

FACT SHEET

ROAD ACCIDENT FUND

1. What process needs to be followed when claiming from the Road Accident Fund (RAF)?

- A claim must be lodged on a Third Party Claim Form (RAF 1) in respect of claims arising from 1 August 2008. The RAF 1 requires information to be provided in respect of: the claimant; the motor vehicles and persons involved in the motor vehicle accident; the date and place of the motor vehicle accident; and the amounts claimed. The RAF 1 also contains a medical report which must be completed by the medical practitioner who treated the injured person for bodily injuries sustained in the motor vehicle accident.
- The RAF 1 must be accompanied by an affidavit setting out how the motor vehicle accident occurred. Claimants are requested to provide copies of any witness statements, the police report, hospital records, and documentary proof in respect of any amounts claimed.
- The drivers, and owners (if the owner is not the driver), of the motor vehicles involved in the collision must furnish details of the motor vehicle accident to the RAF on an Accident Report Form (RAF 3) in respect of claims arising from 1 August 2008.
- Following receipt of a claim, the RAF registers the claim on its claim system and commences with its investigations.
- The RAF will investigate the claim to determine, amongst others, whether the claim documentation complies with statutory provisions, whether the claim was submitted in time, whether the loss or damage was caused by or arose out of the driving of a motor vehicle and the respective degrees of fault, blame or negligence to be ascribed to the

various drivers of the motor vehicles and the claimant. The loss or damage suffered by the claimant is also quantified.

- The RAF may request the claimant to provide additional information and supporting documentation to enable it to assess the matter.
- If a serious injury has been sustained and general damages are claimed, for amongst others, pain and suffering, loss of the amenities of life, disfigurement or early retirement, and the claim arose from 1 August 2008, the assessment of the seriousness of the injury must be conducted in terms of the method prescribed in the Regulations promulgated under the Road Accident Fund Act. The Serious Injury Assessment Report (RAF 4) must be completed by a medical practitioner and submitted to the RAF.

2. What paperwork do claimants need to submit?

In addition to the documentation referred to above, claimants must ensure that they submit the following documents to the RAF:

- A copy of the claimant's identity document, passport, driver's license or unabridged birth certificate.
- Documentary proof, such as a copy of the relevant inquest record or, in the case of a prosecution of the person who allegedly caused the deceased's death, a copy of the relevant charge sheet from which it can clearly be determined that the deceased's death resulted from the motor vehicle accident to which the claim relates, where the deceased person was killed outright in a motor vehicle accident.
- A copy of the traffic collision report or Officer's Accident Report.
- For loss of support claims:
 - ✓ A copy of the marriage certificate; certificate of registration of a customary marriage; or documentary proof of the existence of a domestic life partnership where the life partner and the deceased had established a contractual reciprocal duty of support;
 - ✓ Copies of the unabridged birth certificates of each of the minor dependants;
 - ✓ Proof of the deceased's income; and
 - ✓ Proof of the spouse's or life partner's income.
- For funeral expense claims:
 - ✓ Quote, invoices or receipts in respect of funeral expenses incurred.

2.1 Funeral Claims

The RAF has fast tracked the funeral claims process to ensure families who lose loved ones in motor vehicle accidents receive the required burial assistance quicker. The RAF will endeavor to finalise and pay funeral claims in less than a week from the day of lodgment. This is an indication of the RAF's commitment as the caring arm of government' to promptly ease the financial and emotional burden of claimants.

The claim will be registered, assessed and then paid within the applicable legal guidelines.

Payment will be made directly to the family. Funeral Parlours are not allowed to lodge claims, even if mandated to do so by the family.

The RAF paid 6,141 funeral claims to the value of roughly R97 million in the 2017/2018 financial year; in 2016/2017, these figures were 9,238 claims to the value of approximately R140 million.

Only actual costs to cremate the deceased or to inter the deceased in a grave is paid by the RAF.

This includes:

- ✓ Transportation of the deceased's body;
- ✓ Provision of a coffin or burial shroud;
- ✓ Preparation of the deceased's body (including embalming);
- ✓ Storage of the deceased body;
- ✓ Arranging for the issuing of a death certificate;
- ✓ Burial or cremation of the deceased's body;
- ✓ Hiring of equipment to lower the coffin into grave; and
- ✓ Grave fees.

The funeral expenses that are not covered include:

- ✓ Catering;
- ✓ Flowers;
- ✓ Tombstone;

- ✓ Family transport; and
- ✓ Funeral programs.

3. **What circumstances, may result in claims against the RAF being unsuccessful?**

Examples of such instances include where:

- The injured person or deceased breadwinner was solely responsible (at fault) for causing the motor vehicle accident;
- The motor vehicle accident resulted in compensation being paid by the Compensation Fund and such compensation exceeds the claimant's entitlement from the RAF;
- Secondary emotional shock is suffered in circumstances where a person witnesses, or hears of a road cash, but is not physically involved in the motor vehicle accident; or
- Where only minor injuries were sustained and no other loss or damage resulted from the injuries sustained.

4. **What can be claimed for?**

- Emergency and non-emergency medical treatment;
- Past and future loss of earnings or income;
- Future medical expenses;
- General damages for serious injuries;
- Funeral expenses; and
- Past and future loss of support.

5. **Advantages of claiming directly**

- Transparency is fostered as the claimant is provided with timely, accessible and accurate information relating to the direct claim and related matters during the claims management process;
- Claimants are assisted by the RAF and the RAF assumes a duty of care to protect the interests of the unrepresented claimants by, inter alia, ensuring that the direct claim does

not prescribe; applying to court for the appointment of a Curator when required; and, ensuring that the settlement in respect of the direct claim is reasonable;

- A high standard of professional ethics is maintained by the RAF when dealing with unrepresented claimants;
- Service delivery is improved through direct interaction between the RAF and the claimant, something that is not possible where an attorney represents the claimant;
- Payment of compensation is made directly to the claimant; and
- In the event that a dispute arises, the RAF has a Direct Claim Management Policy in place, which provides for the management of disputes between direct claimants and the RAF.

6. Post Settlement

Apart from the compensation paid to the claimant, the RAF also assists claimants who require on-going medical treatment by offering an undertaking to enable claimants to access such treatment and rehabilitative services through its Post Claims Settlement Department.

An **Undertaking Certificate** is an agreement between the claimant and the RAF in terms of which the RAF undertakes to provide for current and future medical needs that the claimant may have relating to the injuries sustained in the motor vehicle accident. This includes, amongst others, structural changes to homes where required (e.g. access ramps, bathroom modifications) and payment in respect of caregivers and providing access to assistive devices such as wheel chairs.

The RAF has case managers who visit motor vehicle accident victims during their recovery at home, providing on-going support for claimants who require such assistance.

7. Caregivers

The payment of expenses related to caregivers is one example of assistance provided to claimants by the RAF in terms of the Undertaking Certificate. Caregivers care for claimants who are living with, for example, paraplegia, quadriplegia and amputation, which results from injuries sustained in the motor vehicle accident. A caregiver may be a professional nurse or an informal caregiver, such as a family member, friend, neighbour or any other person who monitors the claimant and attends to his, or her, needs. The duties of a Caregiver may include taking care of

the physical well-being (such as hygiene and exercise) of the claimant, helping the claimant take their medication, looking after the claimant's travelling needs, and performing light household duties in, and outside, the house (such as meal preparation), that the claimant may no longer be able to do due to his, or her, functional impairment flowing from the injuries sustained in the motor vehicle accident. Claimants commonly choose a family member to act as a caregiver due to the intimate nature of the required care in many instances.

8. Road Accident Benefit Scheme

The proposed Road Accident Benefit Scheme (RABS) is expected to eradicate extended and costly litigation, high administrative costs and prolonged claims finalisation.

RABS will usher in a new benefit scheme that will provide a social security safety net based on social security principles for those injured in motor vehicle accidents and to the dependants of breadwinners who are killed in motor vehicle accidents. RABS will provide benefits to motor vehicle accident victims and their dependants, irrespective of who was at fault. Under the new dispensation, claimants, especially the most vulnerable in society who are currently excluded from claiming under the RAF, will be entitled to benefits under RABS. RABS will provide pre-defined benefits, on a no-fault basis, and payments will be made directly to the beneficiary in a structured manner. The legislative process to implement the RABS is at an advanced stage.

9. Highlights of the 2017/18 financial year include the following:

- ✓ A total 271,933 new claims were registered and 203, 493 where finalised. This is an increase of 35% in the number of newly registered claims. In comparison: 202,100 claims were registered and 209,561 were finalised in 2016/2017.
- ✓ During the year under review, the RAF finalised an average of 771 claims each working day of the year.
- ✓ Total revenue for the year increased to R37,34 billion compared to R33.34 billion in the previous financial year, mostly as a result of a 5,8% increase in the RAF Fuel Levy, together with a lowering in diesel refunds recouped from this year.

- ✓ Claims expenditure in cash (excluding the increase in the claims provision) of R34.6 billion accounted for 93.6% of total expenses, with the balance being made up of employee costs i.e. R1.6 billion (4.3%) and administration and other costs, i.e. R742 million (2.1%).
- ✓ Over 66,000 claimants were engaged at our highly regarded 'RAF on the Road' community outreach campaigns and other roadshows. Our Call Centre responded to more than 387,000 telephone calls, and more than 315, 482 people followed RAF's social media footprints.
- Of the individual claim payments/settlements made per category:
 - R2.5 billion was paid in medical costs;
 - R144 million towards settlements/payments for funeral costs;
 - R8.4 billion was paid in general damages – primarily to persons not seriously injured; and
 - R14.7 billion was paid for loss of earnings and support for those who qualified.

10. How do people get in touch with the RAF?

- Claimants can access the RAF's services at: its 100 Hospital Service Centres at public hospitals countrywide; any of its five Regional Offices in Pretoria, Johannesburg, Durban, East London and Cape Town; or at five Customer Service Centres in Bloemfontein, Mafikeng, Polokwane, Kimberley and Nelspruit.
- The RAF can be contacted through the **Call Centre** on **0860 23 55 23 (Mon-Fri: 07h45 to 16h00)**. Claimants will be assisted in any of the 11 official languages.
- A detailed list of RAF's Regional Offices, Hospital Service Centres, Customer Service Centres, and Walk-in-Centres is available on the website: www.raf.co.za.
- Follow us on social media RAF on Twitter: @RAF_S A, Instagram: Raf_road, or Facebook: RAF SA Road.

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