

The 2007 Rehabilitation Code - Making a real difference to injured people

The Rehabilitation Code provides an approved framework for injury claims within which claimant representatives and compensators can work together. Whilst the Code is voluntary, the court Pre-action Protocol provides that its use should be considered for all types of personal injury claims. The objective is to ensure that injured people receive the rehabilitation treatment they need to restore quality of life and earning capacity as soon as possible and for as long as the parties believe it is appropriate.

The important features of the Code are:

- 1 the claimant is put at the centre of the process
- 2 the claimant's lawyer and the compensator work on a collaborative basis to address the claimant's needs, from first early notification of the claim and through early exchange of information
- 3 the need for rehabilitation is addressed as a priority and sometimes before agreement on liability. Fixed time-frames support the Code's framework
- 4 rehabilitation needs are assessed by those who have the appropriate qualification, skills and experience
- 5 the choice of rehabilitation assessor and provider should, wherever possible, be agreed by the claimant lawyer and the compensator
- 6 initial rehabilitation assessments can be conducted by telephone or personal interview, according to case type and the resulting report should deal with matters specified in the Code.
- 7 the claimant is not obliged to undergo treatment or intervention that is considered unreasonable.
- 8 the compensator will pay for any agreed assessment of rehabilitation needs and must justify a refusal to follow any of the rehabilitation recommendations
- 9 the initial rehabilitation assessment process is outside the litigation process
- 10 where rehabilitation has been provided under the Code, the compensator will not seek to recoup its cost, if the claim later fails in whole or part.

The new 2007 Code simplifies the original version, first published in 1999, at the same time as underlining the important principles. It has the support of all the important stakeholders in the claims process including the ABI, IUA, APIL, FOIL, MASS, the Civil Justice Council and major insurers.

To download the full version of Code, go to www.rehabcode.org

For enquiries, email rehab@iua.co.uk

Time Scales

Claimant Solicitor	<ul style="list-style-type: none"> • Duty of every claimant solicitor to consider from the earliest practicable stage in consultation with the claimant/their family and if appropriate treating physicians the need for rehabilitation • Give earliest possible notification to compensator of the claim and need for rehabilitation • Where the need for rehabilitation is identified by the compensator, the claimant solicitor shall consider this immediately with the claimant and/or the claimant's family
Compensator	<ul style="list-style-type: none"> • Shall equally consider and communicate at earliest practicable stage whether the claimant will benefit from rehabilitation • Where the need for rehabilitation is notified to the compensator by the claimant solicitor, the compensator will respond within 21 days
Parties	<ul style="list-style-type: none"> • Consider choice of assessor and object to any suggested assessor within 21 days of nomination
Immediate Needs Assessor	<ul style="list-style-type: none"> • Assessment to occur within 14 days of referral letter • Provide report simultaneously to parties
Compensator	<ul style="list-style-type: none"> • Pay for report within 28 days of receipt • Respond substantively to recommendations to claimant solicitor within 21 days of receipt of report