



## AN EMPLOYERS LIABILITY CLAIM – make sure you document everything

Care homeowner "A" had an employee who decided a resident needed to be lifted from their bed without the aid of a hoist. She had been specifically trained not to lift residents without the aid of a hoist and had been trained in the use of the hoist to prevent dangerous situations.

The resident slipped from her (the carer's) grasp and the carer suffered a lifting related injury.

While our client was able to demonstrate that all staff knew not to lift, they were unable to demonstrate the training undertaken. The carer's solicitor on the other hand, was able to demonstrate the lack of evidence. The effect of this lack of documentation resulted in the claimant successfully winning a small amount of compensation.

### **Moral of the story**

Lesson learned – document everything and keep CHIS up to date 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.

