

CMC/BICMA/NMH SCHEME

1. It is widely recognised that since the introduction of The Rehabilitation Code in personal injury claims, many thousands of people who would otherwise have had little or no immediate rehabilitation have benefited from expert care and assistance. This has been of clear importance to the injured person and it is also of significant benefit to the insurer in promoting the best outcome as well as to the State in reducing the dependency upon NHS provision.
2. BICMA, the Bodily Injury Claims Management Association which draws representatives from all sides of the personal injury world together and instigated the principle of immediate needs assessment in personal injury claims so as to allow an injured person early access to appropriate rehabilitation is pleased that it remains a vital piece of the compensation jigsaw. BICMA is therefore a strong supporter of The Rehabilitation Code. Unfortunately, disputes can arise between the parties as to the direction that such rehabilitation should take and, on occasions, the choice of individual providers. This creates inappropriate delay.
3. To avoid this slough of inaction, BICMA is promoting proportionate resolution of such disputes through telephone mediation. It believes that the provider of the service should be neutral and national, offering readily accessible mediation at an affordable fee.
4. Following discussions with the MOJ, HMCS, and the Civil Mediation Council (CMC), BICMA is to fund a pilot scheme under the National Mediation Helpline (NMH)'s auspices to see whether telephone mediation would offer a viable and reasonably successful option for the resolution of rehabilitation disputes.
5. BICMA is funding and promoting the pilot scheme across the industry. It will also monitor on an anonymised basis the use of the pilot.
6. BICMA is working closely with the MOJ, HMCS, and NMH, as well as liaising with the CMC, during the establishment and life of the pilot. It is entrusting the running of the pilot to the NMH and its service provider and will not seek to interfere with operational matters, but will provide such support and assistance as is reasonably necessary. BICMA will publicise this scheme with the MOJ and CMC.
7. The pilot scheme was announced on 26th April 2007.
8. The life of the pilot is for 25 funded telephone mediations. It is anticipated that the scheme will run for 12 months.

Outline of the operation of the Scheme

9. The scheme is intended to allow parties to resolve disputes concerning rehabilitation to refer them to a mediator appointed from a panel coordinated by the National Mediation Helpline (NMH).
10. One, or both, parties may contact the NMH and ask for a referral under the NMH BICMA Scheme. The process thereafter is similar to that of any other NMH request with the main

difference being that the panel for use in the pilot scheme is defined in advance (see below) and instead of a referral on a regional/rota basis to a provider, the NMH operator will refer to the next BICMA panel member.

11. The NMH operator will contact the next BICMA panel member and ensure that there is no conflict. Assuming that there is no conflict, the NMH operator will then confirm the appointment to the parties and the address to which the dispute summary should be sent.
12. The parties will then send a one page summary of their view on the dispute to the mediator. Once the mediator has received the summaries she/he will contact the parties by email to propose a date and time for the telephone mediation.
13. Once the date and time have been agreed, the insurer/defendant will arrange the telephone legal call with its chosen provider.
14. At the same time, the mediator will notify the NMH of the date and time for the hearing.
15. The mediator will then conduct the hearing and, on completion, notify the NMH of the outcome. The mediator will also complete such research forms as may reasonably be required by Dr Auty.
16. The NMH will notify the Treasurer of BICMA who will despatch a cheque made payable to the mediator.
17. The NMH will keep a record of the number of mediations undertaken under the pilot scheme. When this has reached 25, the NMH will notify the Secretary of the CMC and an urgent meeting will be arranged to look at future arrangements for the scheme.

Monitoring of panel

18. Dr Andrew Auty, an Oxford academic and a member of BICMA, has agreed to monitor the work of the panel as indicated above. He will be given necessary access to anonymous NMH records and will collate and present the results of his research of the pilot scheme to BICMA after 25 mediations. This research will be passed to the MOJ and CMC.

The BICMA Scheme pilot panel

19. Five carefully selected volunteers are accepting mediations under the scheme so that they can report back with the advantage of five mediations each. They are:

Paul Randolph	RPSPC	London
David Cook	LADR	London
Judith Kelbie	LDDR	Leeds
Steven C Jones	SOUTHERNHAY	Exeter
John Gunner	InterResolve	London

20. Jonathan Dingle as BICMA's representative is being kept informed of progress and is acting as a referee for appointments. In the unlikely event that none of the five are available a contingency plan exists.
21. Contact details for the five volunteers for the pilot scheme are held by the NMH. These include mobile telephone numbers and emails.