

General claim guidance

Involving a person

What to notify: A claim or a circumstance likely to give rise to a claim following an incident involving a service user, member of staff, contractor working on site or visitor.

A claim

You must notify us **immediately (or by the next working day)** if you receive:

- Any **formal correspondence**, communication, or legal allegation.
- Any **complaint** that you believe could result in a loss or liability.

Why prompt notification matters:

Delays in reporting formal correspondence can prejudice the insurer's position or increase the cost and complexity of resolving the matter.

What to include in your notification:

- All relevant correspondence to date (e.g. letters, emails).
- Supporting documents that provide context, such as:
 - Incident reports.
 - Investigation documents.

Note: Full care records or employee files are not usually required at the initial stage unless specifically requested.

A circumstance likely to give rise to a claim

A circumstance is considered "likely" if there is a **greater than 50% chance** that a claim will be made.

This is assessed objectively:

Would a **reasonable person** consider the situation likely to result in a claim?

Factors to consider:

1. Severity of injuries or harm.
2. Reaction of the affected person.
3. Time off work or disruption.
4. Cause of the incident.
5. Identity of the injured party (e.g. employee, service user, visitor).
6. Nature and type of injury.

Important: Whether or not you believe you are liable is irrelevant.

For example, if an employee slips on a wet floor and is injured, this is objectively a circumstance likely to give rise to a claim, even if you believe they won't pursue one.

If in doubt, please contact TL Dallas to discuss.

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Examples of circumstances likely to give rise to a claim

Employers' Liability:

- RIDDOR-reportable incidents.
- An employee who has not recovered or has left following a work-related illness or injury.
- Indications from the employee that a formal claim may be made.
- Complaints about workplace procedures or safety.
- Requests for sick pay beyond contractual entitlement.
- Internal concerns about potential failings (e.g. lack of training).
- Gut instinct or informal reports (e.g. employee discussing potential legal action).

Public Liability / Professional Liability:

- Allegations of abuse involving a service user.
- Complaints following injury to a service user.
- Complaints from visitors following an incident.
- Allegations of substandard care or procedural failures.
- Safeguarding investigations.
- Investigations by authorities (e.g. Police, HSE, Ofsted).
- Referrals to the Coroner, especially where statements or an inquest are requested.

Information required when notifying a new matter

Please provide:

1. **Who** is involved (names and roles).
2. **What** happened (summary of the incident).
3. **When** it occurred (date and time).
4. **Where** it occurred (location).
5. **How** it happened (sequence of events).
6. **Why** it may give rise to a claim (potential liability or concern).

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Supporting documentation

Insurers require all relevant correspondence and documentation to assess the matter effectively. Examples include:

- Letter of claim.
- Accident book entry.
- Accident report form.
- First aider report.
- GP or medical records.
- Safety representative's report.
- RIDDOR report to HSE.
- Communications with HSE.
- Minutes from health & safety meetings.
- Reports to DSS.
- Employee training records (especially health and safety).
- Risk assessments (before and after the incident).
- Care plans.
- Relevant policies and procedures.
- Cleaning, inspection, and maintenance records.

Please collate and retain these documents in anticipation of insurer requests to support their investigation.

Notification guidance involving business property

All emergency incidents to be reported to the respective person within your business, who can then pass this on to TL Dallas to log with your respective insurer.

An emergency is:

- An incident involving any emergency service, ie. fire.
- An incident which causes severe disruption to services.
- An incident that is likely to cause significant business interruption.
- Any incident requiring immediate and urgent action.
- An incident that could cause further damage or loss of life.

All other incidents should be reported by email, supported with a completed incident report form and photos, to your TL Dallas representative.