



NOISE-INDUCED HEARING LOSS (NIHL)

WORKING GROUP

Terms of Reference

The purpose of this working group, as outlined by the Letter from Lord Faulks dated 13th July 2015 is to make recommendations to the Government on:

1. How a fixed costs regime for NIHL cases (and perhaps other similar cases) might work, and
2. How the handling of NIHL claims might be improved by both claimant and defendant representatives (including how evidence is obtained and presented).

The initial work under 1 will relate to the possible structure of such a regime, rather than the values of the fees themselves. The group may outline more than one optional structure. The structure(s) will be informed by the proposals for improved handling under 2, which could include both pre- and post-issue procedures and the way in which medical evidence is commissioned.

It is envisaged that the working group will operate in two stages.

- First, having identified the concerns of both claimants and defendants and their lawyers over the conduct of these claims, it will discuss and agree broad ideas for handling cases that would help meet those concerns. It will also outline a possible overall structure (or structures) for a fixed costs system.
- Second, in the light of initial feedback from the Ministry of Justice, it will look in more detail at how the improvements and fixed costs structure could be implemented. This work may include recommendations as to the level of fixed costs themselves or how they could be calculated..

The group will aim to make an initial report to the CJC by no later than November 2015 and a final report to the April 2016 meeting.

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17 August 2015