

<u>Road Traffic Accidents: Possible Fraud Indicators and Investigations</u>	<u>Notes Column</u>
<u>Andrew Mckie Barrister at Law – Clerksroom – March 2012</u>	
<u>Telephone 0845 083 3000 or go to www.clerksroom.com</u>	
<u>Slam On Collision Allegations</u>	
The claimant slams on their brakes for no reason causing the defendant to collide with the rear of their vehicle. These collisions may sometimes happen on a roundabout or at slow speed. The following factors may indicate a case is being investigated as a ‘slam on’:-	
Does the defendant allege that the claimant slammed on their brakes for no reason, inducing the collision?	
Did the accident happen at a roundabout, or at a slow speed? Is there an unidentified vehicle, the defendant says was driving in convoy with the claimant’s vehicle, which caused it to brake without warning?	
Does the defendant say that the claimant did not show any brake lights?	
What evidence can you obtain to investigate these allegations? <ol style="list-style-type: none"> 1. Consider obtaining a detailed witness statement from the claimant confirming what caused the claimant to stop. 2. Are the passengers/ witnesses able to confirm what caused the claimant to stop? 3. Is there any CCTV footage? 4. Were the claimant’s brake lights working? Does the engineer support this? 5. Consider obtaining the defendant’s statement. Why does the defendant say the claimant had no reason to stop? Did the defendant have a clear view of the accident? 	
<u>Staged/ Contrived Allegations</u>	
The defendant alleges that that the accident did not occur at all or was set up in order to claim compensation. One or more of these factors may indicate a staged/ contrived accident or a case is being investigated as such:-	
Did the accident happen late at night in remote location i.e car park, storage yard etc?	
Did the accident happen in ‘fraud hotspot’ i.e Manchester, Bolton, Birmingham, London?	
Were there a large number of claimants in each vehicle?	
Is the vehicle damage inconsistent with the accident circumstances? (obtain photographs for both vehicles)	
Do the vehicles look like they have they have collided with a solid object, as opposed to another vehicle? (look for V shape indentations)	
Has the insurer advised that indemnity has been refused or being investigated/ advised that they will not accept service of proceedings for the policy holder/	

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wish to be added as second defendant if proceedings are issued?	
Has the defendant advised that they cannot trace the policyholder?	
Has the insurer asked to interview the claimant or to instruct an investigator to see them?	
Has the defendant asked to inspect the claimant's vehicle or instruct a forensic investigator to examine it?	
Has the defendant raised a large number of part 18 questions about the accident circumstances?	
Does the claimant's version of events tally with the passenger version of events, in terms of how the accident happened, where the claimant was travelling to, where the claimant had travelled from, the damage to the vehicles recorded, what was said by the parties, how many people were in each vehicle?	
Is the claimant none co-operative or vague, when asked for information about how the accident happened?	
Has the defendant asked for details of the claimant's previous accident history?	
Has the defendant asked to review the claimant's medical records?	
Are there a large number of personal injury claims from both vehicles for the same accident or a high value storage and recovery claim or credit hire claim?	
<p>What evidence can you obtain to investigate these allegations?</p> <ol style="list-style-type: none"> 1. Consider obtaining a detailed witness statement from the claimant, any passengers and witnesses confirming:- <ol style="list-style-type: none"> a) Where the accident happened b) Exactly how it happened c) The time it happened d) The damage to the claimant's vehicle. e) The damage to the other vehicle f) Who was in the claimant's car and how do they know to the claimant. g) Who was in the defendant's car including descriptions of the people. h) Where they are travelling from. i) Where they were travelling to. j) What was said after the accident, by the parties k) How everyone got home l) Detailed descriptions of any previous accidents. 2. Compare the responses of all the claimant and passenger statements for consistency. 3. Consider obtaining engineering evidence for both vehicles, including colour photos and compare the damage for consistency 4. Consider getting medical reports reviewed again with full GP and hospital records. Did the claimant attend the GP/ hospital? 5. Consider allowing inspection of the claimant's vehicle. If it has been sold find out from the claimant who it was sold to and the contact number. 6. Is the claimant a credible witness? 	

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7. Consider asking the claimant to come in for interview to assess the claimant's credibility.	
<u>Bogus Passenger Allegations</u>	
The defendant alleges that although the accident is genuine, one or more passengers were not present in the vehicle.	
The defendant alleges that a driver or passenger was not present in the vehicle.	
The defendant asks to confirm how many people were in the vehicle and where they were sat.	
<p>What evidence can you obtain to investigate these allegations?</p> <ol style="list-style-type: none"> 1. Consider obtaining a detailed witness statement from the claimant, any passengers and witnesses confirming- <ol style="list-style-type: none"> a) Where the accident happened b) Exactly how it happened c) The time it happened d) The damage to the claimant's vehicle. e) The damage to the other vehicle f) Who was in the claimant's car and how do they know to the client. g) Who was in the defendant's car, including descriptions of the people. h) Where they are travelling from. i) Where they were travelling to. j) What was said after the accident by the parties k) How everyone got home l) Detailed description of any previous accidents. 2. Confirm with all the people in the vehicle, were each person was sat. 3. Was the claimant a child? Could the defendant have missed them? 4. Did the car have blacked out windows? Is there some other reason the defendant may not have seen them? 5. Are there any witnesses who can confirm the person was there? 	
<u>Low Velocity Impact/ No collision Allegations</u>	
The Defendant alleges that the accident did not occur or occurred at such a low speed there was no injury/ no damage. The following factors may indicate a case is being investigated as an LVI claim:-	
Does the defendant say that there was no contact between the vehicles?	
Does the defendant say that there was no damage to the vehicles?	
Does the defendant say that the impact was less than 5 mph and no injury could have occurred?	
Does there appear to be no damage to either vehicle? (obtain the photographs	

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and engineering evidence)	
<p>What evidence can you obtain to investigate these allegations?</p> <ol style="list-style-type: none"> 1. Consider obtaining a detailed witness statement from the claimant, any passengers and witnesses confirming ;- <ol style="list-style-type: none"> a) The speed of both vehicles are travelling the point of collision. b) The damage sustained to both vehicles. c) The claimant's previous accident history (if any) d) Occupant movement in the vehicle, at the point of impact. 2. Consider obtaining the engineering evidence and photographs for both vehicles - is there any damage? 3. Consider obtaining the claimant's medical records – does the claimant have an accident history and has this been disclosed to the medical expert? 	
<u>Exaggerated Claim Allegations</u>	
This is a genuine accident but some elements of the claim may be inflated such as hire, storage and recovery or vehicle damage. The following factors may indicate a case is being investigated that is exaggerated in some way:-	
Has the defendant suggested that the claimant's vehicle has been a previous total loss? Was the engineer told about this?	
Is there a large claim for storage and recovery? Does the claimant have links to the storage or recovery yard?	
Is there a large hire claim? Is the claimant linked to the hire company? Can the claim for hire be justified, in terms of need for the hire vehicle and duration of the hire? Was the claimant's vehicle roadworthy?	

Andrew Mckie is a Barrister at Clerksroom specialising in claimant and defendant personal injury, credit hire, employment, costs and fraud.

Andrew undertakes claimant and defendant instructions, for the following types of work:-

- All types of interlocutory hearings including case management conferences, allocation hearings, pre-trial reviews and applications.
- Multi track, fast track and small claims track, trials and disposal hearings.
- MOJ stage 3 hearings.
- Infant approval hearings.
- All types of written advice and pleadings.

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