
<b>Depreciation and impairment</b>			
At 1 January 2021	126,970	38,893	165,863
Depreciation charged in the year	11,543	5,228	16,771
Eliminated in respect of disposals		(1,596)	(1,596)
At 31 December 2021	138,513	42,525	181,038
<b>Carrying amount</b>			
At 31 December 2021	438,622	12,036	450,658
At 31 December 2020	450,165	15,715	465,880

**6** Debtors

	2021	2020
Amounts falling due within one year:	£	£
Trade debtors	64,228	47,417
Other debtors	31,430	51,176
	95,658	98,593



## Notes to the financial statements

**7** Creditors

	2021	2020
Amounts falling due within one year	£	£
Trade creditors:	38,892	41,057
Taxation and social security	36,386	134,793
Other creditors	283,861	238,790
	359,139	414,640

**8** Members' liability

The company is limited by guarantee, not having a share capital and consequently the liability of members is limited, subject to an undertaking by each member to contribute to the net assets or liabilities of the company on winding up such amounts as may be required not exceeding £1

**9** Related party transactions

During the year the following amounts have been paid to directors either directly or to companies controlled by them. All transactions are at arm's length and are on normal commercial terms.

	2021	2020
Training Fees:	£	£
J McQuater	54,072	67,430
B Dixon	39,175	35,671
R Baker	1,720	3,010
S Elsby	3,190	2,339

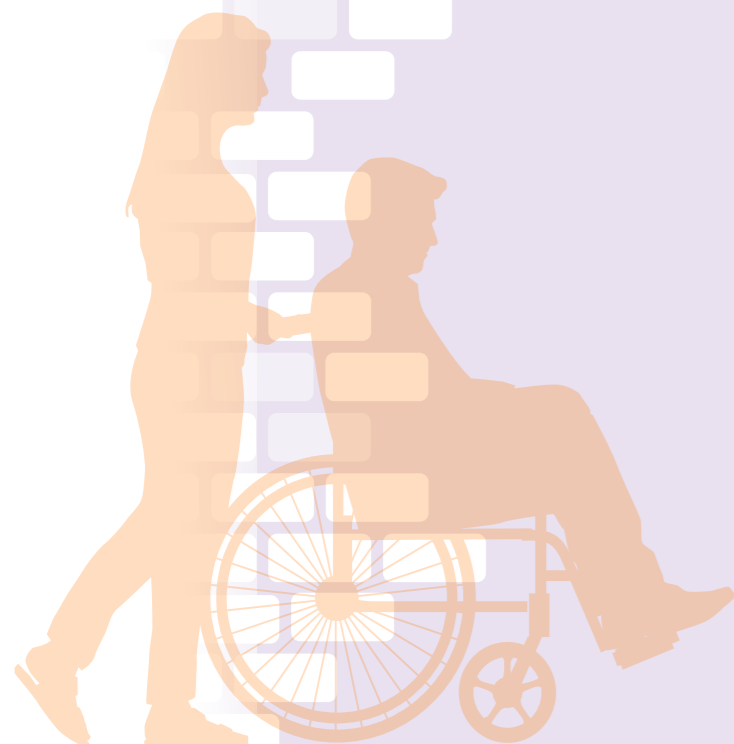
## Detailed trading and income and expenditure account

For the year ended 31 December 2021

	2021	2020		
Income	£	£	£	£
Membership and Accreditation		723,561		750,972
Conference, SIGS and regional meetings		250,387		155,245
Training events		573,756		569,039
Publishing		67,910		65,885
		1,615,614		1,541,141

**Cost of sales**

Purchases and other direct costs				
Membership	880		10,160	
Conference	145,586		534	
Training events	181,345		183,463	
Legal affairs and research	11,547		39,575	
Publishing	78,407		77,557	
Public affairs	27,417		28,622	
Total purchases and other direct costs	445,182		339,911	(868,435)
Total cost of sales		(445,182)		(339,911)
Gross surplus	72.45%	1,170,432	77.94%	1,201,230




Notes to the financial statements

	2021		2020	
	£	£	£	£
<b>Administrative expenses</b>				
Wages and salaries	807,103		794,429	
Social security costs	71,569		72,547	
Staff training	2,711		335	
Staff pension costs defined contribution	38,495		37,609	
Property costs	47,279		52,425	
Insurance	7,561		9,333	
Travelling expenses	190		914	
Legal and professional fees	13,029		11,728	
Audit fees	4,997		5,000	
Bank charges	1,515		1,957	
Credit card charges	14,753		12,806	
Printing and stationery	23,669		23,958	
Telecommunications	25,040		20,609	
Other costs	46,171		109,392	
Executive committee	8,327		11,189	
IT costs	20,665		18,506	
Depreciation	16,774		17,001	
Intervention/JR fund	26,423			
		(1,177,594)		(1,199,738)
<b>Operating (deficit)/surplus</b>		(7,162)		1,492
<b>Interest receivable and similar income</b>				
Bank interest received	114		679	
		114		679
<b>Interest payable and similar expenses</b>				
Mortgage interest		(17)		(1,275)
<b>(Deficit)/surplus before taxation</b>	0.44%	(7,065)	0.06%	896



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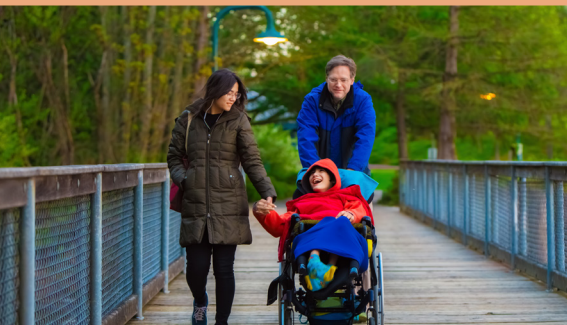


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