**myth buster**

**Read the newspapers and you might think there is a “compensation culture” running wild in the UK. The truth, however, is very different.**

**Here’s the #RepairTheRightBody myth buster.**

**Myth:** **People are making claims for anything bad that happens to them.**

**Truth:** It’s not a free-for-all. The law has been the same for decades – you can only make a claim if you suffer a loss caused by the negligence of another person.

**Myth: The number of claims for whiplash is going up and up.**

**Truth:** Government figures show that claims for neck and back injuries arising from car crashes (the definition of whiplash) is actually going down and down. The number of whiplash claims registered in 2015/16 was 41% lower than in 2010/11.

**Myth: People are trying it on all the time.**

**Truth:** Fewer than 3% of the 29 million motor insurance policy holders in the UK make a road traffic injury claim.

**Myth: People are putting in false claims because it’s easy money.**

**Truth:** The insurance industry’s own figures show that less than 1% of claims are considered fraudulent. And that includes cases that they think are fraudulent but haven’t been proved as such in court.

**Myth: It is lawyers and claims companies whipping up people to claim.**

**Truth:** A survey by Aviva in 2014 indicated that 55% of drivers who made an injury claim went through their insurers. Only 9% went through a claims company.

Also, the ‘no win, no fee’ system means that it makes no sense for solicitors to take on bad claims that insurers fight. That’s why 95% of cases like this are won.

**Myth: These are simple cases that anyone can do in the Small Claims Court.**

**Truth:** A case may be relatively low value but that does not make it simple. Do you know how to prove liability, causation and quantum? And then calculate the appropriate interest? Do you know how to organize witnesses of fact and bring them to court? Or brief medical or expert witnesses and get them to court too? Can you pay for medical and other reports?

This is not easy and is why insurance companies will continue to use lawyers, whatever court the case is in.

**Myth: It’s good for society if claims like this are reduced.**

**Truth:** It’s not good on several levels. If people are injured and decide not to claim because it’s too difficult or not worth it, then the cost of treating them will fall on the NHS and the cost of sickness benefit on the government. If there is a claim, these costs can be recovered from the negligent driver’s insurer.

It is wrong that people injured by the negligent driving of another should not be compensated for the losses they have suffered. That is what the law is there for.