

Effects of advertising in respect of compensation claims for personal injuries



**Report on quantitative and qualitative research conducted
for the Department for Constitutional Affairs**

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Executive summary

- The Department for Constitutional Affairs commissioned Millward Brown to conduct research to explore the adequacy of the current regulatory regime covering advertising in respect of compensation claims for personal injuries.
 - Research involved a qualitative stage (with stakeholders and the general public) followed by a quantitative survey of adults in England and Wales.
- Findings show that there is a strong, widely-held belief that the UK has developed a culture of people making false compensation claims for personal injuries.
 - Four-fifths of those surveyed agree that “there is a culture in the UK of people making false claims for personal injuries”.
 - 50% of respondents believe a lot more people are now making false claims for personal-injury compensation than they were five years ago, compared with 39% for state benefits and 22% for home-contents insurance.
 - *However*, public mistrust does not tally with the views of professional stakeholders.
 - Between 2000 and 2005 the overall number of accident claims actually fell by 5.3%. However, two-thirds of those surveyed believe that a lot more people are receiving compensation payments for personal injuries now than they were five years ago,
- No straightforward link has been identified between public mistrust of the claims process and advertising for claims companies. Advertising is one of many influences.
 - Although advertising – and in particular TV advertising – is the primary source of awareness for personal-injury compensation, evidence suggests that it is primarily acting to reinforce negative perceptions, rather than to create them, fanning the flames of a negativity which has its roots in media coverage and word of mouth.
 - Quantitative findings indicate that exposure to negative press coverage is at least as important a factor as exposure to claims advertising, if not more so.
 - In so far as ads are contributing to public views of a ‘compensation culture’, the chief issue seems to be the weight and number of executions.
 - An increase in the number of claims ads over the last few years indicates for some that there must have been a corresponding substantial increase in claiming.
- Response to compensation-claims advertising is centred on the concept of fairness, both in the negative sense of concerns about false claiming and in the positive sense that it is opening up access to justice.
 - Advertising is not a significant barrier to claiming. Although for some it exacerbates a sense of social stigma or distaste around the whole idea of claiming (particularly higher SEGs), this needs to be balanced against the view that advertising is promoting the fact that claiming has become available to all, regardless of means.

- Advertising can in fact operate as a means of ‘normalising’ the activity of claiming, making it an increasingly acceptable option for some.
- Although a small number of those surveyed admit they “might be tempted to make an exaggerated claim for a personal injury”, findings do not suggest that exposure to advertising is driving this.
 - Despite concerns about a ‘have a go’ culture, no one in our sample who had received compensation admitted to having made one or more untrue statements in their application.
 - Stakeholders tended to be more concerned about legitimate claimants not coming forward than about spurious claims, the vast majority of which they felt were effectively being weeded out at the initial contact stage.
- Despite having strongly-held views (often negative) on the topic of injury-compensation claiming, the public has very limited understanding of what is actually involved in making a claim.
 - Aside from raising awareness of claiming as an option, and communicating the message of ‘no win, no fee’, ads are doing little to educate consumers about the subject of pursuing compensation for personal injuries.
- Some ads are actively reinforcing mis-perceptions of the claims process.
 - Ads are encouraging the popular view of claiming as an easy, straightforward process. The objective of ads to generate phone calls from potential claimants is supporting the belief, held by many, that claiming could involve just a single phone call.
 - The language of many ads reinforces the views of many that claiming might not actually involve entering a legal process.
- It is far from clear whether advertisers could, or should, be forced via regulation to do more to educate consumers
 - Revealing more about the potential complexity of claiming might put off potential legitimate claimants.
 - One claims-management company made the case that their aim was to encourage people who had had accidents to find out for free whether or not they had a claim. The phone call would be their opportunity to discover what their rights were.
- Two areas do emerge as potential causes of concern in that there is a clear risk of consumers being misled:
 - Conditional-fee arrangements
 - There is a lack of certainty, even among stakeholders, as to what ‘no win, no fee’ means and whether it protects consumers from disbursements. Consumers are, by and large, processing the term on a very basic level, primarily registering the ‘no fee’ component.
 - The need for a third-party to be at fault
 - Some ads do not mention the need for someone to be at fault for a compensation claim to be possible. While one would expect those whose injuries do not involve a third-party to be eliminated at the initial-contact stage, the omission is seen as serious by some stakeholders and a factor which could reinforce public mistrust. A high proportion of consumers are not clear on the issue of blame.
- Current advertising Codes would seem to cover the above issues, though if loop holes were being exploited, there may be a need to tighten this framework

- 'Health warnings' are generally not felt to be a solution, primarily because they tend not to cut through sufficiently
- Evidence of confusion surrounding the term 'no win, no fee', particularly among stakeholders. (Consumers tend to take it at face value.) Perhaps a need for a commonly-agreed, unambiguous industry definition.
- A feeling among some stakeholders that the focus for regulation needs to be at the initial-contact stage, the stage at which consumers are given advice, information and consultation on the process and their likelihood of winning compensation.

Background

In recent years, the topic of compensation claims for personal injuries has been much in the news and much talked about. Often the tone is negative, with a focus on false claiming and apparently excessive awards. Although a recent comprehensive report by the Government's *Better Regulation Task Force* (BRTF) has labelled as a myth the view that the UK has developed a compensation culture, mistrust persists.

There is a suggestion that some people are being persuaded to 'have a go' at obtaining compensation for 'misconceived' or 'trivial' claims, leading to increased costs for those against whom claims are made. A fear of litigation is said to be leading to excessively risk-averse behaviour on the part of local authorities, schools, hospitals, and others. Conversely, it has been suggested that negative media reporting and perceived dubious activities of some claims management companies are dissuading people from claiming when they have a valid case.

While the BRTF report stressed that reality was far removed from popular perceptions, it did criticise 'hard sell' advertising in general, and a recent campaign on NHS premises in particular. The report concluded that some advertising by claims-management companies and solicitors was inappropriate and that there was scope for a more rigorous enforcement of rules governing television and other advertising.

The Government's response to the report (November 2004) agreed with the BRTF on these matters. It added that: "We do recognise that advertising, if carried out in full accordance with the relevant codes, can provide an important means for people with genuine claims who otherwise might have difficulty accessing justice to do so".

The Department for Constitutional Affairs (DCA) is concerned to ensure that the compensation system generally is improved for people with genuine claims, and that consumers, especially those who may be vulnerable, have appropriate protection in their dealings with providers.

More recently, in speeches to a Health and Safety Executive conference (March 2005) and at the Risk and Redress Conference (November 2005) the Constitutional Affairs Secretary and Lord Chancellor referred to ensuring that people both can enforce their rights and behave responsibly; tackling any practices that encourage people to make spurious claims, and clamping down on advertising that creates false expectations about the chances of making a successful claim or receiving excessive compensation, particularly in the public sector (see also DCA's 'Making a Difference: Taking Forward Our Priorities', May 2005).

Speeches by the Prime Minister and the Constitutional Affairs Secretary and Lord Chancellor on 26 May 2005 continued this theme, referring to, respectively, 'consumers [being] misled into making claims where their cases are weak' and it being 'vital that people have accurate expectations about what the [tort] system will produce.'

On the basis of the above, the DCA, following a competitive tender process, commissioned Millward Brown to conduct research to explore the adequacy of the current regulatory regime covering advertising in respect of compensation claims for personal injuries. This research was to be conducted also with a view to providing an understanding of the views of diverse groups on the topic and to supply context for the effects of advertising. This is a key aspect of the DCA's wider programme of work to tackle the perception of compensation culture and improve the compensation system. This is part of the DCA's wider programme of work to tackle the perception of a compensation culture and improving the system for valid cases.

The Advertising Standards Authority (ASA) has been fully involved as a partner in this research project.

Method and sample

The research incorporates both qualitative and quantitative components. Full details on sample and method can be found in Appendix D and a copy of the quantitative questionnaire is included in Appendix B.

Stimulus

Stimulus used in the course of research included TV, print and radio advertising, with executions sourced by the DCA. Ads were selected using data supplied by Xtreme Information, supplemented by Thomson Intermedia. Both provided data for all relevant ads picked up during the reference period (1st August 2004 to 31st July 2005). Those to which respondents were exposed during the qualitative research were then selected on the basis of share of voice (as far as it was possible to ascertain) and on the need to include a range of key formats and messages. Fewer ads could be shown to respondents in the quantitative research due to considerations of questionnaire length and response quality. The ads tested quantitatively were chosen on the basis of qualitative findings in order to give a good spread, both in terms of tone and range of consumer response, and with a view to achieving a reasonable balance between claims-management companies and claims solicitors.

TV ads included in the qualitative phase were:

AAH – Esther Rantzen, Claim Today – Broken Leg, Fentons – Road Traffic Accident, InjuryLawyers4U – Questions, InjuryLawyers4U – Calendar, National Accident Helpline – Katy Freeman, National Accident Helpline – Natalie Bhanji, Personal Injury Careline – to camera, Personal Injury Helpline – to camera, RAC – Stairs, ACG – Silent Movie, Browell Smith and Co – Car Crash, Cartmell Shepherd – in home, Your Claim – Industrial Accidents, RAC – Keystone Cops

The following TV ads were investigated quantitatively:

Injury Lawyers4U – Questions, National Accident Helpline – Katy Freeman, Personal Injury Careline – To Camera

Radio ads included in the qualitative phase were:

Talk Legal, Claimline, AAH, Serious Injury Panel, RAC, Claims Direct, BGR Bloomer, Personal Injury Helpline

The following radio ads were investigated quantitatively:

BGR Bloomer, RAC

Print ads included in the qualitative phase were:

Saffmans, Claims for you, TalkLegal, Beresfords, injurylawyers4u (2), Lawyers United, Accident Advice Helpline (x3), Win4You, Miners and General Workers Compensation Recovery Unit, Howe & Co

The following print ads were investigated quantitatively:

Accident Advice Helpline, Win4You

Research objectives

The high-level policy questions are:

- Is the current regulatory regime covering advertising in respect of compensation claims for personal injuries adequate?
- If not, in what ways is it inadequate, and what action ought to be taken?

The overall aim of the research is to inform the development of policy in this area, establishing a sound evidence base capable of underpinning policy decisions. This translates into the following key questions:

1. What are the effects (if any) of advertising for compensation claims in respect of personal injuries, on perceptions and attitudes among the general population?
2. Specifically, what (if any) detrimental and/or beneficial effects – and what specific causes for any such effects, can be identified in respect of:
 - a) encouragement to ‘have a go’ (i.e. propensity to bring misconceived and/or spurious claims);
 - b) understanding of the law and process (including costs and risks) involved in bringing claims (i.e. to what extent does this advertising accurately communicate the process involved in bringing claims);
 - c) willingness to consider bringing genuine claims (i.e. are people encouraged to pursue genuine claims, or are they put off, perhaps due to a dislike and/or mistrust of certain aspects of advertising/types of advertiser)?
3. In what ways (if any) ought the current regulatory regime to be strengthened in order to address any detrimental effects identified?

FINDINGS

Part one – Perceptions of the claims process

1.1 Introduction

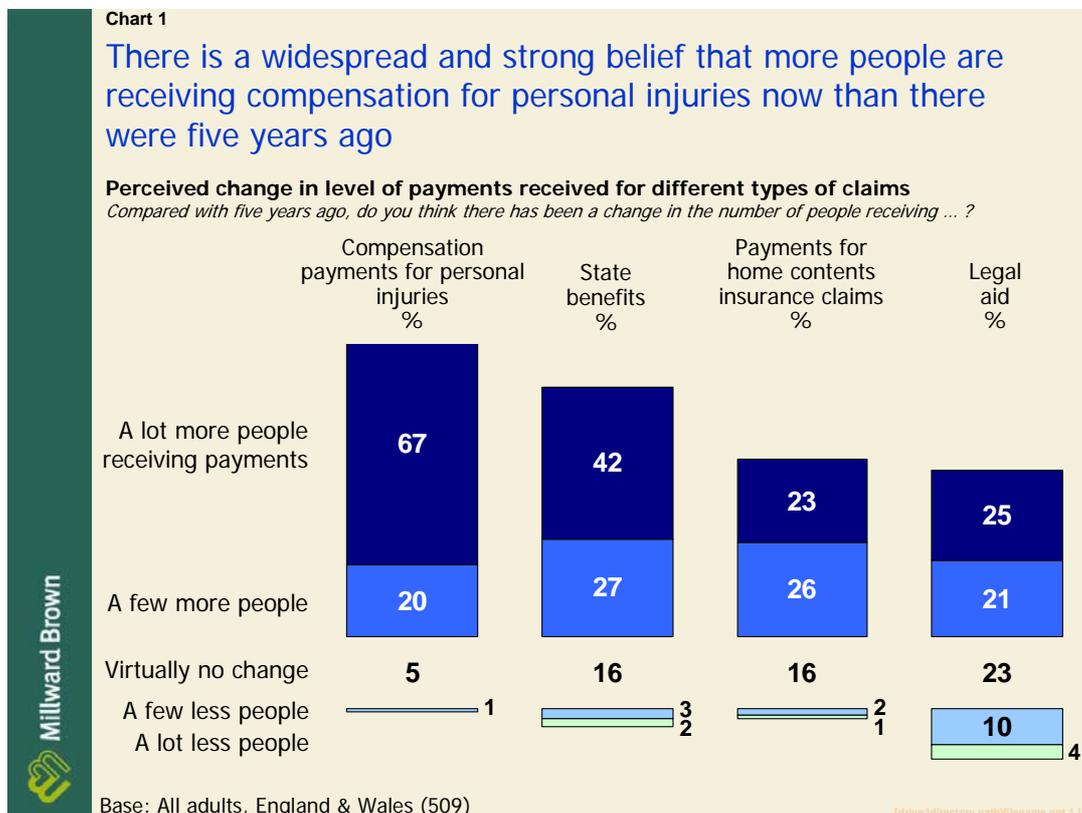
1.1.1 In this section we will look at public perceptions of the compensation claims process, a preliminary to looking at the role played by advertising in shaping such perceptions. Specifically, we will be exploring the following issues:

1. Does the public think there has been a rise in the number of people making claims for personal-injury compensation in the last five years?
2. Is there a general public view that the UK has developed a “compensation culture”?

1.1.2 In part two we will move on to look at advertising and the part it plays in shaping views of the claims process.

1.2 Findings

1.2.1 Quantitative findings suggest a very strong, very widespread belief that there has been a rise in the number of people making successful claims for personal injury compensation over the last five years. As chart one shows, 87% of those responding believe there are more people receiving payments for personal-injury compensation now than five years ago. A majority express the view that a lot more are doing so. Levels are high across all key sub-groups, with tabloid readers (72%) and regular viewers of daytime TV (76%) particularly likely to give a top-box score, the latter figure being statistically significant vs the figure for all respondents.

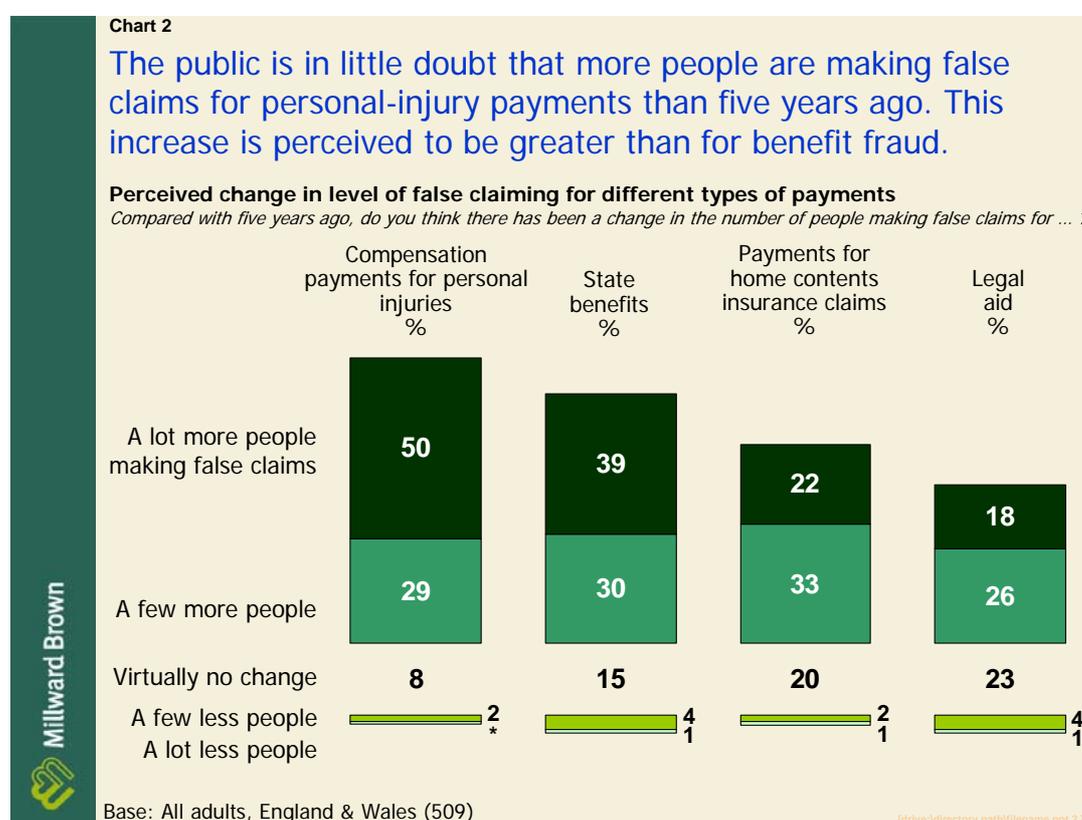


Question A3

1.2.2 To give context to these findings, respondents were also presented with three other payments for which members of the public might try to make a claim: state benefits, legal aid and home-contents insurance. Claims for personal-injury compensation are perceived to be increasing by a far higher proportion of people than claims for those other payments.¹

1.2.3 Not only is compensation claiming felt to be on the increase in general, but a majority of the public as surveyed (79%) believes there has been a specific rise in the level of *false* claiming. This is shown in chart two. Once again, almost no one believes that the level of false claiming has declined (2%) while very few (8%) feels there has been virtually no change.

1.2.4 Compensation claiming stands apart from other forms of claiming in terms of the strength of public response. Half of adult respondents in England and Wales believe a lot more people are now making false claims for personal-injury compensation than they were five years ago, significantly more than for state benefits (39%), home-contents insurance (22%) and legal aid (18%). This differs little by education level, social grade or age, though there is a significant variation by sex (men 44%, women 57%). Once again, levels are particularly high among regular tabloid readers (57%) and regular viewers of daytime TV (57%), though in this case not significantly so.



Question A4

1.2.5 Evidence from the qualitative depth interviews and focus groups support the finding of a perception among the general public that the number of people making compensation claims for personal injuries is increasing, a trend viewed in a negative light by many.

¹ The questions in this first part of the survey were put to respondents neutrally, with personal-injury compensation on an equal footing with other payments. Respondents were not told up front that the study was about compensation claims specifically, just that it was about people's attitudes towards advertising and payments. The questionnaire is included as Appendix B.

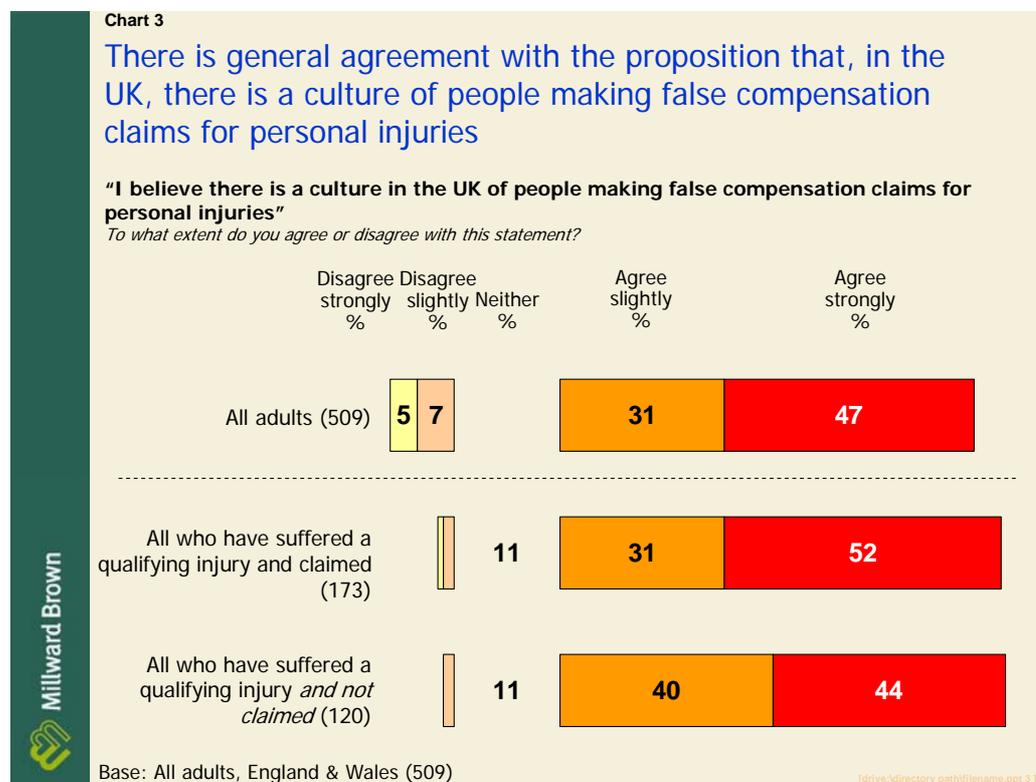
“There are genuine claims, but there are people who will try to get as much out of a situation as they can, whether they deserve it or not.” (Suffered a qualifying injury and not claimed)

1.2.6 Responses did not suggest that people were giving a lot of thought to the subject, and few spontaneous comments went beyond a simple sense of grievance at the unfairness of people claiming for things to which they were not entitled. With prompting, some participants in the qualitative general-population sample did go further, addressing the fact that everyone could potentially suffer as a result of increased premiums and taxes, though this tended only to be mentioned by respondents from higher social grade.

“[It’s wrong] because somebody somewhere is paying for it, and in the long run it’s all of us. Insurance premiums go up and so we’re all paying for claims that we don’t really need to.” (Injured, claimed)

1.2.7 A handful of qualitative participants also touched on the topic of excessive risk management, referring to the perception that some organisations are becoming highly risk adverse. This included anecdotal evidence of schools being reluctant to take children on school trips, children quoting their rights to teachers in school, etc. But generally risk management was far from central to people’s response to the topic, which findings indicate is dominated by the issue of false / exaggerated claiming.

1.2.8 Compensation claiming in general is a subject which was found to arouse strong reactions in some. However, understanding of the circumstances in which claims could be made was often limited, and for some there was even uncertainty as to whether or not one could claim for an injury that was one’s own fault, such as bumping into a door frame. It was also found that the term ‘compensation culture’ itself has little currency with the general public and certainly it was seldom used as a descriptor by qualitative participants.



Question C7

1.2.9 Other data give support to the conclusion that the public has a distrustful view of the legitimacy of many injury claims. As chart three (above)

shows, four-fifths of those sampled (79%) agree with the proposition that “there is a culture in the UK of people making false compensation claims for personal injuries”, with a majority agreeing strongly. Levels of agreement are high across almost all sub-groups, even among those who have made / attempted to make a claim themselves (83%).² Regular tabloid readers are particularly likely to endorse this statement (85%), as, to a slightly lesser degree, are regular viewers of daytime TV (81%).

1.2.10 An issue noted by many is the fact that there are no perceived negative consequences of making untrue or exaggerated claims. Some qualitative respondents spoke of the apparent impossibility of being ‘found out’, particularly when it came to whiplash, which was seen as difficult to prove or disprove.

“If you can get away with it, and you’ll benefit ... whiplash. All they ever write is ‘the symptoms are commensurate with a car bump’.” (Injury, claimed)

1.2.11 So widespread is the assumption of a recent sharp rise in claiming – and in particular false/exaggerated claiming – that one might assume such perceptions must reflect a real trend in society, that levels of compensation claims are indeed on the increase. But the evidence suggests otherwise.³ According to some stakeholders, official statistics indicate that levels of claiming are, if anything, in decline, while the recent BRTF report has described as a ‘myth’ the view of the UK having developed a ‘compensation culture’. This has been borne out by qualitative interviews conducted with professional stakeholders, many of whom express more concern about legitimate claimants not pursuing compensation to which they are entitled than about the problem of false claiming.

“We don’t have records of frivolous claims, they just won’t be pursued by qualified regulated solicitors.” (stakeholder)

1.2.12 Most of the stakeholders were broadly in agreement that there had been no significant increase in compensation claims as a whole over the course of the last three years. A significant insurer asserted that as a company they were not seeing a marked rise in spurious or speculative claims, and that the notion of a compensation culture was ‘over-cooked to say the least’. Furthermore, of those in the quantitative sample who had actually received personal-injury compensation, not one admitted to having made “one or more deliberately untrue statements” in their application.⁴

1.2.13 It seems that perceptions and reality do not match. In part two, we will explore the sources of this disconnect, specifically with reference to advertising.

² The statements in this attitude battery were a mixture of positives and negatives. In so far as possible, a ‘neutral’ stance is adopted throughout the survey, giving respondents an equal opportunity to endorse or criticise the compensation-claims process and advertising associated with it.

³ “Between 2000 and 2005 the overall number of accident claims fell by 5.3%. Over the same period, accident claims against local authorities, schools, volunteering organisations and other public sector bodies fell by 7.5%.” Prime Minister’s speech on Compensation Culture given at University College London, 26th May 2005. See also figures quoted in Better Regulation Task Force report – “Better Routes to Redress”, May 2004.

⁴ This question was asked as part of a confidential, self-completion section of the survey, where respondents were assured of anonymity and encouraged to be honest.

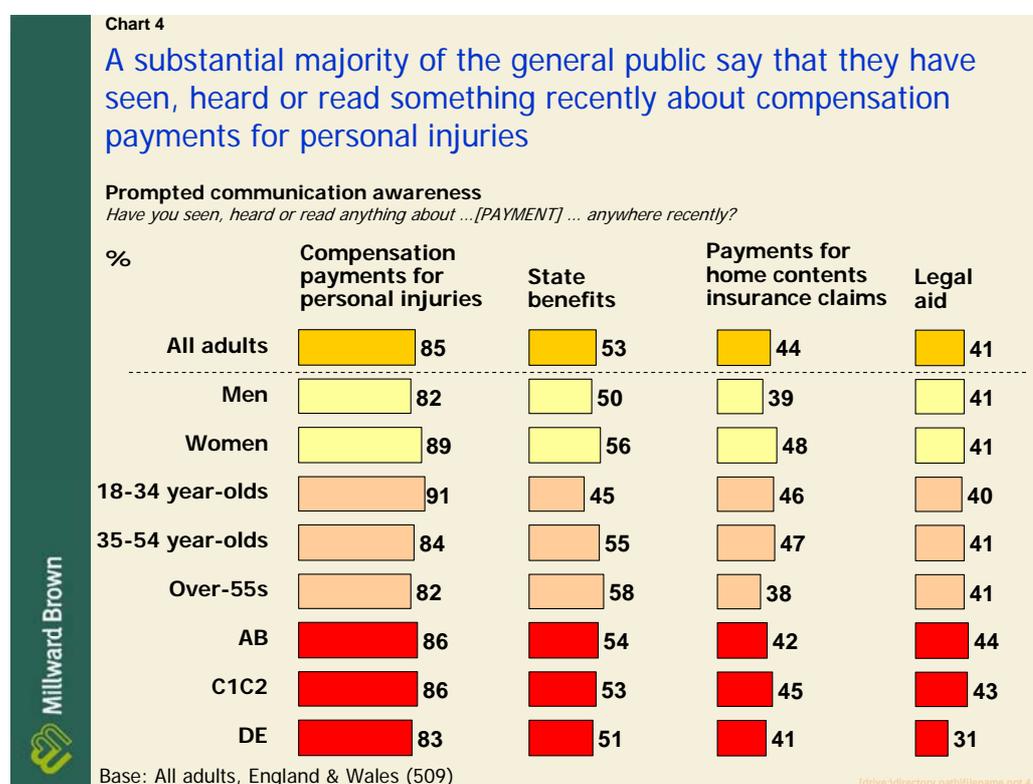
Part two – The role of advertising in general on perceptions

2.1 Introduction

2.1.1 We have seen that there is a strong, widely-held belief that the UK has developed a culture of people making false compensation claims for personal injuries. Yet we have also seen that such views do not tie in with the available evidence. The next stage is to understand what is shaping popular perceptions. In part two, we will investigate the role played by advertising in the context of the range of factors that influence people's views of the claims process.

2.2 Sources of awareness

2.2.1 A substantial majority of adults sampled say that they have 'seen, heard or read something recently' about compensation payments for personal injuries (85%), significantly above the levels recorded by home-contents insurance, state benefits and legal aid. As chart four shows, this level does not fall below 80% for any of the main demographic sub-groups.



Question A1

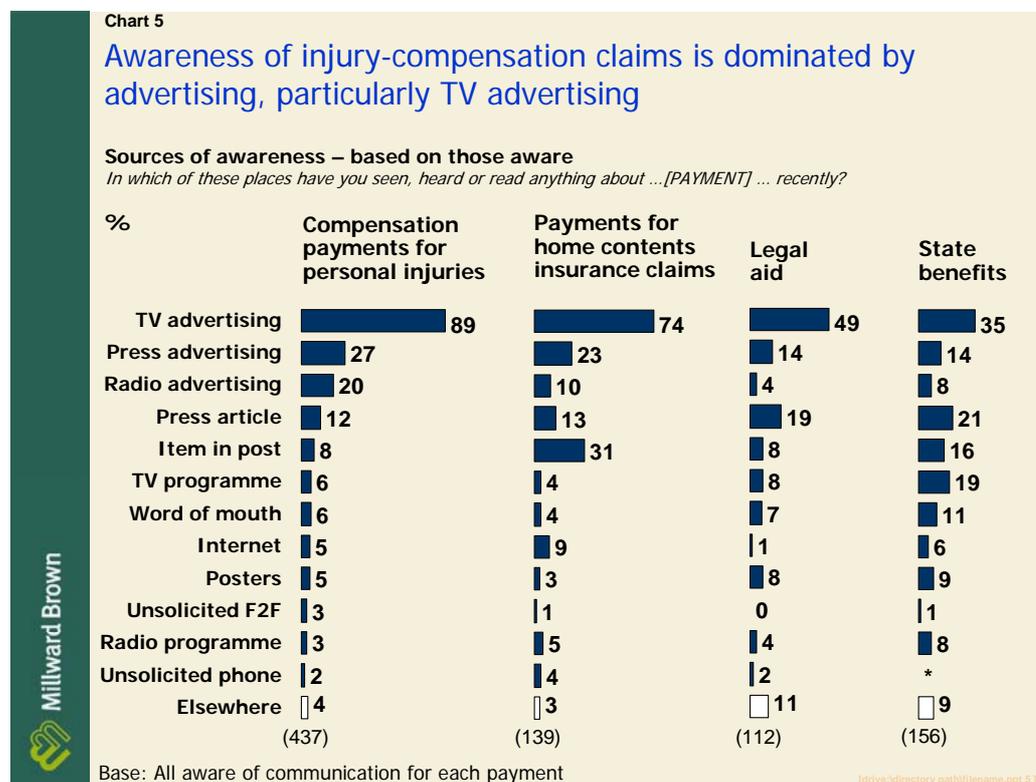
2.2.2 There is a relatively high level of spend on claims advertising. Two brands invested over £5m on advertising and direct mail during 2005, Injury Lawyers 4U and National Accident Helpline, while other brands, such as BRG Bloomer and Personal Injury Helpline, also invested substantial sums (£3.5m and £1.5m respectively).⁵

2.2.3 While it is true that advertising is just one of a number of routes via which people might see, hear or read about compensation claiming, findings suggest that it is far and away the lead route. Three-quarters of adult

⁵ These figures are estimates calculated by Nielsen Media Research. The figures relate to the combined TV, press, cinema, radio, outdoor and direct mail spend for each company over the period 1st Jan 2005 – 31st Dec 2005.

respondents (76%) say they have recently seen advertising on TV relating to compensation payments for personal injuries, well ahead of the next-nearest source of awareness, press advertising (23%). Non-advertising sources of awareness are cited by only a minority: 11% claim to have recently read a press article about personal-injury claims and even fewer say they have recently seen a programme on TV, such as the news, relating to the topic.

2.2.4 It should be said that advertising, and in particular TV advertising, can be found to have a halo effect in research of this kind. Which is to say that, when respondents say they have recently heard about a particular topic or brand, advertising is often more prominent in their minds than less obvious sources of awareness such as press editorial content, and can therefore pick up more than its 'fair share' of endorsements. On that basis, the absolute figures here might be viewed with an element of caution; but the relative picture is absolutely clear. As chart five shows, TV advertising is far more dominant a source of awareness for personal-injury compensation than for home-contents insurance. Meanwhile, press articles are less likely to be endorsed as a source of awareness for personal-injury compensation than for insurance, for legal aid or for state benefits. Advertising, and in particular TV advertising, seems clearly to be the main source of awareness when it comes to personal-injury compensation.



Question A2

2.2.5 The dominance of TV in chart five fits in with Millward Brown's experience of the medium, which is that it tends to be the most intrusive and noticed communication channel for consumers in general. However, we also know that it tends to be received passively (when the viewer is waiting for a programme or doing something else) and so people tend not to try very hard when it comes to processing TV ads. The most memorable elements of executions are often remembered as fragments or vague associations, not always linked to the brand being advertised. This is borne out by quantitative findings which suggest extremely low levels of brand recall among those who remember having seen a TV ad.

2.3 Advertising and negative perceptions

2.3.1 Although advertising appears to be the principle means by which people are hearing about personal-injury compensation, that is not to say advertising is the chief *cause* of the public negativity outlined in part one. Qualitative findings suggest that a causal link is not straightforward and that ads must be seen in the context of other influences on perceptions. Indeed, much of the evidence from the groups and depth interviews suggested that advertising may principally be fanning the flames of a negativity that has its roots in media coverage and word of mouth.

2.3.2 In order to investigate this quantitatively, we have run a logistic-regression model, feeding in the various sources of awareness and seeing which best 'explain' levels of agreement with the statement "I believe there is a culture in the UK of people making false compensation claims for personal injuries". This analysis uses the compensation-culture statement as a 'dependent variable', correlating the various sources of media awareness as possible predictors.

Logistic regression analysis

2.3.3 Logistic Regression is a form of statistical analysis that uses predictor variables to provide a model for a dichotomous classification. In layman's terms, this means that we use it when we are interested in predicting a situation which has two possible outcomes. In this instance, the two possible outcomes are agreeing strongly that "there is a culture in the UK of people making false compensation claims for personal injuries" or not agreeing strongly. The analysis is conducted on a respondent-level basis, with the aim being to understand which variables best account for the outcome in question. Variables fed into the analysis in this case include not only sources of awareness of compensation claiming but also demographic variables such as age, sex and social grade. Basically, the aim of the analysis is to try to see what accounts for people's negative views of compensation claiming.

2.3.4 The results are interesting in that the model does not 'work' at all, which is to say no source or sources of awareness come through as significant 'predictors' of people's attitudes towards compensation claiming. With an 'explanatory power' of just 54%, the model is only a fraction above what would be expected in a completely random situation. (50% is the expected 'explanatory power' between completely unrelated variables.) An alternative approach has also been attempted, using perceived change in levels of claiming as the dependent variable, but this has produced virtually identical results.

2.3.5 There is, it seems, no simplistic way of attributing negative perceptions of the claims process to any particular source or sources of awareness. Certainly it is not possible to say that advertising is, or is not, the 'cause' of widespread cynicism regarding the claims process: a combination of variables are at work with no one element or groups of elements standing out.

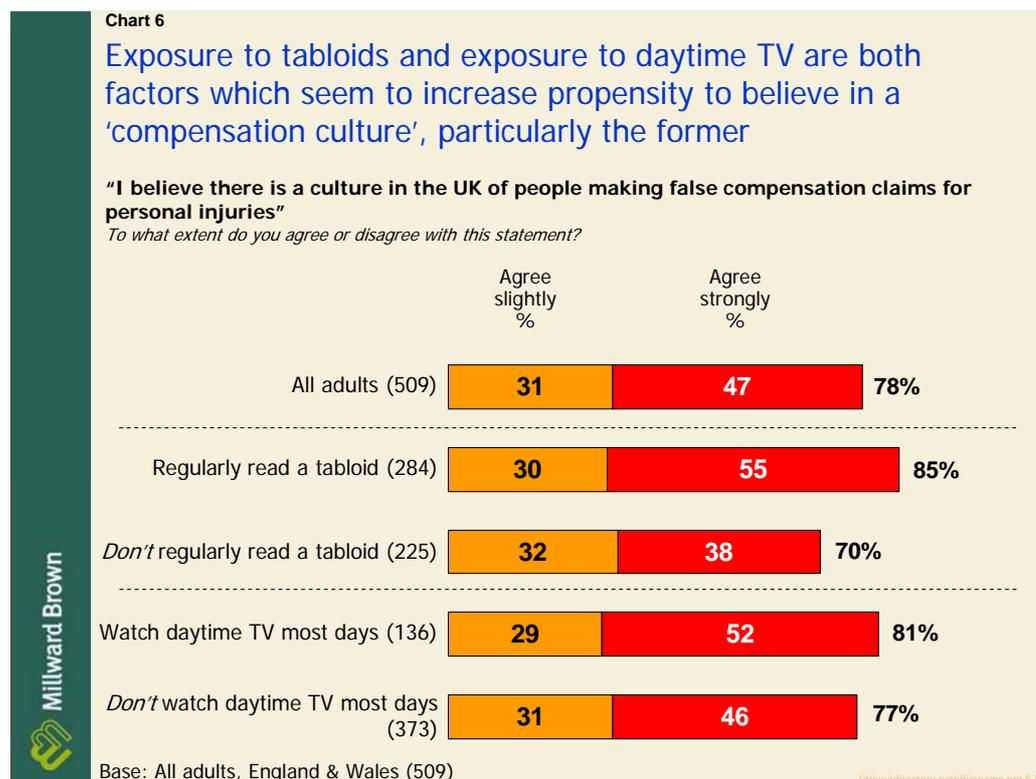
2.3.6 The qualitative findings brought out this complexity. For some respondents it was clear that the sheer number of ads, and the range of companies being advertised, was conveying an impression that there must have been an increase in personal-injury claims in recent years.

"It must have come from somewhere for these companies to be able to exist in the first place, and I think that's probably come over the Atlantic a bit, but I think it's made it a lot quicker, in terms of raising people's awareness that you can essentially make a quick buck out of probably nothing." (Injury, no claim)

2.3.7 More commonly, however, the qualitative findings indicate that advertising, while doing a lot to reinforce people's views on the subject, was not necessarily the creator of negative attitudes. At least as significant in this

regard are stories in the press and on the television news – popular topics being the exposure of false claimants and the reporting of apparently inflated awards – along with anecdotal, word-of-mouth stories from friends and family.

2.3.8 Quantitative data support the view that exposure to negative press coverage is at least as important a factor as exposure to claims advertising, if not more so. Chart six shows the results of sub-group analysis of agreement with the proposition that the UK has a “culture of people making false claims for personal injuries”. While it is true that regular viewers of daytime television (i.e. those most exposed to claims advertising) are more likely to agree than those who watch daytime television less often, the differential is even greater when we look at regular tabloid readers (ie those most exposed to negative press coverage) with non-regular tabloid readers. In fact, the difference noted between tabloid readers and non-readers is statistically significant at the 95% level whereas that is not the case for the difference noted between watchers and non-watchers of daytime TV.



Question C7

2.3.9 In so far as ads are contributing to public views of a ‘compensation culture’, the chief issue seems to be the weight and number of executions. So marked has been the emergence of claims advertising over the last few years that many respondents feel there must have been a corresponding substantial increase in claiming, including dishonest claiming. Further, the ability of the companies involved to afford such heavy TV support implies for some that they are making large amounts of money in pursuing compensation for people’s injuries.

“You see all the ads on TV, and they’re out to get a little cut, and they say No Win, No Fee, and that’s probably the case, but they wouldn’t be able to afford big glamorous adverts if they weren’t making a hefty amount out of people’s misfortune.” (Injury, no claim)

2.3.10 The tone of the advertising is also an issue for some. Qualitative findings indicated that the executions are often seen as being low budget, and sometimes distasteful (particularly residual memories of past campaigns), and combined with calls to action based on amounts of compensation available, these elements can act to reinforce negative perceptions of the claims process.

"it just looks naff" (general public, no injury)

2.3.11 For a minority such feelings can be manifested specifically in the attaching of a social stigma to the idea of claiming. More commonly, the specific promises of monetary reward are seen as actively tempting people to make false claims.

2.4 Long-term effects of claims advertising

2.4.1 Although specific claims ads tend to be focused on producing a short-term advertising effect – triggering consumers to make a phone call, for instance – the ads *in toto* produce long-term results, many possibly unintended by the individual advertisers. On a simple level, messages are being left about the claims process generally, contributing to a broader sense of 'knowledge' around the area. This can include raising awareness that it is possible to claim for some kinds of injury.

"Made it more accessible. If you've done this yourself you can claim." (general public, no injury)

2.4.2 More significantly, the advertising can act as a means of 'normalising' the activity of claiming (or even, for some, trivialising it), making it appear to be a common thing for people to do and therefore more acceptable.

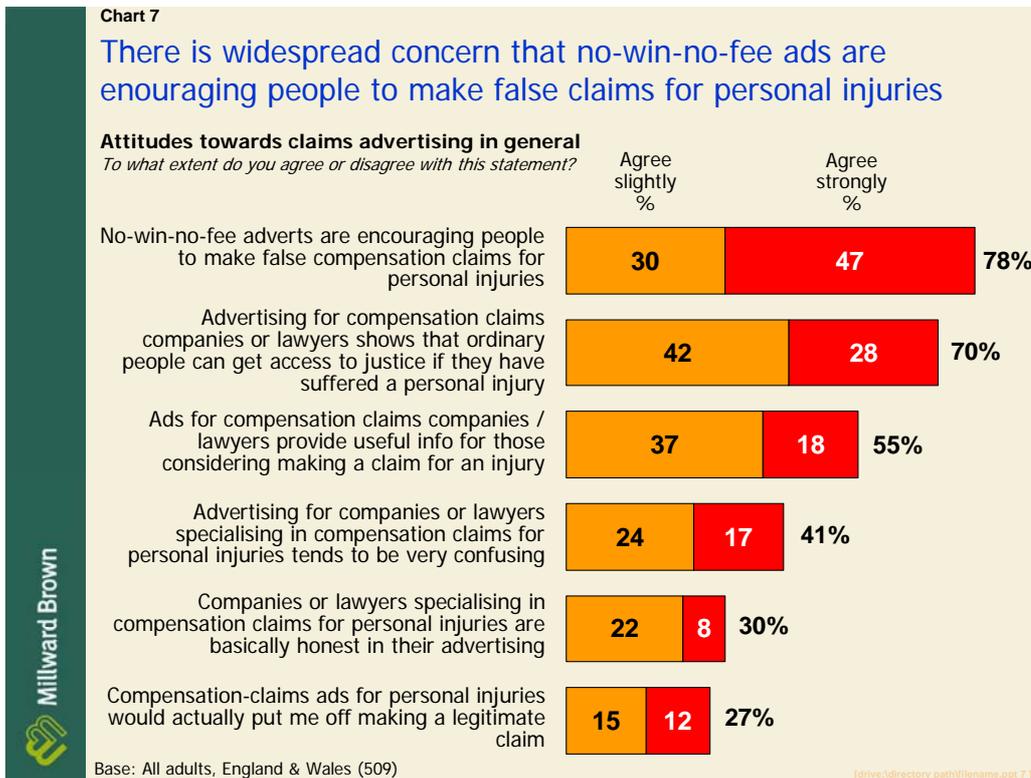
"People now are more likely to think of claiming. Ten years ago it wouldn't have crossed your mind. Now you do because of the advertising and seeing other people doing it." (General public, no injury)

"It's more accepted than before, more normal, so people think maybe it's all right to claim. There must be loads of people out there who have tripped, so they are getting justice." (Injury, no claim)

2.4.3 Chart seven (overleaf) gives a sense of the range of long-term effects and the balance between positive and negative.

2.4.4 Fairness seems to be at the heart of public response to compensation claims ads, both in the positive sense of the degree to which claims companies are seen as opening up access to justice, and in the negative sense of the strength of concerns about false, 'unfair' claiming.

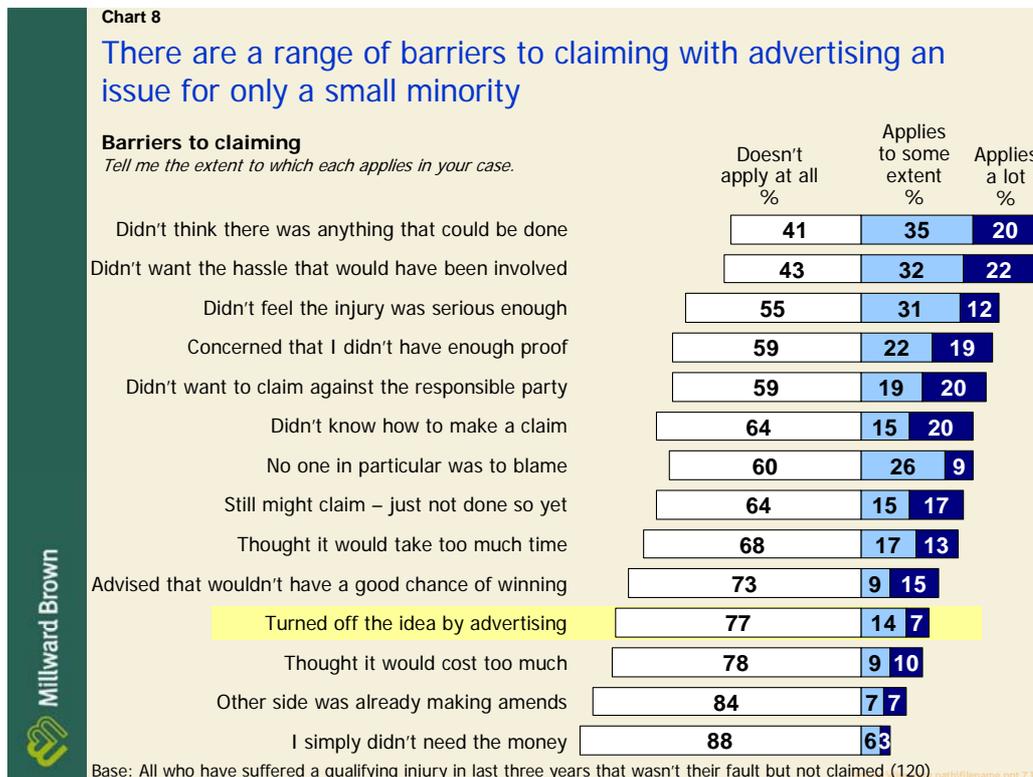
2.4.5 Taking into account top-box scores ("agree strongly") we conclude that ads featuring the "no win, no fee" message are reinforcing negative perceptions in terms of people making false claims, with this issue cutting through more strongly with consumers than information about accessibility and what claiming involves. This corroborates the qualitative research which found that, while people are often very clear about why they distrust the claims process, many struggle to understand its basic elements, such as timescales involved, the degree to which it is a legal process, and the distinction between claims solicitors and claims-management companies. Overall, there was very little qualitative evidence to suggest that advertising is helping consumers to make informed decisions and select between companies offering personal-injury compensation services. This will be looked at in more detail in part three.



Question C7

2.4.6 There is also a suggestion that, for a minority, advertising may actually be a *barrier* to claiming. Chart seven shows that 27% of adults in the quantitative sample agree that “compensation claims advertising for personal injuries would actually put me off making a legitimate claim” and levels are higher (though not significantly so) among over-55s (31%) and members of social grades A and B (33%). As chart eight makes clear, however, advertising is not a *primary* barrier to claiming. The qualitative work also did not identify it as a key reason why non-claimants chose not to pursue compensation. But, for a minority it would appear to be acting as a supplementary reason for people to be put off. For some the ads are reinforcing a pre-existing distrust of compensation-claims companies; for others they add to a sense of discomfort in becoming part of a culture of blame and entitlement.

2.4.7 This latter point was investigated in some detail during the qualitative phase. Spontaneous recall of advertising in the category tended to be of a style of advertising which was described as ‘cheesy’, ‘in your face’ ‘dodgy’ and ‘low budget’, all of which reinforced the notion amongst some participants that it was targeted at those who are not prepared to work (sitting at home during the day watching TV, rather than injured and therefore unable to work), out for easy money, prepared to claim fraudulently. This notion could attach some stigma to the idea of personal injury compensation. The higher SEG respondents held much personal injury compensation advertising in low regard, asserting that it seemed to encourage spurious claims rather, than specifying that claims must be genuine. It created a sense that the advertising (and therefore the activity of claiming) was targeted at either the desperate, or ‘scroungers’ – and some were uncomfortable with the idea of being associated with either of these groups. The end result of this could be avoidance of contacting the firms for fear of being labelled and stigmatised. One insurer even held that the style of much personal injury compensation advertising may have helped to contain the number of claims.



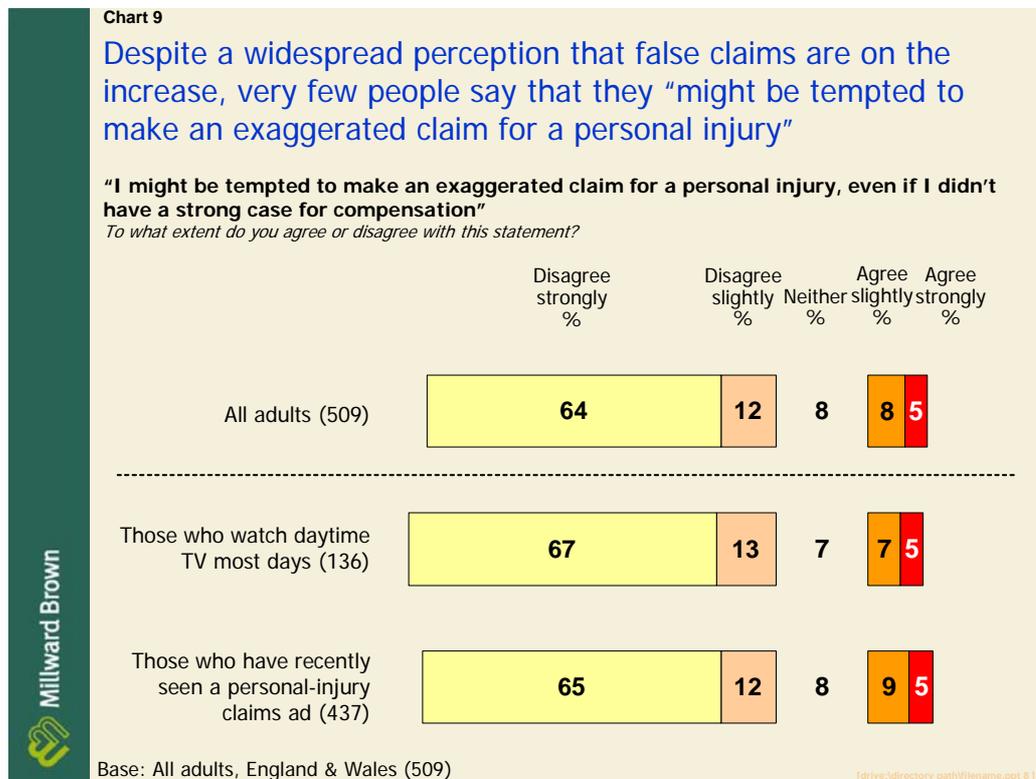
Question B9

2.4.8 There is some quantitative support for the view that claims advertising may be alienating members of higher social grades. When shown a range of specific executions, respondents were asked a question about the sort of people they think the ads are aimed at. 31% of those in social grades A & B selected “people who aren’t like me at all” from a prompted list, compared with 15% of C1C2s and 9% of DEs, both significantly lower. Also, a comparison of the social-grade profile of those who have suffered an injury and claimed with the profile of those who have suffered an injury but not claimed shows that the latter group contains a considerably higher proportion of ABC1s (49% vs 38%).

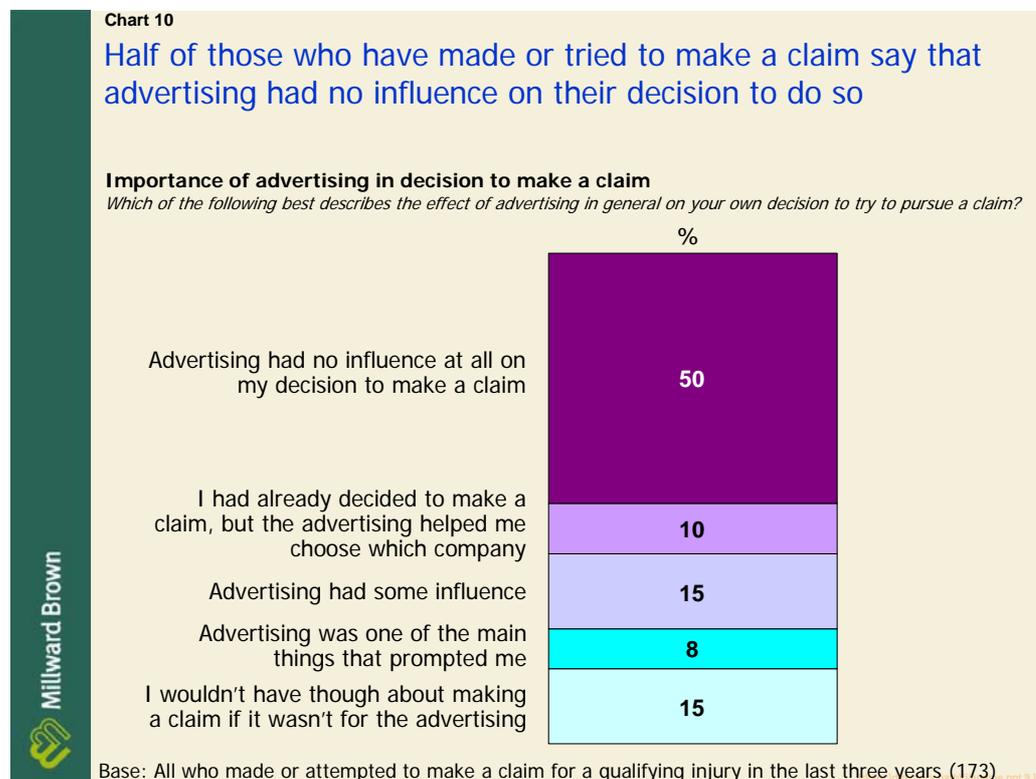
2.4.9 Against the discomfort of a minority, it is, however, important to balance the much more widely held view of compensation ads improving access to justice. Of note on chart eight is the very low endorsement of cost as a barrier, a reflection, at least in part, of the strength with which the “no win no fee” message has been communicated over recent years. The 70% of adults who agree that claims advertising “shows that ordinary people can get access to justice if they have suffered an injury” suggests that the majority view is that ads are doing more to promote than dissuade people from pursuing legitimate claims. Qualitative interviews with members of lower socio-economic groups did indicate that the light-hearted style of some of the TV advertising had made the category feel more accessible, with the advertising as a whole often viewed as informative. Examples include ACG, Claim Today, RAC (Keystone Cops) and advertising featuring Esther Rantzen.

2.4.10 The concern for most people, of course, is that claims ads are doing rather *too much* to encourage people to pursue compensation for personal injuries. Chart seven showed that 78% of adult respondents support the proposition that no win no fee ads are encouraging false claiming for personal injuries. In fact, we do find a small minority (13%) prepared to admit that they “might be tempted” to submit an exaggerated claim for injury compensation. However, there is no clear evidence that advertising is driving this ‘have a go’ attitude, except in the broad sense, picked up qualitatively, of consumers simply being more aware of claiming as an option. Chart nine shows that agreement levels are not particularly higher either among those who are

exposed to daytime TV (and therefore to most of the advertising) or among those who specifically say they have recently seen any claims advertising. Further, we should remember here that claiming is not actually on the increase, at least not according to the available figures – so the 13% of people who say they might be tempted to make an exaggerated claim are not necessarily acting on that impulse.



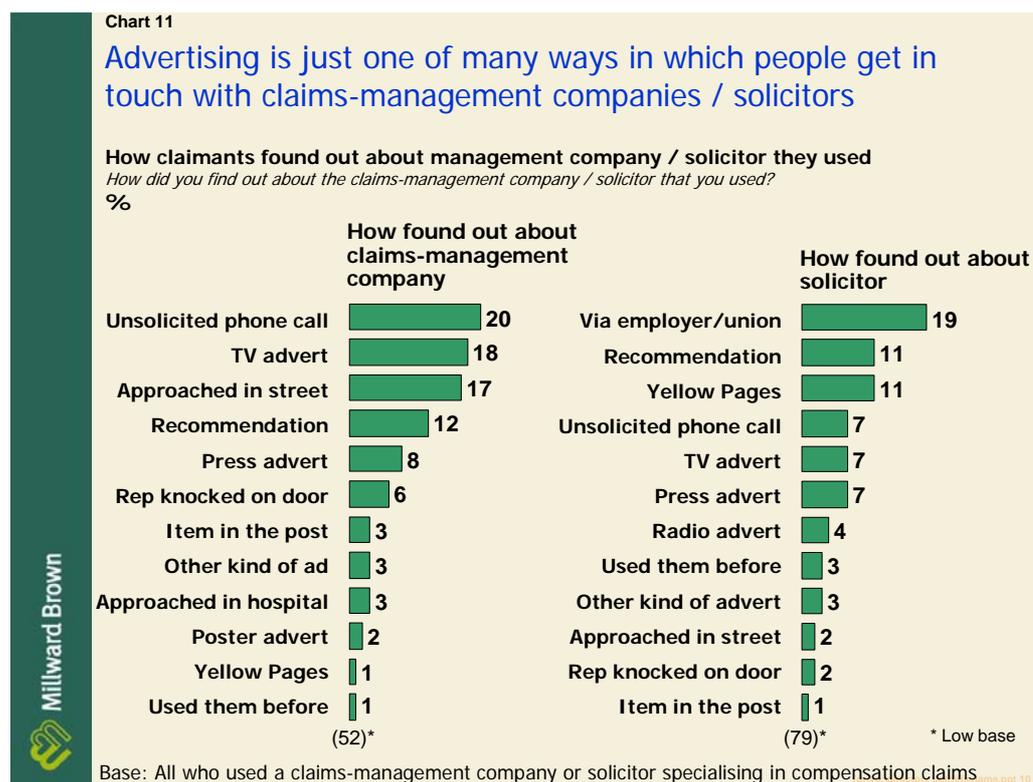
Question C7



Question B13

2.4.11 Many of those who have made or attempted to make a claim are keen to dismiss the significance of advertising on their decision. One half say that “advertising had no influence at all” on their decision to consider making a claim, while a further 10% say that the only influence advertising had was in helping them choose which company to use. Nonetheless, as chart ten shows, around a quarter of claimants felt that advertising played an important role in their decision to pursue compensation. In part three we will investigate what claimants think about the advertising they saw for the claims-management company / solicitor they dealt with.

2.4.12 In part one we saw that advertising, particularly television advertising is a key source of awareness in general about personal-injury compensation. However, it is not necessarily the principle route by which people are finding out about the claims-management company or solicitor with which they deal.



Question B12

2.4.13 Bases are low in chart eleven, but the figures generally point to advertising as just one of a range of methods by which people get in touch with claims-management companies and solicitors, and that it is not the dominant method. In the case of solicitors, this is particularly true. Further, when we asked people whether they could remember having seen any ads for the claims-management company or solicitor with which they dealt, a majority said they could not in each instance (60% in the case of claims-management companies and 71% in the case of solicitors). Taken as a whole, findings suggest that advertising, while increasing awareness of, and influencing perceptions of, the concept of claiming, is not necessarily of central importance as a trigger when it comes to understanding why individual people do or do not make a claim, and why they choose to use a specific company / solicitor.

2.5 Response to advertising amongst stakeholders

2.5.1 The overwhelming response to personal injury advertising from stakeholders was that it was low budget, often distasteful and a very frequent component of daytime TV viewing. There was an assumption, among

professionals in the field (campaigning groups, lawyers' representatives, academics), that aspects of the advertising may be misleading. They made reference to concerns in particular in the areas of conditional fee arrangements (No Win, No Fee) and the circumstances in which it might be possible to make a claim (ie the need for someone else to be at fault). They also made reference to advertising suggesting that compensation will provide more than restitution e.g. that compensation could be used for a holiday, Christmas or a new car. However, none could cite current specific ads or companies, and it may be that these ads have already been successfully removed.

2.5.2 Stakeholders generally inclined to the view that references to No Win No Fee could be misleading (although there was no agreement as to what proportion of providers genuinely offered a No Win, No Fee service). Their assumption was that consumers wrongly thought that No Win, No Fee meant that they would have nothing to pay, either for solicitors' services or for services engaged by the solicitor on their behalf. More broadly, there was also evidence of a concern that No Win, No Fee sounded too simple, removing the barrier to entering into an arrangement which may entail costs and complexity.

2.5.3 It was, however, recognised by most stakeholders that, though they were not comfortable with it, it was not possible to regulate against what they saw as the distastefulness of the advertising, which they sometimes described as a concern about the commercialism of making money out of injured people.

2.5.4 Some professionals worried that the tone of the advertising might be putting off some genuine claimants.

"Knock on effect...there isn't a compensation culture out there, but this does seem to portray that and actually the stats ...show you that there are many people out there that have a legitimate claim that don't claim and there's a feeling now of do I go down this road or don't I...because ...it has a certain edge to it." (Stakeholder)

2.5.5 Some of our stakeholder respondents made particular mention of advertising in hospitals. Some saw this as particularly distasteful, others as a way of gaining contact at a relevant time. At least one respondent in the general-population sample described their experience of this as leaflets being 'handed out' in hospital, with the implication of some endorsement on behalf of the medical provider.

2.5.6 Also mentioned by stakeholders was the practice of including an advertiser on the cover of a police accident report form (the example cited was from Greater Manchester Police). This was viewed as misleadingly suggesting endorsement of RAC by the police force.

2.5.7 Cold-calling also came in for mention from some stakeholder respondents. Some would have liked to see it banned, but recognised that it would be contrary to OFT regulations. Some members of the general-public sample said that they had encountered this and had felt bullied by it.

2.5.8 There was evidence of concern amongst some within the legal profession that there was not a level playing field when it came to marketing and advertising of personal injury services. They pointed out that Law Society regulations (including the Publicity Code) prevented them from cold-calling and allowed them only to communicate on the basis of their services, not on the same basis as claims management companies.

There was no evidence from this research that solicitors (or other experts in the field) would like these regulations relaxed, simply that they would like a similar regulatory framework to apply to Claims Management Companies. It should be noted that Claims Management Companies included in this research asserted that they were happy to comply with any advertising regulations that may be stipulated in the future.

2.6 Residual messages

2.6.1 In part three, we will focus on the way in which specific executions are being processed and the messages that are being taken out. Here, we will look briefly at residual takeout based on advertising memories in general, with a specific focus on qualitative findings.

2.6.2 One of the primary insights to emerge from the discussion groups and depth interviews was the difficulty people had in moving from talking about ads in general to specific campaigns. Millward Brown's experience suggests that advertising in most categories has the long-term intention of building brand equity, but there is little evidence of that happening in respect of either claims-management companies or claims law firms. This is a category in which short-term sales effects are absolutely central to ad-comms activity: little effort is made to establish brand values or build an emotional connection with consumers, and messaging tends to be dominated by calls to action rather than longer-term communication objectives. Of those who say they have recently seen a TV ad for a claims company, two-thirds (68%) are unable even to guess the brand name. Even those who have claimed compensation through claims-management companies sometimes struggle to remember the name of the firm they had used.

"They're all pretty much the same." (Injury, claimed)

2.6.3 The qualitative research showed that there is only limited recall of specific campaigns, (other than the National Accident Helpline 'Katy Freeman' ad, which was on air at the time the research was undertaken) – but inevitably advertising has left some general messages, fuelled by both content and tone of voice.

2.6.4 The tangible message that appeared to have been left most strongly with respondents was the availability of conditional fee arrangements. It should be noted that there was a lack of understanding as to what this really meant (and most had not really considered it until raised in this research). Responses ranged from a general assumption that one did not have to pay, to a strong sense that there must be a catch because there was no such thing as something for nothing. The more sophisticated were aware that it tended to be the losers of a case who were liable for the costs of both sides. The need to take out insurance to cover oneself against losing was not understood from these advertisements

2.6.5 It was the lower SEG respondents who were more likely to take the phrase 'No Win No Fee' at face value, and to feel reassured that they would not be left out of pocket if their case proved unsuccessful.

"No win, no fee, you don't pay the court costs or anything." (Injury, claimed)

2.6.6 Even among the sample of experts there was a lack of clarity as to whether payment up front was always required. Some assumed that insurance would be required in all cases, and would be funded by the claimant. Some assumed that it would be required by Claims Management Companies, but not by legal firms, and others that it would be required by smaller legal firms but may not be by larger ones.

2.6.7 There was no understanding from these ads that other disbursements may be entailed such as medical reports or engineers' reports. Nor was there any real recognition that there may be costs such as a 'success fee'. In fact the mention in several of the ads of receipt of 100% compensation seemed to be leading the consumer to assume that whatever the outcome they had nothing to lose (which may or may not be the case).

- 2.6.8 A number of other residual messages were mentioned to a greater or lesser degree, and are discussed below.
- 2.6.9 The message that it is possible to claim up to three years after the incident has taken place had stayed with some people, but for some reinforced the sense that advertising encouraged fraudulent or spurious claims (there was no appreciation that effects of the accident may only come to light later).
"Dodgy...I'm surprised it's legal to do that." (General public, no injury)
- 2.6.10 Some members of the public were aware of the fact that it must be an accident that wasn't your fault. However the view of some professionals was that the advertising did not state clearly enough that someone else must be at fault in order for a claim to be feasible. Most consumers, when they thought about it, assumed that the accident must have to have been someone else's fault, although this message was not explicit in the advertising, and the assumption was often reached only after consideration.
- 2.6.11 It should be noted that there was a minority of respondents amongst our sample who assumed that it was possible to claim for everyday accidents. They were unaware of the requirement for someone else to be at fault. For example, one respondent had considered making a claim because he had fallen over his own dog.
- 2.6.12 A further message that some had taken from the advertising was that those who have been injured have a right to claim. The sense of being owed this money (in a similar way to a benefit) was sometimes mentioned.
- 2.6.13 Takeout for some included the notion that it was easy to claim. When probed, some assumed that it really was as simple as a phone call, and that someone else would then take over and the claimant would have little or no further involvement until they heard the outcome of their claim.
"Just ring them,...they would sort it out,...they deal with it." (General public, no injury)
"Just that it's no hassle." (Injured and claimed)
- 2.6.14 A hypothesis, based on the way the public discuss the advertising, is that it may be presenting claiming as such an easy thing to do, and the companies as so approachable, that the barrier to calling with a fairly spurious claim is removed – there is little disincentive to give it a go.
- 2.6.15 The perception that the claim process is quick had come across from the advertising for some. The suggestion of ease in the advertising did not alert claimants to the fact that it can be a lengthy process. In fact some ads actively suggested speed.
"It's become very quick and easy to make claims." (Not injured)
- 2.6.16 It was pointed out by a stakeholder that one ad suggests that your money is just a phone call away (Accident Advice Helpline).
- 2.6.17 The advertising has left some with the idea that amounts of compensation available are significant. Few ads provide an indication of amounts available, so the public took their cues from newspaper stories of inflated amounts. However, we also encountered claimants who had been pleasantly surprised by the amounts that they had received.
- 2.6.18 When exposed to advertising stimulus during the course of the research, the lists of typical amounts were of interest to some, particularly lower SEG and did encourage consideration.

2.6.19 Words like 'win' and 'money' and the use of £ signs also encouraged the feeling that it was worth taking a gamble.

"They show the person having the accident, a real life scenario, seems corny, like the ones for loans. They promise to change your world around like the lottery. Life's never been better. Like lottery winners, cash has made them happier." (General public, no injury)

"They're suggesting you end up with lots,...you have...John who fell off a ladder and broke his arm and got £3,500, or someone else who broke their leg and couldn't work for a month and got 5 grand, so those seem to be quite inflated sums, whether or not that's realistically achievable I don't know." (General public, no injury)

2.6.20 There was a message from the advertising that there was nothing to lose, based on the publicising of conditional fee arrangements, which had led some to believe that contacting an advertiser was worth a go, because they would not lose out if their claim turned out not to be viable.

2.6.21 In fact there was no suggestion of negative consequences to making a claim, however spurious it may be.

2.6.22 The ubiquitous nature of advertising in the category reinforced a sense that everyone was doing it, and that claiming was 'normal' behaviour, not just for people who had a solicitor or had the support of their union. It also led people to believe that if others were receiving compensation, they were missing their entitlement if they did not claim.

"A million adverts say you should claim,...so many people do claim."
(Injured and planned to claim)

2.6.23 The use of scenarios featuring supposedly ordinary people recommending that their friends claimed compensation, was also felt to suggest that everyone must be doing it, so it must be OK.

2.6.24 The advertising did not inform people as to where the compensation would come from (and many did not give it a second thought). Assumptions made by the public included a government fund, the employer, the sued individual or organisation and insurance companies. There was a suggestion here that company names could mislead viewers. Some among the qualitative sample took words like 'Helpline' to suggest that organisations were not-for-profit, or even backed by the government. This was a particular issue for Accident Advice Helpline, where the use of Esther Rantzen as spokesperson, and her connection with campaigns such as Childline, reinforced the sense that AAH was not a commercial organisation.

"The Esther one adds a lot – no win, no fee – she has a helpline – if you lose, there's a claim-protection plan – feels like you are covered." (Injury, no claim)

2.6.25 There was also an example of some respondents believing National Accident Helpline was a national public body, rather than a business: "sounds like a government run thing". Confusion between individual companies was commonplace, a reflection of the sheer number of companies and the proliferation of similar-sounding names – e.g. InjuryLawyers4U, Lawyers4U, Accident Advice Helpline, National Accident Helpline, Personal Injury Helpline, Personal Injury Careline. Qualitative findings suggested little evidence of consumers in general being aware of brand differentiation in terms of the positioning of offers.

2.6.26 The ads also gave no indication of the likely time involved in processing a claim. Assumptions varied from three to six months, through to around two years or more (the longer timescales were generally cited by those who had had some direct experience of the process). This issue will be addressed in detail in the following section, supported by quantitative findings.

2.6.27 So far we have focused on the effects of claims advertising as a whole. In part three we will look in more detail at what respondents are, and are not, taking out of ads, focusing on specific TV, radio and press executions.

Part three – Specific advertising effects

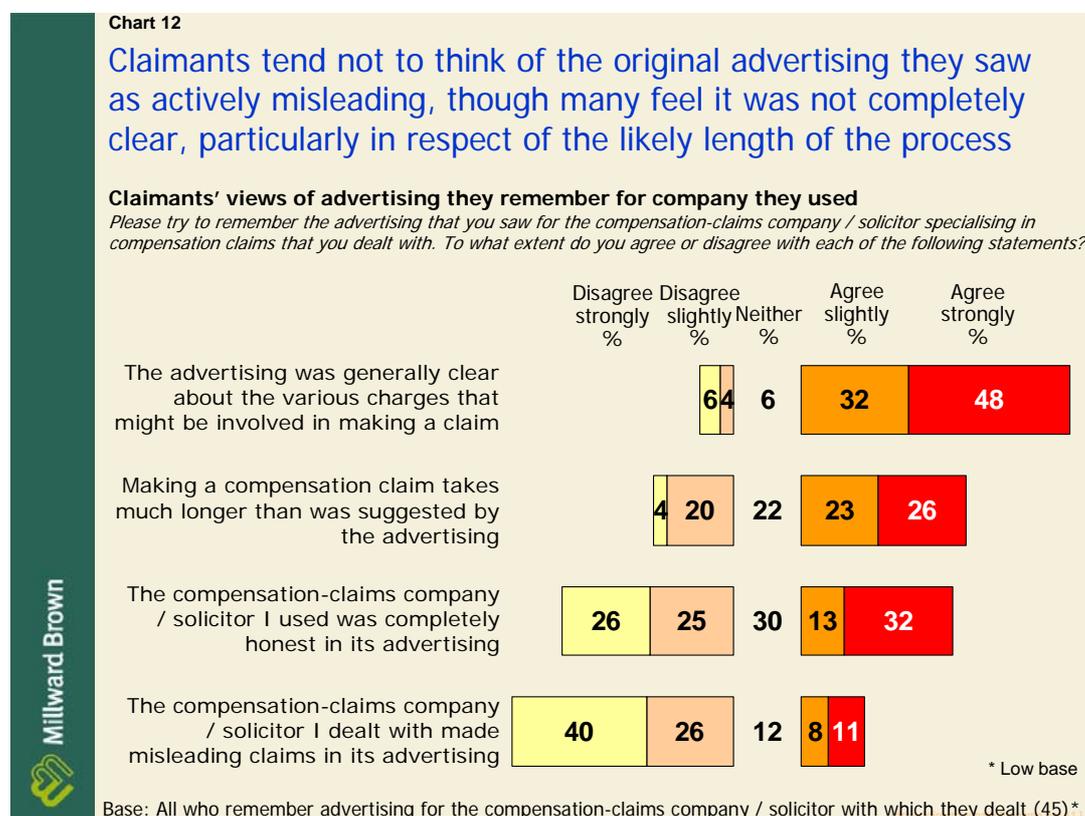
3.1 Introduction

3.1.1 We have seen that there is a mistrust both of the claims industry in general and of the advertising that goes with it. While there is no clear causal link between advertising and public negativity, the former is almost certainly acting to reinforce the latter, particularly in respect of its sheer volume. Advertising is the dominant source of awareness of compensation claims, and there is a general feeling that claims ads are encouraging people to make false claims. The testimony of claimants themselves suggests that, in practice, this is not the case, and it does seem that, when people actually come to make a claim, advertising is only one of a number of triggers. But, as an influence on popular perceptions, advertising is undoubtedly important. In this section, we will look in greater detail at the messages that are being taken out of claims ads, both at a general level and in the case of specific ads. We will look at how executions are being processed, identifying potential areas of confusion, and look at how claimants view advertising in light of their experiences.

3.2 Advertising and people’s understanding of the claims process

3.2.1 Qualitative findings suggested fairly limited understanding among the general public of the circumstances in which a compensation claim for a personal injury could legitimately be made. Some of the assumptions held were that one could claim for just about anything (“people claim for ridiculous things”), and a lot of knowledge seems to circulate anecdotally:

“I have friends who say if you have an accident, always get taken away in an ambulance – it improves your chances of a claim and you get a bigger amount.”
(Injured twice, did not claim first time, but did on the second occasion)

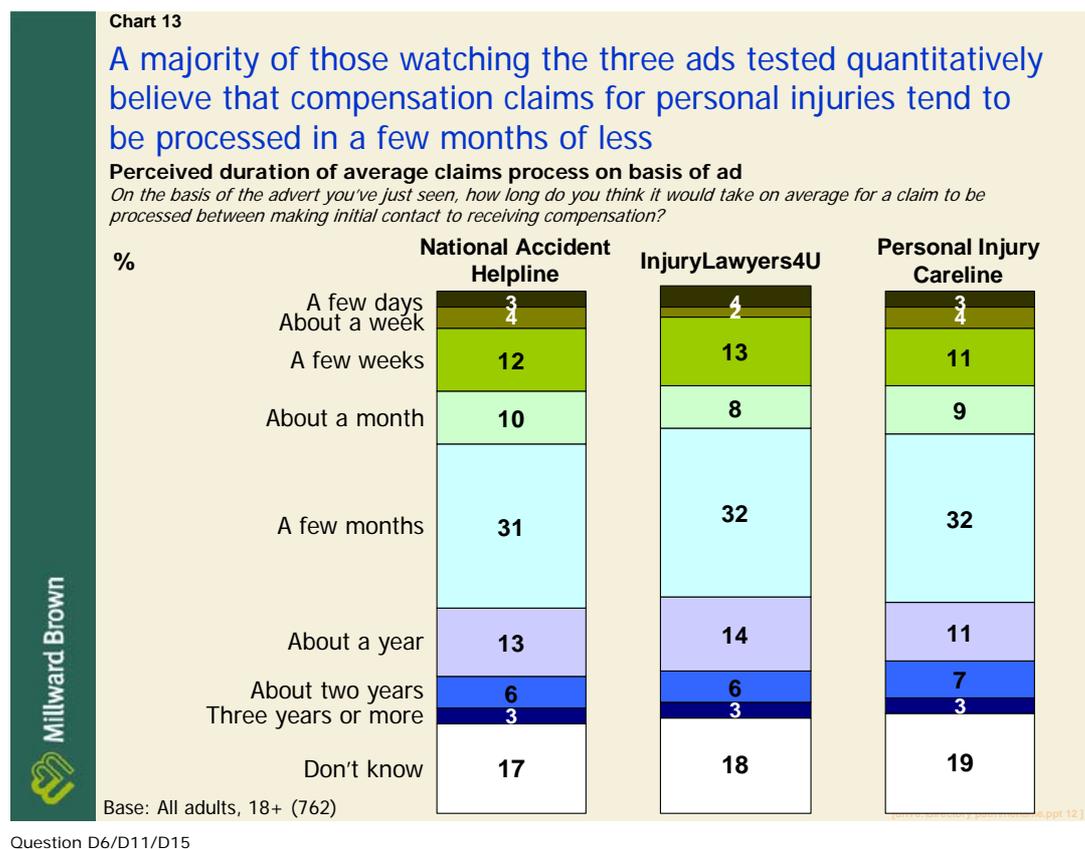


Question B16

3.2.2 Advertising has done much to educate people, specifically in respect of claiming being available to all, regardless of wealth, but it is clear that some substantial lacunae remain. As chart twelve (previous page) shows, when claimants are asked about the advertising they remember for the claims-management company / solicitor they used, few describe it as having been actively misleading (18%), but there is only limited agreement that the company was “completely honest” in its advertising (45%), and almost half say that the claims process took much longer than had been suggested (49%).

3.2.3 Confusion over the actual length of time that claims take to process comes through strongly in both the qualitative and quantitative workstreams. Although base sizes on chart twelve are low, and the absolute figures should be viewed with caution, further data support the contention that claims ads are not being clear in communicating the amount of time the compensation process can, and often does, take.

3.2.4 For each of the three TV ads shown to quantitative respondents, the same question was asked: “On the basis of the advert you’ve just seen, how long do you think it would take on average for a claim to be processed between making initial contact to receiving compensation?” As the figures on chart thirteen indicate, a very wide range of responses are given here, with little difference by ad. Typically, around one in five people believe the process would take a few weeks or less, while a similar proportion put the likely length of time at a year or more, and a range of answers are given in between. A further fifth of respondents are unable to offer an estimate. Claimants are far more realistic in their answers, with around two-fifths giving an answer of a year or more.



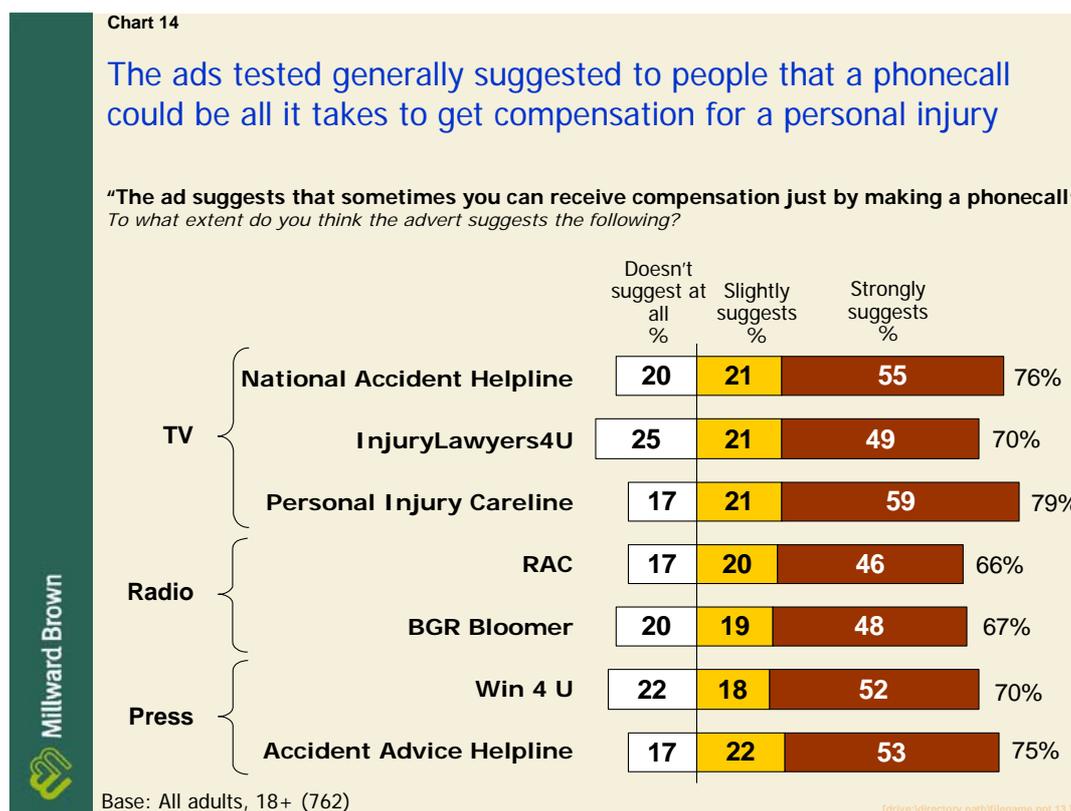
3.2.5 Qualitative findings support the view that, for many, claims ads are not effectively conveying the complexity of the compensation process. The tone of much of the advertising in this category, and the language used, led some focus-group participants to feel that they were simply claiming something that

was their right, rather than entering into what may be a lengthy and involved legal dispute.

3.2.6 All of the specific ads tested quantitatively are felt to communicate, to a reasonable degree, the suggestion that you can sometimes “receive compensation just by making a phone call” (see chart fourteen).⁶ Claims ads are, perhaps understandably, not going out of their way to talk about the potential complexity of the claims process. It should be said that none of the ads tested specifically states that a phone call is all that’s needed to win compensation (though some, such as the AAH press ad, stray close to doing so: “fast and simple process by phone”). But advertising is clearly failing to correct – and, in some instances, helping to convey – a general sense that claiming can be quick and easy.

3.2.7 The picture is fairly consistent across media, though it seems that radio ads may be least likely to convey the simplicity message. This could reflect the more rational tone of radio compared with TV and print which are both able to adopt an immediate, visual creative approach. The most notable sub-group difference is the generally much lower level of takeout of all messages among members of lower social grades.

3.2.8 A particularly high score here for Personal Injury Careline is perhaps to be expected given the emphasis that the execution places on activating consumers to make a phone call. We are shown a scene of a phone call being answered with the message that “even the phone call is free”.



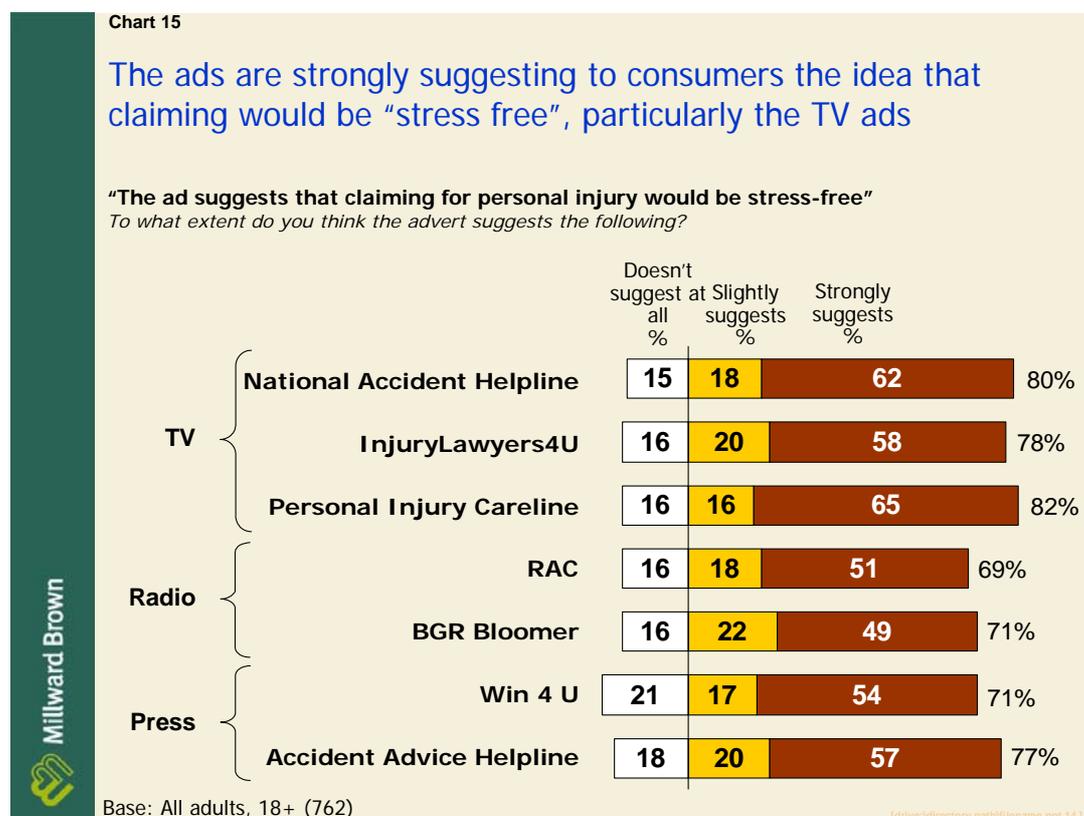
Question D6/D11/D15

3.2.9 Chart fifteen (below) provides further evidence in favour of the view that ads across the range of media are reinforcing mis-perceptions of the claims process. Around four-fifths of adults tend to endorse the TV executions as suggesting that claiming would be “stress free”, a proportion which, though

⁶ As throughout the survey, a 50-50 mixture of positive and negative statements were presented to respondents here, so as not to bias the survey for or against advertisers.

slightly lower for ads in the other media, remains high across the board. Again, highest endorsement of the press ads is for Accident Advice Helpline (“fast and simple process by phone”) picking up a level of 77%. Once again, the executions are not all explicitly stating that the process of claiming for personal injuries is “stress free” (though some clearly are doing so; eg Personal Injury Careline: “We take the worry out of making a claim”), but viewers are taking out the general message of claiming as easy and straightforward. This is true even in the case of those ads, such as the one tested for InjuryLawyers4U, where such messages are not included.

3.2.10 As one respondent remarked, referring to the National Accident Helpline execution, “The ad was basically saying, ‘don’t worry about claiming’. It was very sympathetic.” Some advertisers state this angle quite specifically, such as Personal Injury Careline – “We take the worry out of making a claim” – which helps explain its very high score here. Members of lower social grades are less likely to take the ‘stress free’ message out of the ads, perhaps reflecting a greater understanding of the reality of making a claim.



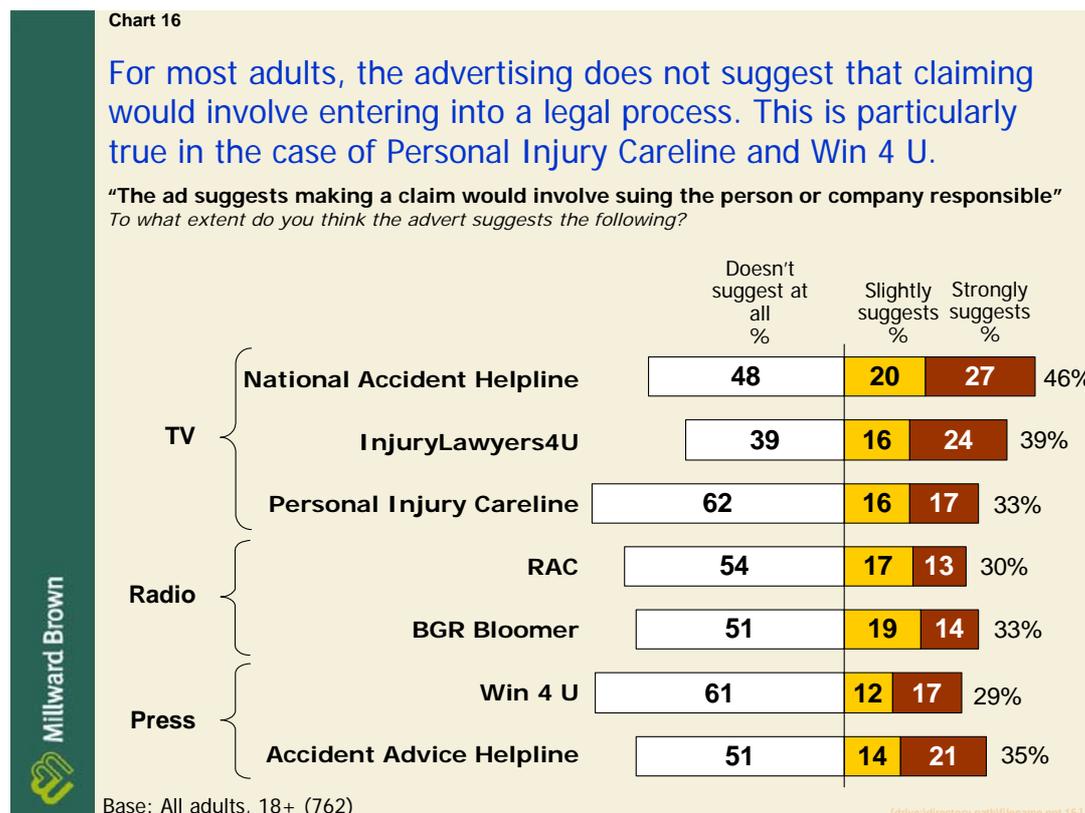
Question D7/D12/D20/D24

3.2.11 In light of the above, it is not surprising to note the degree to which people have only a limited understanding of the fact that claiming for personal-injury compensation actually involves entering into a legal process. Chart sixteen (overleaf) shows how few people in our sample believe any of the ads are suggesting that “making a claim would involve suing the person or company responsible”. A particularly high proportion answer “doesn’t suggest at all” for Personal Injury Careline and Win 4 U, arguably the two most simplistic executions.

3.2.12 Data in these charts may bear out a contention of the qualitative research that radio and press have a lesser impact on the public than TV. Certainly take-out levels seem generally slightly higher for TV, across a range of measures, implying greater levels of involvement. For a number of qualitative respondents, radio ads were felt to be repetitive and pushy, while

print ads were often seen as rather more distasteful than TV, particularly in their overt emphasis on cash (Claims4U, TalkLegal, Win4U) – and we saw earlier that neither media achieves particularly high levels of cut through. Further, the qualitative work pointed up an interesting phenomenon whereby people’s negative views of TV ads for claims companies are often based on executions that were no longer on air or which were very much at the lower end of the scale in terms of budget and sophistication. Sometimes, on actually viewing the test adverts, respondents were surprised by the difference between their recall of poor, cheap executions, and the current reality, which was not as distasteful as they had expected. An example here is the RAC TV ad featuring a woman falling down the stairs.

“I can see how that one probably appeals to people a lot more. It’s not so in your face...people now are starting to think there’s a bit of a stigma attached to claiming,...that one could appeal to more people.” (injury, no claim)



Question D7/D12/D20/D24

3.2.13 Findings from the focus groups highlighted the degree to which the language used in claims ads has encouraged a view of compensation as a game of chance in which one has the opportunity to ‘win’. None of the ads tested mentioned the likely duration of the legal process and most avoided specifically legal terms such as ‘suing’. This is additionally supported by the fact that fewer than one in five respondents on average (17%) said that the executions suggested “making a compensation claim might involve going to court”. Further, very few of the qualitative participants were aware of the differences between solicitors specialising in compensation and claims-management companies, while many assumed that insurance companies had to fit in somewhere. This generally limited understanding extended to confusion regarding lawyers and solicitors, and a vague feeling that one may be more trustworthy than the other.

3.2.14 Limited comprehension is evident when looking at the verbatims for spontaneous communication. When asked “in your own words, what do you

think the advert was trying to say?" comments relating to 'ease' invariably came through among the most salient messages (along with 'won't cost you anything'). The potential complexity of pursuing compensation is clearly not being reflected in takeout from advertising. Here are some sample comments:

It was saying that it's easy and simple to make a claim and don't be put off.
[National Accident Helpline]

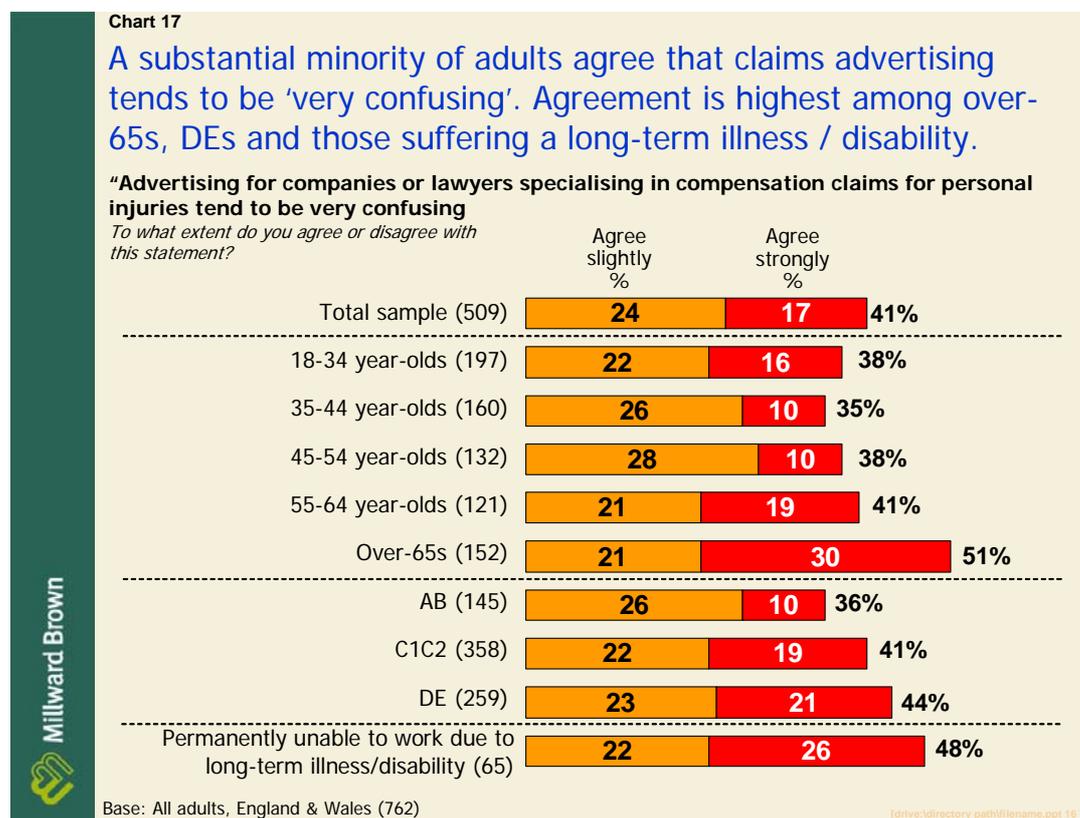
Ever so easy to make a claim. Whatever happens, money will be forthcoming for any accident regardless of liability.
[National Accident Helpline]

Getting compensation won't cause you any problems and won't cost you anything
[InjuryLawyers4U]

Same as others in that it's an easy process – you stand to make potentially a lot of money and that it is an easy process.
[InjuryLawyers4U]

Anyone who'd had an accident or personal injury should contact that company. They would deal with everything and the injured party would receive all the compensation with no cost to themselves.
[Personal Injury Careline]

It is so easy to go to them to make a claim, and they will get you every thing you want, no hidden charges, no courts to go to.
[Personal Injury Careline]



Question C7

3.2.15 There is a broader question here of the degree to which advertisers *should* be educating consumers about exactly what is entailed in making a claim. One claims-management company included in the qualitative research asserted that their aim was to encourage people who had had accidents to find out for free whether or not they had a claim, and to discover what their rights were. To that end, they strongly encourage people to take the first step and phone, even though they turn away a large proportion of claims at this initial stage, but their objective is not to discourage phone calls in the first place. The argument here is that, given the general agreement among stakeholders that

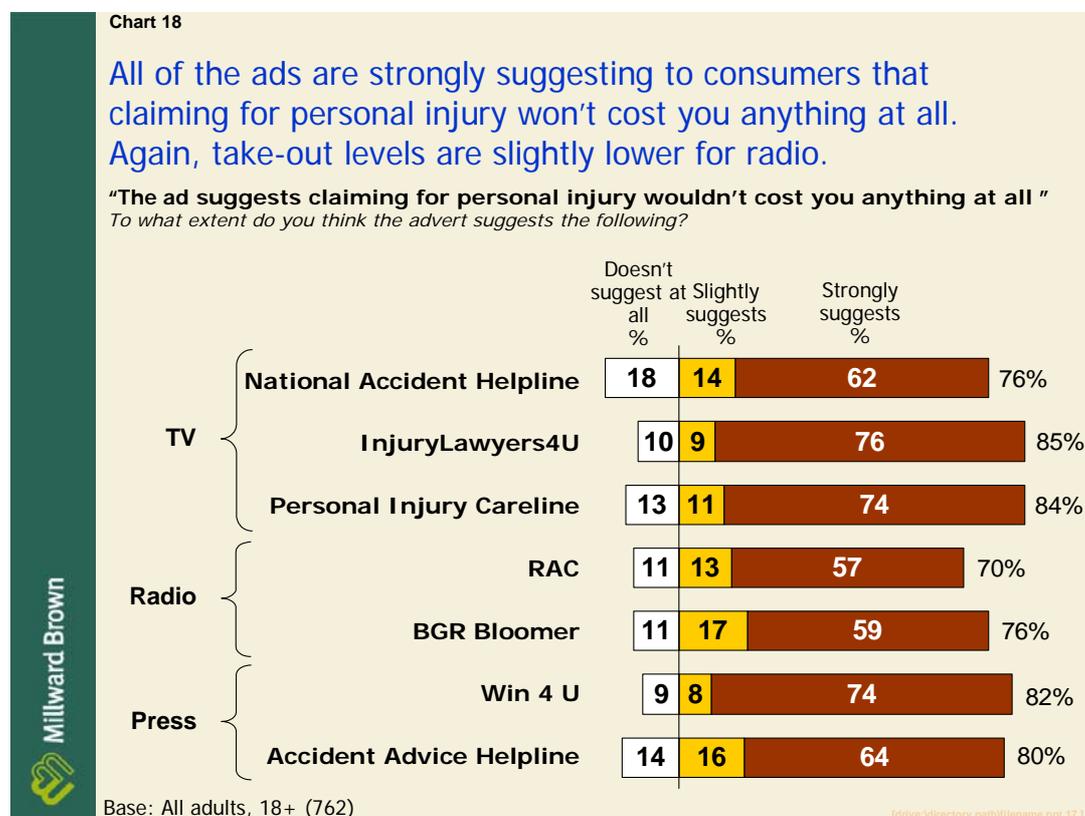
spurious claims are being effectively weeded out at an early stage, there might be a risk of discouraging genuine claimants by introducing regulations to make claims ads more 'educational' (eg by telling people that claiming is a legal process which could include a courtroom appearance).

3.2.16 As it is, a substantial minority of adults already find claims advertising difficult to understand. 17% of respondents agree strongly that it is "very confusing" with a further 23% agreeing slightly (see chart seventeen – previous page). These levels are particularly high among over-65s, members of social grades D and E, and those who are disabled, arguably the most vulnerable sections of society.

3.2.17 The two areas that qualitative research highlighted as being of most concern in terms of the degree to which the public could potentially be misled were:

- conditional-fee arrangements; and
- the need for a third-party to be at fault.

3.2.18 Charts eighteen and nineteen show what people are taking out of the ads tested in respect of these two issues.



Question D7/D12/D20/D24

3.2.19 Findings tend to support the concerns raised by the qualitative research. In the first instance, all of the test ads suggested very strongly to viewers that claiming for compensation "wouldn't cost anything at all". Other data show low endorsement across the board of the proposition that claiming for personal injury must involve hidden charges, with a maximum of 20% endorsement for any of the ads. In short, people seem to be processing 'no win, no fee' at a very superficial level, with the emphasis on 'no fee'. A number of stakeholders flagged this as a concern, with the view advanced that there can still be substantial fees involved, such as after-the-event insurance and other disbursements.

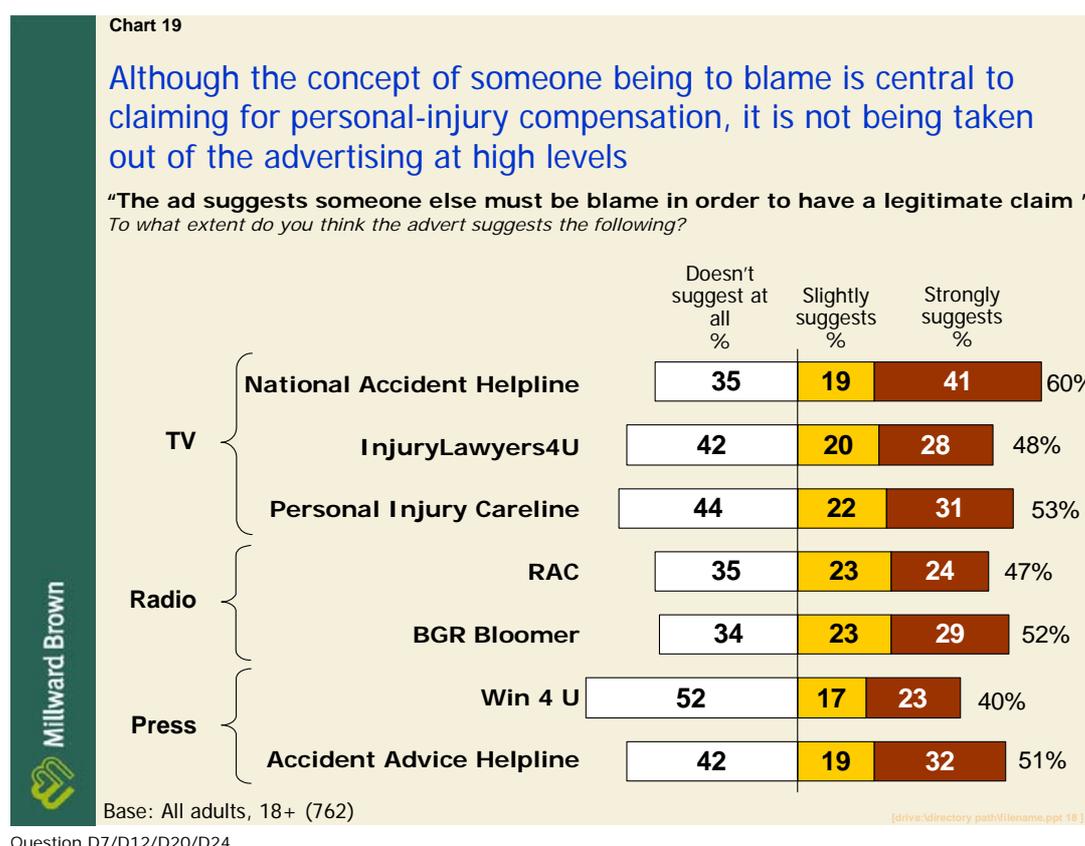
"What they weren't saying is that, if you sign up to one of these 'no win, no fee' agreements, you are signing yourself up into a very complicated financial and legal

process. What they all said was you're signing yourself into a very simple process, a very transparent process, a very straightforward sort of process." (Stakeholder)

3.2.20 It should be said, however, that there were conflicting claims among experts regarding the whole area of 'no win, no fee' – some lawyers, for instance, asserted that all lawyers who claim 'no win, no fee' genuinely offered it – and findings suggest that the term currently lacks a fixed definition in the industry, causing confusion even among some stakeholders.

3.2.21 Lack of clarity over the need for a third party to be at fault was the second serious concern raised by professionals, both from their memories of claims advertising in general and from stimulus shown in the research. A number of ads looked at in the qualitative stage were seen not to mention that someone else must be to blame – and though one might expect people who are at fault for their own injuries to be 'weeded out' at the initial-contact stage, such an omission in terms of ad content was seen as problematic by some stakeholders, not least in its potential to reinforce already-distorted perceptions of the claims process in general.

3.2.22 Chart nineteen shows that none of the ads tested quantitatively is strongly conveying the 'someone else's fault' message to a majority of respondents. The Win 4 U press ad specifically makes no mention of blame, which is reflected in the fact that just over a half of those to whom it is shown say that it doesn't suggest at all that legitimate claims must be based on a third party being at fault. Even those ads which do feature this message, such as the RAC radio execution, are struggling to communicate it clearly. In light of the centrality of this concept to the actual business of claiming, these figures may be a cause for concern.



3.2.23 On the whole, response to ads does not vary significantly or consistently by key demographic sub-groups, with the exception of social grade where we see generally lower levels of takeout among social grades D and E. There are few differences in the responses given by those who have made a claim compared with those who have suffered an injury and not made a claim.

Part four – Addressing hypotheses raised in the brief

Hypotheses raised by DCA in the brief are paraphrased below, and the evidence to support them from our research outlined. Evidence would suggest that there is a degree of truth in each of the three hypotheses, though evidence is far from strong.

4.1 Perceptions of a UK 'compensation culture' have led to fear of litigation, leading to excessively risk-averse behaviour, on the part of local authorities, schools, hospitals and others.

4.1.1 It should be pointed out that the qualitative sample included a very limited number of those equipped to comment on this point with real credibility.

4.1.2 The more negative outcomes of fear of litigation mentioned tended to be anecdotal, and to have come from the news media. These included stories of schools banning conkers, and fewer school trips. Or they related to the US (and to a fear of the UK becoming more 'Americanised'), with an example cited of US care homes, where despite recognition that mobility is an important factor in maintenance of health in older people, residents are kept in wheelchairs to avoid falls.

4.1.3 Teachers in the sample did assert that fear of litigation impacted on their behaviour, and there was an example of a care worker who claimed that health and safety procedures prevented them from catching older residents if they fell, in case they injured themselves in the process.

4.1.4 However, amongst others with public sector experience another side of this hypothesis emerges.

4.1.5 One positive outcome of fear of litigation was evident in improved practices such as more efficient pavement inspection and maintenance regimes. The view of insurers was also that companies were taking health and safety more seriously than may have been the case in the past, and that insurance companies were encouraging them to improve risk management practices.

4.1.6 A fear of litigation could ensure that people recognise that there are consequences of their actions, and encourage them to take appropriate responsibility and care.

4.2 Some people are being persuaded to 'have a go' at obtaining compensation for 'misconceived or trivial' claims, leading to increased costs for those against whom claims are made.

4.2.1 Although many people believe that claims advertising is driving up levels of false claiming, actual evidence in support of this is limited. Qualitatively we did see one group of respondents admitting to some exaggeration of the severity of their injuries, making reference to the ease with which one can claim for whiplash injuries after an accident (in fact referring to this colloquially as 'WhipCash'). And there was also mention of being encouraged to call an ambulance in the event of even minor injuries, ensuring full documentation of all accidents to increase future claim potential. But criticisms of this sort of behaviour were far more widespread than examples of its acceptance. Quantitative findings similarly identified a small minority of adults who admit they "might be tempted" to make an exaggerated claim, but it was far from clear whether advertising was "triggering" this group to go ahead and actually make false claims. It is also to be remembered here that official statistics are showing a downward trend in claiming, and further that stakeholders in the qualitative phase did not identify spurious claiming as a particular cause for concern.

4.3 Negative media reporting and dubious activities of some Claims Management Companies, have led to people not claiming when they had a valid case.

4.3.1 Qualitative findings suggested that there is truth in the view that some of the media coverage regarding Claims Management Companies (e.g. Watchdog) did seem to have resulted in the whole industry being tarred with the same brush. For some this might result in claims not being brought at all, while for others it might encourage consumers to approach a local, trusted solicitor, rather than a specialist in personal injury cases.

4.3.2 The perceived low budget, and sometimes distasteful, nature of much of the advertising (particularly residual memories of past campaigns), and the calls to action based on amounts of compensation available, have for a minority attached stigma to claiming for personal injury, and a resistance to appearing to be part of a blame and claim culture. Quantitative findings indicate that this is particularly an issue for members of the higher social grades, but even among this group advertising is not a key barrier to claiming. Further, it is important to balance the distaste and distrust of a minority with the widely-held view that advertising for injury-claims companies is increasing accessibility to justice. This is supported qualitatively by evidence of lower-SEG claimants finding the style of some of the advertising reassuring, in terms both of representations of approachable staff, and in suggestions of the ease with which a claim can be made.

Part 5 How might regulation in general help?

The current advertising Codes, administered by the ASA, cover advertising that is likely to mislead. In this respect, the ASA is the established means for enforcing the Control of Misleading Advertisements Regulations 1998 (as amended). The Codes also state that advertising must make clear the extent of the consumer's liability for any costs, so it may be that, in relation to advertising, current regulations are sufficient. Certainly, the above seems to cover the two most significant issues to emerge from the qualitative and quantitative research: the absence in some ads of clear information regarding the need for third-party liability, and the potentially misleading use of the phrase 'no win, no fee'. If advertisers are currently exploiting 'loop holes' in respect of these two issues, then there may, however, be a need to tighten the present regulatory framework.

The qualitative findings suggested a mixed response to the concept of "health" warnings. Some stakeholders recognised that words on the screen tend to be missed. Millward Brown's experience of ad testing supports the view that relying strongly on either text on screen or a voiceover to convey a message can prove inefficient (unless the voiceover or text are clearly reinforcing the visuals appearing on screen at the same time).

The quantitative stage of the study has shown that, by and large, people do take 'no win, no fee' messages on face value and do not expect to pay anything at all in the event either of winning or of losing their case. If advertisers are in fact concealing costs to consumers beneath such messaging, then this may be an area which requires attention. Certainly, we have seen evidence of confusion, even among stakeholders, of *exactly* what the term 'no win, no fee' means, and there may be a need for the industry to agree on a consistent and unambiguous definition.

Although not a focus of this research, findings point up the importance of the initial-contact stage, suggesting that this may be the most critical point at which to regulate. Advertising should be seen primarily as a 'trigger' for consumers to make contact with a claims-management firm / solicitor – and it is at this next stage where issues relating to liability and funding are dealt with, along with clarification regarding likely timescales and liability for costs such as insurance and other disbursements. It was asserted by a stakeholder that if this was to be regulated by the Claims Standards Council it would enable consumers to select a company on the basis of its participation in the scheme, but there would have to be penalties for non-compliance (in the same way as licensed conveyancers).

Those who have experienced claiming, agreed with stakeholders that certain pieces of information should be made available to potential claimants at some early point in communication between Claims Management Companies or solicitors and their potential clients (not necessarily in the advertising). These include:

- The source of funding of the case, or at least a genuine mention of whether or not additional costs may be payable in the event of either winning or losing the case.
- The fact that not all claims will be accepted, and the requirement for someone to have been negligent in some way.
- Whether or not the organisation is regulated, and if so by which body (this is mentioned by stakeholders rather than claimants on the whole)

Claimants would like to see more mention of timescales. *"It would be good to have the average length of time on there."* (Injury, no claim)

Some members of the public and stakeholders would prefer not to see advertising which implies compensation for insignificant or 'minor' injuries. *"If*

it's a minor bump, why would you claim? You're not likely to be injured"
(General public, no injury)

There may be a role for a public information campaign which uses language the consumer can understand to communicate a number of key facts about personal injury compensation.

This could also include a document outlining the rights of the consumer when it comes to cold calling, and the regulations that govern the behaviour of organisations when they approach people in a public place.

Summary and conclusions

- Findings show that there is a strong, widely-held belief that the UK has developed a culture of people making false compensation claims for personal injuries.
 - Four-fifths of those surveyed agree that “there is a culture in the UK of people making false claims for personal injuries”.
 - 50% of respondents believe a lot more people are now making false claims for personal-injury compensation than they were five years ago, compared with 39% for state benefits and 22% for home-contents insurance.
 - *However*, public mistrust does not tally with the views of professional stakeholders.
 - Between 2000 and 2005 the overall number of accident claims actually fell by 5.3%. However, two-thirds of those surveyed believe that a lot more people are receiving compensation payments for personal injuries now than they were five years ago,
- No straightforward link has been identified between public mistrust of the claims process and advertising for claims companies. Advertising is one of many influences.
 - Although advertising – and in particular TV advertising – is the primary source of awareness for personal-injury compensation, evidence suggests that it is primarily acting to reinforce negative perceptions, rather than to create them, fanning the flames of a negativity which has its roots in media coverage and word of mouth.
 - Quantitative findings indicate that exposure to negative press coverage is at least as important a factor as exposure to claims advertising, if not more so.
 - In so far as ads are contributing to public views of a ‘compensation culture’, the chief issue seems to be the weight and number of executions.
 - An increase in the number of claims ads over the last few years indicates for some that there must have been a corresponding substantial increase in claiming.
- Response to compensation-claims advertising is centred on the concept of fairness, both in the negative sense of concerns about false claiming and in the positive sense that it is opening up access to justice.
 - Advertising is not a significant barrier to claiming. Although for some it exacerbates a sense of social stigma or distaste around the whole idea of claiming (particularly higher SEGs), this needs to be balanced against the view that advertising is promoting the fact that claiming has become available to all, regardless of means.
 - Advertising can in fact operate as a means of ‘normalising’ the activity of claiming, making it an increasingly acceptable option for some.
- Although a small number of those surveyed admit they “might be tempted to make an exaggerated claim for a personal injury”, findings do not suggest that exposure to advertising is driving this.
 - Despite concerns about a ‘have a go’ culture, no one in our sample who had received compensation admitted to having made one or more untrue statements in their application.

- Stakeholders tended to be more concerned about legitimate claimants not coming forward than about spurious claims, the vast majority of which they felt were effectively being weeded out at the initial contact stage.
- Despite having strongly-held views (often negative) on the topic of injury-compensation claiming, the public has very limited understanding of what is actually involved in making a claim.
 - Aside from raising awareness of claiming as an option, and communicating the message of 'no win, no fee', ads are doing little to educate consumers about the subject of pursuing compensation for personal injuries.
- Some ads are actively reinforcing mis-perceptions of the claims process.
 - Ads are encouraging the popular view of claiming as an easy, straightforward process. The objective of ads to generate phone calls from potential claimants is supporting the belief, held by many, that claiming could involve just a single phone call.
 - The language of many ads reinforces the views of many that claiming might not actually involve entering a legal process.
- It is far from clear whether advertisers could, or should, be forced via regulation to do more to educate consumers
 - Revealing more about the potential complexity of claiming might put off potential legitimate claimants.
 - One claims-management company made the case that their aim was to encourage people who had had accidents to find out for free whether or not they had a claim. The phone call would be their opportunity to discover what their rights were.
- Two areas do emerge as potential causes of concern in that there is a clear risk of consumers being misled:
 - Conditional-fee arrangements
 - There is a lack of certainty, even among stakeholders, as to what 'no win, no fee' means and whether it protects consumers from disbursements. Consumers are, by and large, processing the term on a very basic level, primarily registering the 'no fee' component.
 - The need for a third-party to be at fault
 - Some ads do not mention the need for someone to be at fault for a compensation claim to be possible. While one would expect those whose injuries do not involve a third-party to be eliminated at the initial-contact stage, the omission is seen as serious by some stakeholders and a factor which could reinforce public mistrust. A high proportion of consumers are not clear on the issue of blame.
- Current advertising Codes would seem to cover the above issues, though if loop holes were being exploited, there may be a need to tighten this framework
 - 'Health warnings' are generally not felt to be a solution, primarily because they tend not to cut through sufficiently
 - Evidence of confusion surrounding the term 'no win, no fee', particularly among stakeholders. (Consumers tend to take it at face value.) Perhaps a need for a commonly-agreed, unambiguous industry definition.
 - A feeling among some stakeholders that the focus for regulation needs to be at the initial-contact stage, the stage at which consumers are given advice, information and consultation on the process and their likelihood of winning compensation.

APPENDIX A

A few pen portraits of those suffering personal injury

Young female professional

Out running tripped over a raised paving stone. Despite the encouragement of her friends she was never tempted to claim compensation. She has extremely strong feelings about the advertising, in particular based on the volume, the fact that it is shown during the day, and negative reaction to the style.

Female amateur dramatics enthusiast, higher SEG

Slipped on a stage. Broke her ankle and required 2 operations. According to her husband left her very depressed and traumatised. It has taken her around 2 years to recover fully from the experience. She claimed a small amount from the company's insurance company but now feels that she could have taken action against the Arts Centre. Her view is that she would have been well within her rights, but that at the time her injuries and the disruption to her life prevented her from being in a position to consider it. She also had concerns that she had no evidence to bring to court (although another member of the cast told her that the following evening the section of stage had tape over it to reduce the slipperiness).

Young male cleaner in bakery

Whilst taking a bin up a floor in an external lift, slipped on a wet floor and fell backwards over a guard rail. Landed on the ground on his head and needed hospital treatment for a cut. The lift did not have a fully extended roof to prevent rain getting in, and gates which would have prevented him falling out had been removed and never replaced.

He intends to bring a claim, through his union, but is not prepared to risk claiming whilst still employed by the bakery for fear of reprisals.

Joiner working in construction industry

Another driver drove into the side of his car. He suffered a dislocated hip and shoulder, torn ligaments and tendons and broke his thumb so badly that it required a plate and pins.

He could not afford to take more than 6 weeks off work, so is still suffering as a result of his injuries.

He contacted a Claims Management Company, who put him in touch with a solicitor, and is still waiting to receive compensation (after 18/19 months). He has struggled to understand some of the paperwork that has been sent to him for completion.

Because he was on statutory sick pay of £42 a week he missed a mortgage payment which had added to his financial burden.

Retired grandmother who was a presser/ironer for 37 years

Stationary in her car when hit, suffered whiplash and shoulder injury, could not work for 3 weeks.

Her husband and work colleagues put pressure on her to claim.

Her husband got the name of a company from a friend, and she received £3,000 after 2½ years.

"I was surprised...got £3,000...very pleased...but people said I was entitled to it"

Male professional in academia, in 50s, higher SEG

Was turning left in Land Rover, stopped to allow someone to walk into the road and was hit by a car from behind. He initially claimed to have suffered neck and upper arm injuries, but later admitted that there was no real injury.

His friend offered to be a witness and prompted him to claim. He ensured that a paramedic logged it. He had heard stories of people claiming for minor injuries, but needed some persuasion.

He claimed through his insurance company

"there was nothing wrong with me, well I can't remember, there was some neck pain. Nothing really"

Female, 33 administrator

She and her sister were in a taxi. As it drove off it went into reverse and hit a lamp post. The taxi driver wanted to continue the journey, but the sister's back was injured.

She insisted that they went to hospital, and claimed for whiplash for herself through a friend who was a solicitor.

Male, 50's, retired

Lost 2 fingers while working for a company. A workmate dropped a drain lid on them. He didn't claim as he was working with friends, and felt that it was an accident.

He was also influenced by the fact that he had had his own gardening business in the past, and a claim made against them had led to financial ruin for him and his partner.

Male, late 40's, C2

Tripped over a pavement. The next day his foot swelled up and his doctor told him it was fractured.

Friends advised them to get a picture, so the next day his wife visited the site with a mobile phone and took a picture.

A few months later when someone approached him on the street he filled in a form. There were lots of forms to fill in and very little communication directly with the firm.

He can't remember who the firm was, but he recognised the name from TV advertising.

Appendix B

Claims Advertising quantitative study - questionnaire

SECTION A – General context

SHOW SCREEN

ASK ALL

- A1 I am going to show you a list of different kinds of payments that people might receive. Some of them are one-off payments and others would be received regularly.

For each payment, please think about all the different places you might have seen, heard or read about it recently.

Have you seen, heard or read anything about [PAYMENT] anywhere **recently**?

Yes
No
Don't know

RANDOMISE ORDER. ONE PAYMENT PER SCREEN.

- Compensation payments for personal injuries
- State benefits
- Legal aid
- Payments for home contents insurance claims

IF NONE CODED YES, SKIP TO A3

ASK A2 FOR EACH BRAND CODED YES AT A1. RANDOMISE PAYMENTS.
SHOW SCREEN.

ASK A2 OF NO MORE THAN TWO TYPES OF PAYMENT. (IF
'COMPENSATION PAYMENTS FOR PERSONAL INJURIES' SELECTED AT A1,
THEN THIS MUST BE ONE OF THE PAYMENTS FOLLOWED UP ON.)

A2 In which of these places have you seen, heard or read anything about...
[PAYMENT] **recently?**

MULTICODING POSSIBLE. ONE PAYMENT PER SCREEN. DO NOT
RANDOMISE MEDIA TYPES.

Please answer yes or no for each place.

	Yes	No
Advertising on TV		
Programme on TV (e.g. the news)		
Advertising on radio		
Programme on the radio (e.g. the news)		
Advertising in newspapers or magazines		
Article in newspapers or magazines		
Items in the post		
Internet		
Posters		
Unsolicited phone contact from representative		
Unsolicited face-to-face contact from representative		
Conversation with friend, relative or work colleague		
Somewhere else		

Suggest we use same list for each of the four payments. Although #10 and #11 are not strictly appropriate for all payments, our primary aim here is to get context for compensation claims, so a consistent approach is preferable.

ASK ALL

- A3 Now, please give me your opinion about whether you feel more people or fewer people are receiving these types of payments than they were five years ago, or whether you feel there's been virtually no change.

There is no right or wrong answer here – we're just interested in your opinion.

SHOWCARD A3

A lot more people receiving payments
A few more people receiving payments
Virtually no change
A few less people receiving payments
A lot less people receiving payments
Don't know

Compared with five years ago, do you think there has been a change in the number of people receiving ... ?

RANDOMISE ORDER

- Compensation payments for personal injuries
- State benefits
- Legal aid
- Payments for home contents insurance claims

ASK ALL

A4 I would now like you to think about whether, in your view, there has been an increase or decrease in the number of false claims for each of these payments. Again, it doesn't matter if you feel you don't know enough about the subject: we just want your opinion.

IF NECESSARY: There is no right or wrong answer here – we're just interested in your opinion.

SHOWCARD A4

A lot more people making false claims
A few more people making false claims
Virtually no change
A few less people making false claims
A lot less people making false claims
Don't know

Compared with five years ago, do you think there has been a change in the number of people making false claims for ... ?

RANDOMISE ORDER

- Compensation payments for personal injuries
- State benefits
- Legal aid
- Payments for home contents insurance claims

The next few questions are for you to complete on your own. This is just so that you can answer them completely confidentially. You will be told what to do on the screen, but if you want me to help you, then that's fine.

ASK ALL

SHOW SCREEN

- A5 Please could select all of the types of payment that you personally have **ever** received?

Please select all that apply.

RANDOMISE ORDER. MULTI-CODING POSSIBLE.

Compensation payments for personal injuries
State benefits
Legal aid
Payments for home contents insurance claims
None of these
Don't know / Can't remember

ASK ALL

- A6 And which of these payments have you personally received **in the last three years**?

Please select all that apply.

SHOW CODES SELECTED AT A5. RETAIN ORDER. MULTI-CODING POSSIBLE.

Compensation payments for personal injuries
State benefits
Legal aid
Payments for home contents insurance claims
None of these
Don't know / Can't remember

ASK A7 FOR ALL CODES GIVEN AT A6

- A7 Before answering the next question, please be aware that your answers will only ever be looked at in combination with everyone else's and that they will be treated with complete confidentiality. Please answer as honestly as possible.

Click to continue

NEW SCREEN

Thinking back to when you last received [PAYMENT], which of the following best applies to your application/claim?

Please be as honest as possible. Your answers will only be looked in combination with everyone else's.

ONE CODE ONLY.

My application/claim was completely genuine and I told the whole truth when I made it
My application/claim was genuine but I had to leave out certain relevant facts
My application/claim involved one or more deliberately untrue statements
Don't know / Can't remember
I would rather not answer

SECTION B – Focusing on compensation claims

INTERVIEWER TO ADMINISTER SURVEY AGAIN FROM HERE

ASK ALL

- B1. Have you suffered any injury or health problem in the last 3 years because of an accident somewhere or because of poor working conditions?

Yes
No
Don't know / Can't remember

ASK B2 IF ANSWERED 'Yes' AT B1. OTHERWISE SKIP TO SECTION C.

- B2. How would you categorise this injury or health problem?

DO NOT RANDOMISE. MULTICODING POSSIBLE.

Please select all that apply.

Injury suffered at work / as a result of work
Accident while travelling on public transport
Other road traffic accident
Accident in the street (including slipping / tripping, etc.)
Accident in another public place
Accident at home
Other (specify)
Don't know / Refuse

ASK B3 IF CODED 1 AT B1. OTHERWISE SKIP TO SECTION C.

- B3. Was the injury the fault of someone else (a person, company or other organisation)?

IF SUFFERED MORE THAN ONE INJURY, THEN: Were any of the injuries the fault of someone else (a person, company or other organisation)?

Yes
No
Don't know / Can't remember

ASK B4 IF CODED Yes AT B1. OTHERWISE SKIP TO SECTION C.

- B4 And have you made, or attempted to make, a compensation claim for a personal injury suffered in the last three years?

Yes
No
Don't know / Can't remember

IF YES AT B4, THEN: For the next few questions please answer about the most recent injury for which you have made, or tried to make, a compensation claim.

IF NO/DK AT B4, THEN: For the next few questions, please answer about the most recent injury of this kind that you have suffered

ASK B5-B7 IF CODED Yes AT B1.

- B5 Did the injury require any of the following ... ?

Hospital treatment
Other form of medical treatment
One to five days off from regular daily activities (e.g. work, study, etc.)
More than five days off from regular daily activities (e.g. work, study, etc.)
None of the above
Don't know / Can't remember / Refuse

B6 How serious would you say the injury was?

Extremely serious
Very serious
Quite serious
Not all that serious
Not serious at all
Don't know / Refuse

B7 In your view, who was responsible for the injury?
MULTICODING POSSIBLE. DO NOT RANDOMISE.

Employer / Work colleague
A company (not employer)
Local council / Government
Driver of vehicle
Friend / Relative
Other (specify)
No one was responsible / It was my fault
Don't know

ASK B8 IF ANSWERED NO/DK AT B4

B8 You said that you have not made or attempted to make a compensation claim for this injury. Did you ... ?

Seriously consider making a claim
Give some thought to making a claim
Did not even consider making a claim
Don't know / Can't remember (DO NOT READ OUT)

ASK B9 IF ANSWERED NO/DK AT B4

SHOW SCREEN

- B9 Here are some reasons why other people have not made or attempted to make a claim for compensation. For each one, please tell me the extent to which it applies in your case.

Please select all the reasons that apply.

RANDOMISE ORDER. MULTICODING POSSIBLE.

I didn't feel the injury was serious enough
I didn't know how to make a claim
I still might make a claim – I just haven't done so yet
No one in particular was to blame
I simply didn't need the money
I didn't want the hassle that would have been involved
I was concerned that I didn't have enough proof
I didn't want to make a claim against the person / organisation who was responsible
I was turned off the idea by advertising for compensation claims companies
I didn't try to make a claim because the other side was already making amends
I thought it would cost too much
I thought it would take too much time
I didn't think there was anything that could be done
I was advised that I wouldn't have a very good chance of winning if I made a claim

Applies a lot
Applies to some extent
Doesn't apply at all
Don't know

ASK B10 OF ALL ANSWERING YES AT B4 OR CODE 1 AT B8

B10 The next few questions are about the compensation claim you made, or tried to make, for this injury.

Thinking back to when you first decided to do something about [the injury or health problem] what was the main thing you wanted to achieve?

PROBE FULLY.

OPEN-ENDED

Don't know / Can't remember

ASK B11 OF ALL ANSWERING YES AT B4 OR CODE 1 AT B8

B11 Which of the following people or organisations did you deal with when you were considering making a claim?

Please select all that apply

DO NOT RANDOMISE. MULTICODING POSSIBLE.

Compensation-claims company
Solicitor specialising in compensation claims
Solicitor (not specialising primarily in compensation claims)
Trades union
Citizens' Advice Bureau
Friend or relative
The other side (i.e. the party responsible for the injury)
The other side's insurance company
Other (specify)
Don't know / Can't remember
None of the above

ASK B12 IF ANSWERED CODES 1-2 AT B11

B12 How did you find out about the [INSERT CODE HERE] that you used?

Please select all that apply.

RANDOMISE ORDER. MULTICODING POSSIBLE.

TV advert
Radio advert
Poster advert
Newspaper/Magazine advert
Item in the post
Other kind of advert
Representative stopped you in the street
Representative knocked at your door
Recommended by a friend or relative
Recommended by employer, trade union or some other official body
Received an unsolicited phone call
Yellow pages
Representative approached you in hospital
Used them before
Other
Don't know

ASK B13 IF ANSWERED YES AT B4 (i.e. if made / tried to make a claim)

B13 People have access to many different types of information about making a claim, one of which is advertising. Which of the following best describes the effect of advertising in general on your own decision to try to pursue a claim?

ONE CODE ONLY. DO NOT RANDOMISE.

I wouldn't have thought about making a claim if it wasn't for advertising
Advertising was one of the main things that prompted me to think about making a claim
Advertising had some influence on my decision to consider making a claim
I had already decided to make a claim, but the advertising helped me choose which company
Advertising had no influence at all on my decision to consider making a claim or on the company I used
Don't know / Can't remember

ASK B14 IF ANSWERED YES AT B4 (i.e. if made / tried to make a claim)

B14 Which of the following best applies to how far you got with the claim?

ONE CODE ONLY. DO NOT RANDOMISE.

I looked into making a claim but decided not to go any further
I looked into making a claim but was told I had no grounds for compensation
I went ahead with the claim and received compensation
I went ahead with the claim but did NOT receive compensation
My claim is still ongoing
Don't know / Can't remember / Refused

ASK B14a IF ANSWERED YES AT B4 AND CODE 1 OR CODE 2 AT B11 (i.e. if made / tried to make a claim *and* dealt with a compensation-claims company / solicitor specialising in compensation claims)

B15 Thinking back to when you were considering making a claim, do you remember seeing any advertising for the compensation-claims company / solicitor specialising in compensation claims* that you dealt with?

Yes
No

ASK B16 IF ANSWERED YES AT B15

B16 Please try to remember the advertising that you saw for the compensation-claims company / solicitor specialising in compensation claims** that you dealt with. To what extent do you agree or disagree with each of the following statements?

RANDOMISE STATEMENTS

Agree strongly
Agree slightly
Neither agree nor disagree
Disagree slightly
Disagree strongly
Don't know / Can't remember

- The compensation-claims company / solicitor I dealt with made misleading claims in its advertising
- The compensation-claims company / solicitor I used was completely honest in its advertising
- Making a compensation claim takes much longer than was suggested by the advertising of the compensation-claims company / solicitor I dealt with
- The advertising for the compensation-claims company / solicitor I dealt with was generally clear about the various charges that might be involved in making a claim

* Delete as appropriate. If coded both 1 and 2 at B11, then repeat question.

** Delete as appropriate. If coded 'Yes' at q15 for both, then select one at random.

SECTION C – Advertising in general

IF ANSWERED YES AT B4, THEN: For the next few questions we would like you to think about compensation claims in general, not just your specific case.

IF ANSWERED YES AT A1 AND CODE 1 AT A2, THEN ASK C1

- C1 You said earlier that you have recently seen a TV ad to do with compensation claims for personal injuries. Please tell me everything you remember about the most recent claims advert that you have seen.

OPEN-ENDED

Don't know / Can't remember

IF GAVE AN ANSWER AT C1, THEN ASK C2

- C2 Which company was the advert for?

IF NECESSARY: I am referring to the most recent TV advert you have seen relating to compensation claims for personal injuries.

ALPHABETICAL ORDER. ONE CODE ONLY.

Brand 1
Brand 2
Brand 3
Brand 4
Brand 5
Brand 6
Brand 7
Brand 8
Brand 9
Brand 10
Brand 11
Brand 12
Brand 13
Brand 14
Brand 15
Other (specify)
Don't know / Can't remember

IF ANSWERED YES AT A1 AND CODE 3 AT A2, THEN ASK C3

C3 You said earlier that you have recently heard a radio ad to do with compensation claims for personal injuries. Please tell me everything you remember about the most recent claims advert that you have heard.

OPEN-ENDED

Don't know / Can't remember

IF GAVE AN ANSWER AT C3, THEN ASK C4

C4 Which company was the advert for?

IF NECESSARY: I am referring to the most recent radio advert you have heard relating to compensation claims for personal injuries.

ALPHABETICAL ORDER. ONE CODE ONLY.

Brand 1
Brand 2
Brand 3
Brand 4
Brand 5
Brand 6
Brand 7
Brand 8
Brand 9
Brand 10
Brand 11
Brand 12
Brand 13
Brand 14
Brand 15
Other (specify)
Don't know / Can't remember

IF ANSWERED YES AT A1 AND CODE 5 AT A2, THEN ASK C5

- C5 You said earlier that you have recently seen a newspaper or magazine advert to do with compensation claims for personal injuries. Please tell me everything you remember about the most recent claims advert that you have seen in the press.

OPEN-ENDED

Don't know / Can't remember

IF GAVE AN ANSWER AT C5, THEN ASK C6

- C6 Which company was the advert for?

IF NECESSARY: I am referring to the most recent press advert you have seen relating to compensation claims for personal injuries.

ALPHABETICAL ORDER. ONE CODE ONLY.

Brand 1
Brand 2
Brand 3
Brand 4
Brand 5
Brand 6
Brand 7
Brand 8
Brand 9
Brand 10
Brand 11
Brand 12
Brand 13
Brand 14
Brand 15
Other (specify)
Don't know / Can't remember

ASK ALL

The next questions are for you to answer on your own again. As before, you will be told what to do on the screen, but if you want me to help you, then that's fine.

- C7 On the next few screens are some things that other people have said about companies that specialise in compensation claims for personal injuries and the advertising connected with them.

For each statement, let us know the extent to which you agree or disagree.

There are no right or wrong answers here – we're just interested in your opinions.

RANDOMISE ORDER OF STATEMENTS.

Agree strongly
Agree slightly
Neither agree nor disagree
Disagree slightly
Disagree strongly
Don't know

- It is relatively straightforward to make a compensation claim for a personal injury
 - No-win-no-fee companies provide a valuable service to people who couldn't otherwise afford to make a compensation claim for a personal injury
 - I might be tempted to make an exaggerated claim for a personal injury, even if I didn't have a strong case for compensation
 - I believe there is a culture in the UK of people making false compensation claims for personal injuries
- Above four statements to be asked first (randomised order), followed by next six statements (randomised order)*
- Advertising for companies or lawyers specialising in compensation claims for personal injuries tends to be very confusing.
 - Companies or lawyers specialising in compensation claims for personal injuries are basically honest in their advertising
 - No-win-no-fee adverts are encouraging people to make false compensation claims for personal injuries
 - Compensation claims advertising for personal injuries would actually put me off making a legitimate claim
 - Advertising for compensation claims companies or lawyers provides useful information for people who are considering making a claim for a personal injury
 - Advertising for compensation claims companies or lawyers shows that ordinary people can get access to justice if they have suffered a personal injury

SECTION D – Advertising in particular

RANDOMISE ORDER OF THREE MAIN QUESTION BLOCKS: TV, RADIO AND PRESS

WE HAVE SCOPE HERE TO SHOW THREE TV ADS. EACH OF THE THREE SECTIONS OF TV QUESTIONS HAS A DIFFERING LEVEL OF DETAIL (FOR REASONS OF OVERALL Q'AIRE LENGTH + QUALITY OF RESPONSE). HOWEVER, THE ADS WILL BE ROTATED THROUGH THIS BLOCK, WHICH MEANS THAT ALL QUESTIONS WILL BE ASKED OF EACH AD, THOUGH SOME QUESTIONS WILL HAVE A LOWER BASE THAN OTHERS.

D1 We'd now like you to watch a TV advert.

SHOW TV AD

Do you remember having seen this advert for [BRAND]?

Yes
No
DK (HIDDEN)

NEW SCREEN

I am now going to ask you a few more questions about this advert.

D2 In your own words, what do you think the advert was trying to say?
PROBE FULLY: Anything else?

OPEN-ENDED

Don't know / Can't remember

D3 What, if anything, did you like about the ad?
PROBE FULLY

OPEN-ENDED

Don't know / Can't remember

D4 And what, if anything, did you dislike about the ad?
PROBE FULLY

OPEN-ENDED

Don't know / Can't remember

D5 Thinking about this advert for [BRAND], please tell me whether you agree or disagree with each of these statements.

RANDOMISE STATEMENT ORDER.

	Agree	Disagree	DK
You enjoyed watching it a lot			
It showed things you can really relate to			
It was difficult to understand			

- D6 On the basis of the advert you've just seen, how long do you think it would take on average for a claim to be processed between making initial contact to receiving compensation?

IF NECESSARY: It doesn't matter if you feel you don't know the answer. We're just interested in your opinion.

DO NOT READ OUT. INTERVIEWER PROMPT TO CODE AS NECESSARY.
DO NOT RANDOMISE. ONE CODE ONLY.

A few days (but less than a week)
A few weeks (but less than a month)
A few months (but less than a year)
About a year
About two years
Three years or more
Don't know

- D7 Still thinking about what you've just seen, to what extent do you think the advert suggests the following things?
RANDOMISE ORDER.

	Strongly suggests	Slightly suggests	Doesn't suggest at all
It suggests making a compensation claim might involve going to court			
It suggests making a compensation claim would involve suing the person or company responsible			
It suggests making a compensation claim would not involve entering into a legal process			
It suggests sometimes you can receive compensation just by making a phonecall			
It suggests that claiming for personal injury wouldn't cost you anything at all			
It suggests that claiming for personal injury must involve hidden charges			
It suggests that claiming for personal injury would be stress-free			
It suggests that claiming for personal injury can't be as easy as they say it is			
It suggests that someone else must be blame in order to have a legitimate claim			

- D8 We would now like you to watch a second TV advert.

SHOW TV AD

Do you remember having seen this advert for [BRAND]?

Yes
No
DK (HIDDEN)

NEW SCREEN

I am now going to ask you a few more questions about this advert.

D9 In your own words, what do you think the advert was trying to say?
PROBE FULLY: Anything else?

OPEN-ENDED

Don't know / Can't remember

D10 Thinking about this advert for [BRAND], please tell me whether you agree or disagree with each of these statements.

RANDOMISE STATEMENT ORDER.

	Agree	Disagree	DK
You enjoyed watching it a lot			
It showed things you can really relate to			
It was difficult to understand			

D11 On the basis of the advert you've just seen, how long do you think it would take on average for a claim to be processed between making initial contact to receiving compensation?

IF NECESSARY: It doesn't matter if you feel you don't know the answer. We're just interested in your opinion.

DO NOT READ OUT. INTERVIEWER PROMPT TO CODE AS NECESSARY.
DO NOT RANDOMISE. ONE CODE ONLY.

A few days (but less than a week)
A few weeks (but less than a month)
A few months (but less than a year)
About a year
About two years
Three years or more
Don't know

D12 Still thinking about what you've just seen, to what extent do you think the advert suggests the following things?
RANDOMISE ORDER.

	Strongly suggests	Slightly suggests	Doesn't suggest at all
It suggests making a compensation claim might involve going to court			
It suggests making a compensation claim would involve suing the person or company responsible			
It suggests making a compensation claim would not involve entering into a legal process			
It suggests sometimes you can receive compensation just by making a phonecall			
It suggests that claiming for personal injury wouldn't cost you anything at all			
It suggests that claiming for personal injury must involve hidden charges			
It suggests that claiming for personal injury would be stress-free			
It suggests that claiming for personal injury can't be as easy as they say it is			
It suggests that someone else must be blame in order to have a legitimate claim			

D13 We would like you to watch one further TV advert.

SHOW TV AD

Do you remember having seen this advert for [BRAND]?

Yes
No
DK (HIDDEN)

D14 In your own words, what do you think the advert was trying to say?
PROBE FULLY: Anything else?

OPEN-ENDED

Don't know / Can't remember

D15 On the basis of the advert you've just seen, how long do you think it would take on average for a claim to be processed between making initial contact to receiving compensation?

IF NECESSARY: It doesn't matter if you feel you don't know the answer. We're just interested in your opinion.

DO NOT READ OUT. INTERVIEWER PROMPT TO CODE AS NECESSARY.
DO NOT RANDOMISE. ONE CODE ONLY.

A few days (but less than a week)
A few weeks (but less than a month)
A few months (but less than a year)
About a year
About two years
Three years or more
Don't know

Scale to be amended.

SPLIT SAMPLE SO THAT 50% GET RADIO AD A & 50% RADIO AD
B

D16 We would now like you to listen to a radio ad.

PLAY RADIO AD

Do you remember having heard this radio advert for [BRAND]?

Yes
No
DK (HIDDEN)

D17 In your own words, what do you think the advert was trying to say?
PROBE FULLY: Anything else?

OPEN-ENDED

Don't know / Can't remember

D18 What, if anything, did you like about the ad?

OPEN-ENDED

Don't know / Can't remember

D19 What, if anything, did you dislike about the ad?

OPEN-ENDED

Don't know / Can't remember

D20 Still thinking about what you've just seen, to what extent do you think the advert suggests the following things?
RANDOMISE ORDER.

	Strongly suggests	Slightly suggests	Doesn't suggest at all
It suggests making a compensation claim might involve going to court			
It suggests making a compensation claim would involve suing the person or company responsible			
It suggests making a compensation claim would not involve entering into a legal process			
It suggests sometimes you can receive compensation just by making a phonecall			
It suggests that claiming for personal injury wouldn't cost you anything at all			
It suggests that claiming for personal injury must involve hidden charges			
It suggests that claiming for personal injury would be stress-free			
It suggests that claiming for personal injury can't be as easy as they say it is			
It suggests that someone else must be blame in order to have a legitimate claim			

SPLIT SAMPLE SO 50% GET PRESS AD A AND 50% GET PRESS AD B

D21 Here is a press advert.

SHOW PRESS AD

Do you remember having heard seen this press ad for [BRAND]?

Yes
No
DK (HIDDEN)

D22 What, if anything, do you like about this ad?

OPEN-ENDED

Don't know / Can't remember

D23 What, if anything, do you dislike about this ad?

OPEN-ENDED

Don't know / Can't remember

NEW SCREEN

D24 Thinking about what you've just seen, to what extent do you think the advert suggests the following things?
RANDOMISE ORDER.

	Strongly suggests	Slightly suggests	Doesn't suggest at all
It suggests making a compensation claim might involve going to court			
It suggests making a compensation claim would involve suing the person or company responsible			
It suggests making a compensation claim would not involve entering into a legal process			
It suggests sometimes you can receive compensation just by making a phonecall			
It suggests that claiming for personal injury wouldn't cost you anything at all			
It suggests that claiming for personal injury must involve hidden charges			
It suggests that claiming for personal injury would be stress-free			
It suggests that claiming for personal injury can't be as easy as they say it is			
It suggests that someone else must be blame in order to have a legitimate claim			

ASK ALL

D25 Thinking about all of these ads together, what sort of people do you think they are aimed at?

IF NECESSARY: Please code all that apply

RANDOMISE STATEMENT ORDER.

People who have suffered a personal injury
People who simply want to make money
People who can't otherwise afford to use a lawyer
People who don't know much about the legal system
People who are more or less like me
People who aren't like me at all
Other
Don't know

ASK ALL

D26 Which of the different types of adverts did you feel were most ... ?

IF NECESSARY: Please code all that apply

RANDOMISE WORD ORDER. MULTICODING POSSIBLE.

TV
Radio
Press
Don't know

- Informative
- ~~Reassuring~~
- Honest
- Irritating

SECTION E – Classification

Finally, here are a few questions about you to ensure we are covering a cross-section of the population.

- ASK ALL
- E1 On an average weekday, how many hours do you spend watching television?

None
Less than one hour
1-2 hours
3-4 hours
5-6 hours
More than 6 hours
Don't know

- ASK E2 IF NOT ANSWERED 'None' AT E1
- E2 How often do you watch television in the daytime on a weekday? By daytime, I mean between 9am and 6pm.

Never
Occasionally
Once or twice a week
Most days
Don't know

- E3 Do you have access to either of the following?

Please select all that apply.

MULTICODING POSSIBLE.

Digital TV (e.g.
Freeview)
Cable or Satellite
television
None of these
Don't know

E4 Which, if any, of these daily newspapers do you read regularly? PROMPT:
Which others?

<i>Daily Express</i>	1
<i>Financial Times</i>	2
<i>The Guardian</i>	3
<i>The Independent</i>	4
<i>The Daily Mail</i>	5
<i>Daily Mirror</i>	6
<i>Daily Record (Scotland)</i>	7
<i>The Evening Standard (London)</i>	8
<i>Daily Star</i>	9
<i>The Sun</i>	10
<i>The Daily Telegraph</i>	11
<i>The Times</i>	12

E5 Which, if any, of these Sunday newspapers do you read regularly?
PROMPT: Which others?

<i>The Sunday Express</i>	1
<i>The Independent on Sunday</i>	2
<i>The Mail on Sunday</i>	3
<i>Sunday Mail (Scotland)</i>	4
<i>Sunday Mirror</i>	5
<i>News of the World</i>	6
<i>The Observer</i>	7
<i>The People</i>	8
<i>Sunday Post (Scotland)</i>	9
<i>Sunday Telegraph</i>	10
<i>The Sunday Times</i>	11

E6 How often do you listen to commercial radio stations, that is radio
stations which have advertising? (It doesn't matter whether it is in the
car, at home, at work, or elsewhere?)

- Every day
- Almost every day
- Once or twice a week
- Less often
- Never
- DK (HIDDEN)

E7 How often do you use the internet?

Every day
 Almost every day
 Once or twice a
 week
 Less often
 Never
 DK (HIDDEN)

E8a. Which of these ITV stations can you receive at home?

E8b. Which one do you mainly watch? ONE CODE ONLY.

	a. Receive	b. Mainly Watch
Anglia	4	4
Border	9	9
Carlton (formerly Central)	6	6
Carlton (formerly Westcountry)	1	1
Carlton/London Weekend	2	2
Grampian	11	11
Granada	7	7
HTV Wales	14	14
HTV West	15	15
Meridian	3	3
Scottish Television	12	12
Tyne Tees	10	10
Yorkshire	8	8
No TV/don't watch TV	0	0
		OCO

E9 What is the highest level of education you've completed?
READ LIST. ONE CODE ONLY.

	(X)
CSE/O Level/GCSE	1
BTEC/NVQ/GNVQ	2
A Level/AS Level	3
First degree or similar	4
Postgraduate Degree	5
Other (specify)	6
None of the above	7
Prefer not to state (DO NOT READ OUT)	0

E10 Which of these best describes your own employment status?

- Retired
- Employed full-time (30+ hours a week)
- Employed part-time (less than 30 hours a week)
- Unemployed – looking for work
- Unemployed – intending to look for work but temporarily sick or injured
- Permanently unable to work due to long-term sickness / illness
- On a government training scheme (or employment training)
- Self-employed
- Full-time education
- Not looking for work – looking after family / home
- Refused

E11 Are you ... ?

- Married / Living with a partner
- Single
- Widowed
- Divorced
- Separated
- Refused

E12 What is your gross total household income before tax, including any state benefits such as Pension Credit?

Up to £10,000
£10,000 - £20,000
£20,000 - £30,000
£30,000 - £40,000
£40,000 - £50,000
£50,000 and above
Do not wish to answer
Don't know

E13 Which if any, of these benefits are you personally receiving at the moment?

SHOW CARD E13

MULTICODING POSSIBLE. DO NOT RANDOMISE.

Pension Credit
Income Support
Job Seeker's Allowance (JSA) formerly
Unemployment Benefit
Guardian's Allowance
Bereavement Benefit (Bereavement
Payment, Bereavement Allowance, Widows
Benefit.)
Child benefit
Housing Benefit
Council Tax Benefit
Refused
None of these
Some other state benefit

INTERVIEWER TO ASK FOLLOWING QUESTIONS TO ASCERTAIN SEG

- E14 Which member of your household would you say is the Chief Income Earner – that is the person with the largest income, whether from employment, pensions, state benefits, investments or any other sources?
- 1 Respondent
 - 2 Respondent's Spouse/Partner
 - 3 Respondent's Mother/Father (in law)
 - 4 Respondent's Son/Daughter (in law)
 - 5 Respondent's Brother/Sister (in law)
 - 6 Respondent's Other relative
 - 7 Other person
 - 8 Refused/not stated

ALL QUESTIONS BELOW BASED ON CIE (WHETHER RESPONDENT OR ANOTHER MEMBER OF HOUSEHOLD)

- E15 Do you yourself work ... READ OUT LIST
- 1 Thirty hours or more per week
 - 2 Less than thirty hours per week
 - 3 Are you retired from a full time job
 - 4 Or are you not working for some other reason
 - 5 (DON'T READ OUT) Refused/not stated

NOW COLLECT DETAILS OF RESPONDENT'S JOB .
THE CHIEF INCOME EARNER IS : Respondent

- E16a What type of firm do you work for?
Reply may be NULL or REF
.. Reply may be open ended
- E16b What do you do? What does the work involve?
Reply may be REF
.. Reply may be open ended
- E16c Is the work manual/non manual?
1 Manual
2 Non manual
- E16d Are you an employee or self employed?
1 Employed
2 Self employed
- E16e Do you have any position/rank/grade in the organisation?
(PROMPT: Foreman, Sergeant, Manager, Chief Executive etc.)
.. Reply may be open ended

- E16f How many people work at the same place?
0 to 99999
.. Reply may be a numeric value
- E16g How many people are you responsible for?
0 to 99999
.. Reply may be a numeric value
- E16h TYPE IN ANY OTHER RELEVANT INFORMATION REGARDING PEOPLE THEY ARE RESPONSIBLE FOR
(E.G. OTHER SALESMEN, MANAGERS, CLERICAL OR MANUAL WORKERS)
.. Reply may be open ended
- E16i What is the job title of the person you report to?
.. Reply may be open ended
- E16j What qualifications do you have?
COLLECT ALL AND PROBE FOR LEVEL E.G. BELOW, AT ABOVE DEGREE LEVEL)
.. Reply may be open ended

A SUMMARY OF THE INFORMATION PROVIDED IN THE PREVIOUS QUESTIONS IS PROVIDED BELOW TO CALCULATE SOCIAL GRADE

TYPE OF FIRM |
JOB
EMPLOYMENT STATUS
NO. OF PEOPLE AT PLACE OF WORK
NO. OF PEOPLE RESPONSIBLE FOR 2 -
QUALIFICATIONS
POSITION/RANK/GRADE
REPORT TO -
OTHER INFO

If the respondent is retired and receives a pension from their last company, questions are asked based on their position whilst working at the company.

INTERVIEWER TO COMPLETE FROM RECRUITMENT RECORD

E17 RECORD SEX. DO NOT ASK.

Male
Female

E18 AGE

THANK AND CLOSE

Appendix C

Weighting targets

Stage one

Both boosts weighted back to the natural proportions falling out in the general-population sample.

Stage two

Data weighted to demographic profile of England and Wales by sex, age and social grade

	TOTAL	Men	Women
18-34	28.77%	29.52%	28.07%
35-54	35.96%	37.20%	34.81%
55+	35.27%	33.28%	37.11%
AB	25.94%	27.14%	24.83%
C1	28.85%	27.60%	30.01%
C2	20.77%	23.15%	18.55%
D	16.11%	16.00%	16.21%
E	8.33%	6.11%	10.40%

Appendix D

Method and sample

1. Structure of qualitative research

- Stage one – expert/stakeholder qualitative research
- Stage two – qualitative research amongst consumers – including those who have made a claim and those who have suffered an injury but not made a claim

Stage one

One group discussion lasting two hours with representatives of three organisations, and a number of interviews, each lasting around one hour with representatives of individual organisations took place. The sample structure is shown below. The numbers in brackets refer to the number of individuals representing the organisations:

- Two advertisers (2)
- One representative of an organisation defending claims (1)
- One academic (1)
- Two insurers or their representatives (3)
- One consumer body (1)
- Two representatives of legal profession (4)

These are referred to in the report as 'stakeholders'.

Stage two

Eighteen individual depth interviews each lasting around one hour, and six group discussions each lasting two hours. Fieldwork took place in London, Cardiff, Watford, Birmingham, Sutton Coldfield, Newcastle-Upon-Tyne and Manchester between 11 and 20 October 2005.

The depth interview sample consisted of:

- Ten individuals or couples who had not suffered an injury, with a spread of age, SEG and gender

- Four individuals or couples who had suffered an injury and made a claim
- Four individuals or couples who had suffered a 'qualifying' injury but not made a claim

The group discussion sample consisted of 2 full group discussions amongst the general public, and four mini-group discussions amongst those who had suffered injury:

- 1. All claimed not to have suffered an injury which might have qualified for compensation. A mix of men and women, BC1*, no children (25-34). (8)
- 2. . All claimed not to have suffered an injury which might have qualified for compensation. A mix of men and women, C2D*, with children living at home (30-45). (8)
- 3. Had suffered an injury which might qualify them for compensation and made a claim for compensation or be intending to (5)
- 4. Had suffered an injury which might qualify them for compensation and made a claim for compensation or be intending to (6)
- 5. Had suffered an injury which might qualify them for compensation and did not make a claim or intend to make one in the future in respect of this incident (6)
- 6. Had suffered an injury which might qualify them for compensation and did not make a claim or intend to make one in the future in respect of this incident (5)

Qualifying injuries were defined as an accident at work, fall in the street (slipping or tripping), an accident in a public place (e.g. in a supermarket/shopping centre), injury sustained as a result of a road traffic accident (car/bike/motorbike) – either as a driver/passenger or as a pedestrian or dog bite injury – and the respondent had to assert that someone else (a person, company or other organisation) was at fault.

Incidents suffered by the sample included injuries at work (falling out of exterior lift that had had gates removed, falling from ladder, accident fixing extractor fan, after being urged by director to fix it without lifting equipment, fall on wet floor with no signs), several highway slips and trips, several motor accidents, accident in a public place (on slippery arts centre stage), slip from a rented caravan without slip mats on steps, bad tackle during game of football.

* Demographics of groups 1 and 2 (SEG) were as shown below

AB = Higher and intermediate managerial / administrative / professional

C1 = Supervisory, clerical, junior managerial / administrative / professional

C2 = Skilled manual workers

D = Semi-skilled and unskilled manual workers

2. Quantitative research

Method

Quantitative fieldwork was conducted between 7th December 2005 and 19th February 2006. Interviewing was conducted face-to-face using a Computer-Assisted Personal Interviewing system (CAPI). All fieldwork was conducted by The Operations Centre (TOC), Millward Brown's in-house data collection team.

Interviews were conducted in England and Wales with adults, 18+. A general, representative sample of 509 adults was collected using a tightly controlled form of random-location sampling. The confidence interval on a base of 509 is +/- 6.2% assuming a figure of 50%. The level is +/- 5.8% on a figure of 30% and +/- 4.0% on a figure of 10%.⁷

The aim of random-location sampling is to eliminate the more unsatisfactory features of quota sampling without the cost, timing and other penalties involved in conducting surveys according to strict probability methods. The principal distinguishing characteristic of the form of random-location sampling applied in this study is that interviewers are given very little choice in the selection of respondents. Respondents are drawn from a small set of homogenous streets selected with probability proportional to population after stratification by their ACORN characteristics and region. Quotas are set in terms of characteristics which are known to have a bearing on individuals' probabilities of being at home and so available for interview. Rules are given which govern the distribution, spacing and timing of interviews.

The sample of areas takes as its universe all Sample Units (groups of Census 2001 Output Areas of, on average, 300 households) in England and Wales. Sample Units were stratified in the following manner:

- (i) Standard Region
- (ii) Within Standard Region - by Acorn type
- (iii) Within Standard Region by County and ITV Region

The random-location sample of the general population was boosted to ensure sufficient interviews were collected with two groups of particular interest:

1. Those who have suffered a personal injury in the last three years that wasn't their fault and made / tried to make a claim (151 interviews)
2. Those who have suffered a personal injury in the last three years that wasn't their fault and *have not* made / tried to make a claim (102 interviews)

Due to the low penetration of the above groups, a list approach was used to generate sampling frames for the boosts. Interviews on the boost were administered in home using the same CAPI questionnaire as for the main sample.

762 interviews were collected in total.

Data have been weighted by sex, age and social grade, with the two boosts weighted back to natural proportions. Weighting targets are included as Appendix C.

⁷ Confidence intervals vary not just according to base size but also according to the percentage being tested. A figure of 50% represents the widest extent of statistical confidence on any given base size. The above assumes a 95% level of statistical significance.

Quantitative questionnaire

The quantitative questionnaire was approximately thirty minutes in length and was designed by Millward Brown in consultation with the DCA and ASA.

Where possible, the questionnaire was designed to adopt a 'neutral stance', placing claims for injury compensation on a level playing field with other types of claims, and giving respondents an equal opportunity to respond either positively or negatively in their feedback. For instance, the key batteries of attitude statements feature an even number of positives and negatives.

A copy of the questionnaire is included as Appendix B.