

Claims 'How To' Public Liability Claims

james hallam
insurance brokers

YOUR COVER

Public liability insurance covers claims made against you by customers, contractors, or members of the public for accidental injury or damage to their property. This could arise from an incident on your premises or as an accidental outcome of your operations.

WHEN TO REPORT

If you are involved in an injury to a member of the public or you aware of property damage which occurs to property that you do not own and you consider a claim likely please report this to James Hallam.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) provides guidance what kind of injuries to member of the public should be reported.

NON-FATAL ACCIDENTS TO PEOPLE OTHER THAN WORKERS.

Report if:

- they involve work activity
- they result in an injury
- the person is taken directly from the scene of the accident to hospital for treatment to that injury

Any of the above scenarios should be reported to James Hallam as soon as possible. A RIDDOR report also needs to be made within 15 days via the HSE online reporting site.

Property Damage: Any instance of third party property damage which is significant, likely to give rise to a claim against you and exceeds any excess should be advised to James Hallam.

KEY CLAIM INFORMATION

The following information will be needed in relation to an incident or a formal claim. Generally points 1-3 are sufficient to notify an incident but if/when a

claim progresses all of the information below would ideally be required.

1. A copy of the accident report
2. Photos or videos of the incident or area if available
3. RIDDOR if appropriate
4. Details of any witnesses to the incident
5. Risk Assessments, method statements and/or Safe System of work document
6. Details of previous similar accidents. Please include accident book records, if available.

FORMAL CLAIM

A formal claim is made when you receive either a Letter of Claim or a Claim Notification Form (CNF). These are generally produced by a solicitor acting for the employee and will contain details of the alleged accident, allegations of negligence and limited details of the injury/damage and extent of their claim.

This should be provided to James Hallam as soon as it is received to allow fast acknowledgement of the claim by your insurer.

It is not necessarily for you to respond to the any correspondence; we recommend sending this to us unanswered at this stage for the insurer to take over correspondence.

TIME FRAMES

James Hallam will be able to advise on specific time frames which apply to your claim based on English/Scottish Law, however, as a general rule we recommend sharing information quickly to allow liability investigations to occur within 40 days.

LIABILITY INVESTIGATIONS

Your insurer will investigate whether you are legally liable for any claim made. The first assessment is to determine if you have breached your duty of care

appropriate to a member of the public. This will involve review of your own documentation and procedures, potentially with your insurer using a loss adjuster.

If a liability defence is possible your insurer will issue a denial of liability on your behalf. If this occurs the claimant solicitor will either withdraw your claim or seek to litigate via court proceedings. If the insurers consider you are likely to be found liable for the incident. They will recommend an admission of primary liability.

The employee will then have to prove their claim with supporting evidence either in the form of medical evidence for an injury or repair/replacement estimates in the event of damage to demonstrate that they have sustained the injuries/losses they allege.

WHAT HAPPENS NEXT

If a claim is admitted, it can take some time for medical evidence to be provided to support the claim. Equally, repairs may also take time and need to be assessed by a loss adjuster. Your insurer will consider any evidence supporting the third party loss and seek a best terms settlement.

Any disputes either regarding liability or the value of the claim have the potential to litigate. In which case the insurer will appoint a solicitor to represent you. A claim for injury must be made within 3 years of the date of the accident (or date of knowledge of the injury) and a claim for property damage must be made within 6 years. If either of these time periods is close to expiring, the claimant will have to litigate to avoid running out of time.

