

Awareness

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The newsletter for safety2business+



**HAD AN ACCIDENT THAT WASN'T
YOUR FAULT? Claim now - no win no fee!**
CALL NOW ON

Limit the cost of compensation claims...what can you do?

Although the Government is taking steps to clean up the "no win, no fee" business, many companies are making huge profits from handling this type of claim. What can you do to help stop this?

The Government says it will ban the payment of referral fees in personal injury cases as they have led to high costs, encouraged a compensation culture and led to the growth of an industry which pursues claimants for profit.

With the growth of 'no win, no fee' solicitors it has made it easier to make a claim. Claimants are encouraged to sue, and the fees charged significantly increase the overall cost of the claims. In addition, a solicitor's ability to charge success fees to cover the possibility that some claims they take on will be unsuccessful, often means that the costs far exceed the compensation awarded to the injured parties.

For example – a contractor carried out work on a residential property and the home owner suffered a minor injury. They received £1,000 in damages; however, the costs, including a 50% success fee charged by their solicitor amounted to £11,000!!

The Government's proposals currently before Parliament focus on stopping losing defendants having to pay a 'success fee' to reimburse the claimant's lawyer for other unconnected cases he may have lost. The government is changing the law so that in the future the person making the claim will have to pay the success fee, rather than the defendant, and that fee will be capped. The intended result is a fairer split of cost between parties, and lower legal costs overall which means lower costs to pass on to the customers or taxpayers.

As a result of the increase in the cost of claims, insurers inevitably pass on the charges they incur to their policy holders. But some insurers are fighting back! In order for them to do so they need the help of those they insure.

So what can you do?

If an incident occurs tell your insurer promptly and provide them with the relevant information for example:

- Incident date,
- Circumstances of the incident,
- Nature of injury/damage loss,
- Contact details,
- Claimants contact details,
- Witness contact details,
- If appropriate, an estimate of the value of the loss,
- Your view as to who was responsible

The End of Anonymous Complaints

In the past businesses are often visited by inspectors because either a member of the public or staff have reported them for breaching health and safety law. Often, the authorities were informed via anonymous telephone calls. However, this is no longer going to happen.



Why? The HSE (Health and Safety Executive) was finding that many of the complaints made anonymously were either malicious or very poor quality. So rather than waste inspector's time and the time of the company under scrutiny, from now on only complaints with contact details will be followed up.

So how should complaints be made? As with accident reporting, the HSE have moved to an online reporting system. This means a form must be completed and requires a valid email address, contact name and address. Another positive is that the HSE are insisting that the complaint is made to the company first.

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Create awareness of the hazard

Employers have a duty under the Workplace (Health, Safety and Welfare) Regulations 1992 to keep surfaces free from substances that may cause a person to slip. If an employee has an accident and alleges that it was your fault, they may claim that you failed in your statutory duty under these regulations. Remember you can not treat it as an Act of God and have to show that you did all that was reasonably practicable i.e. given the cost and resources required, you did as well as you could.



Unfortunately displaying a disclaimer saying “we accept no liability for slippery surfaces during the current conditions” won't work - all its likely to do is show that you knew about the hazard.

Some things you can do, include:

Focus your efforts on the places where people are most likely to slip i.e. entrances, paths, steps, sloping areas of car parks etc, where practical. You may want to cordon off areas which are untreated. To demonstrate that you have done everything you can, you should record what precautions you've implemented such as routine gritting, snow clearing etc.

Assuming you have taken some sensible action to actually reduce the risks then you may benefit from displaying some warning signs or notices, for example:



NOTICE TO ALL STAFF AND VISITORS

**PLEASE TAKE EXTRA CARE
DURING FREEZING
WEATHER CONDITIONS**



NOTICE TO ALL STAFF AND VISITORS

**WHILST WE MAKE EVERY EFFORT TO ENSURE
THAT EXTERNAL SURFACES ARE FREE FROM
SLIPPING HAZARDS UNDER NORMAL WEATHER
CONDITIONS, THIS IS NOT POSSIBLE DURING THE
VERY COLD TEMPERATURES WE ARE
EXPERIENCING AT PRESENT,
PLEASE BE EXTRA VIGILANT**