



NOTIFICATION OF ANY CLAIMS

With the increased number of liability claims it is becoming all the more important that you let us know of any incidents when they occur that may lead to a claim. Recently we have had a number of claims reported to us after a legal claim has been made against the home, rather than at the time of the incident. Insurers' first question then is 'why was the claim reported late and what evidence is now available to mount a reasonable defence?'

Invariably those who were aware of the circumstances at the time have either forgotten, or are no longer employed at the home, and the records are inadequate to allow insurers to mount a defence. We have recently seen a claim reserve for an employers' liability claim rise to £350,000 - the highest we have ever seen for one of our clients. This is simply because the client has no real records enabling insurers to enter a defence. In addition, due to late reporting, the Access to Justice reforms may result in the court finding against our client. Despite the fact there being a very real question as to whether the alleged accident ever happened or not. We have already received insurer's agreement that this one-off incident will not affect the premiums of any other care home client insured with CHIS.

Report Form

The majority of employer's liability claims result from an employee tripping, slipping or falling at the home or injuring themselves, when attempting a task they have either been trained not to do or a task they have not been trained to do, e.g. lifting. If there is an incident where a member of staff or the public have an accident within the home or its grounds, please do let us know and we will ask you to complete a report form which will be passed to insurers for notification purposes only. Then they can make sure the paperwork required, to enter any defence, is readily available.

Moral of the story

Ensure that full and complete records are maintained and CHIS are informed of any incident which you believe has the potential of becoming an insurance claim at the time of the incident. Not at the time the individual enters a legal claim against you. We can then make sure you do not have claims reserved against your home of the magnitude detailed in this case study.