

Insurance and Claims Defensibility

Experts in togetherness

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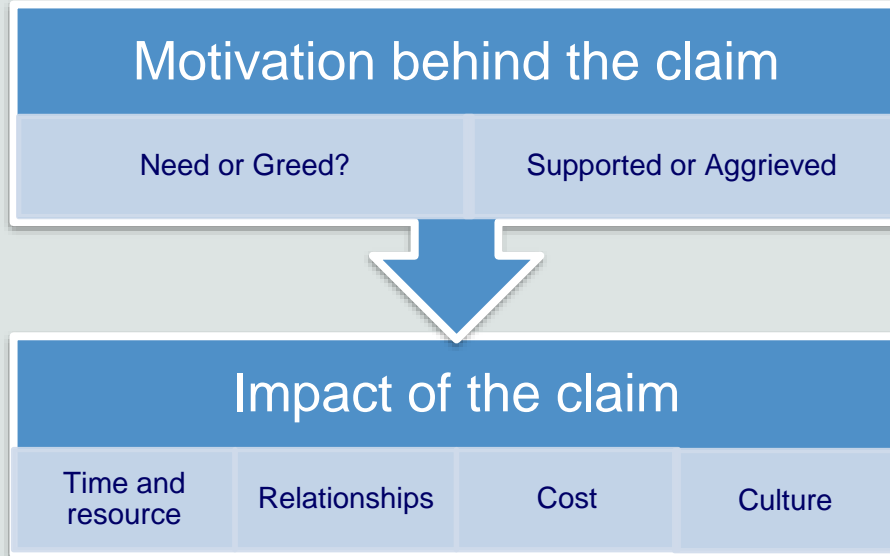




- Why people claim, influences and impact
- Understanding your exposure and resilience
- Putting us in a position of strength
- Claims Examples



Why people claim, influences and impact



Understanding your Exposure & Resilience

Risk Grading

Anthony Byars
Liability Risk Consultant



Format of the Grading – Employers Liability



Format of the Grading – Public Liability



- What in the grading relates to claims defensibility?
- What are the main factors of the grading that contribute to claims defensibility?
 - Culture - Behaviors
 - Senior management commitment
 - Knowledge of the process
 - Proactive risk management
 - Timely reaction to incidents
 - Clearly documented approach
 - Accurate and consistent data



Third party – Duty Owed to Non-Visitors

The Occupiers Liability Act 1984 was introduced to provide protection for trespassers who were not lawfully visitors to premises

A trespasser is someone who:

- is not a visitor for the purposes of the Occupiers Liability Act 1957
- is a visitor who has strayed beyond the purpose for which he has been invited (expressly or impliedly)

Risk Management Considerations for Non-Visitors as essential as it is for employees or Visitors as this is where opportunistic claimants may arise

A well secured site with well documented cleaning, inspection and maintenance will enable the defence of these claims best.



What do insurers expect?

- Prevent incidents in the first place
- Where incidents do occur, be able to defend claims
- Use the code and a risk-based approach
- Get support from key decision makers
- Do the basics well
- Monitor performance and address problems
- Accurate and accessible records
- Get a consistent approach to inspection, defect prioritisation and repair
- Adopt the approach for the management of other operations or assets



Putting us in a position of strength

Key Drivers behind Claims Defensibility

- Pre-Incident – Risk Management/Defence Strategies
- Post incident - Accident investigation
- Post claim - how you report to Insurer and provide them with the right evidence and engage them.



Putting us in a position of strength

Accident investigation

Up front -

- Roles, Responsibilities & Training
- Investigation Criteria

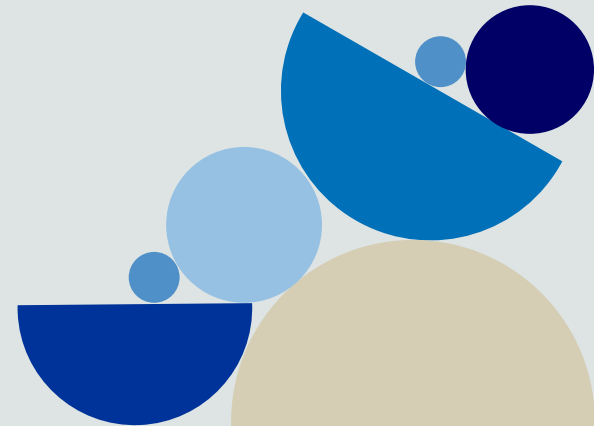
Investigating the Accident –

- Immediate action
- Gather evidence (documents and witness)
- Analyse information (immediate cause, route cause)
- The action plan

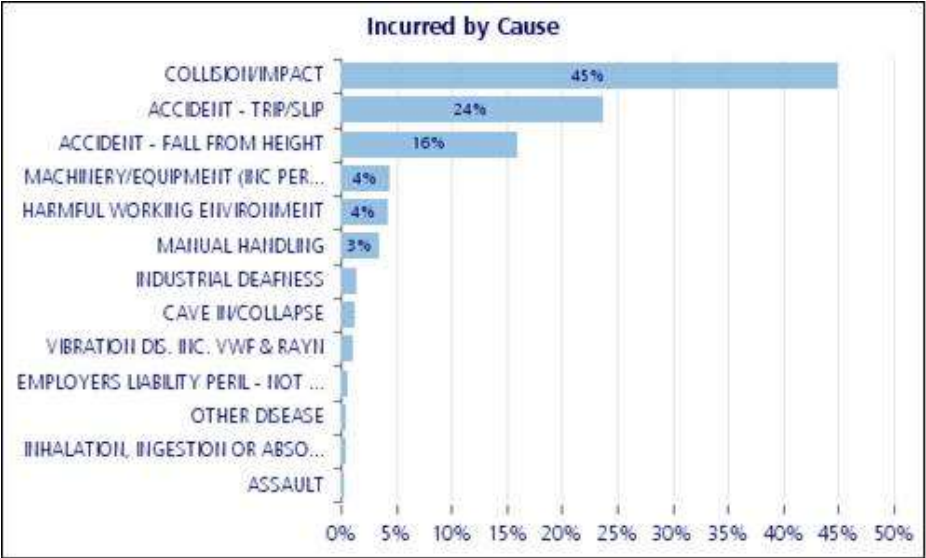
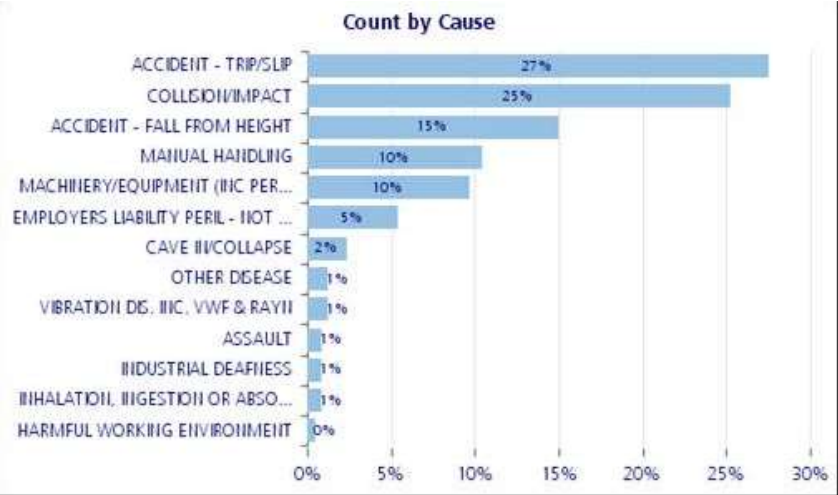


Disclosable Documents

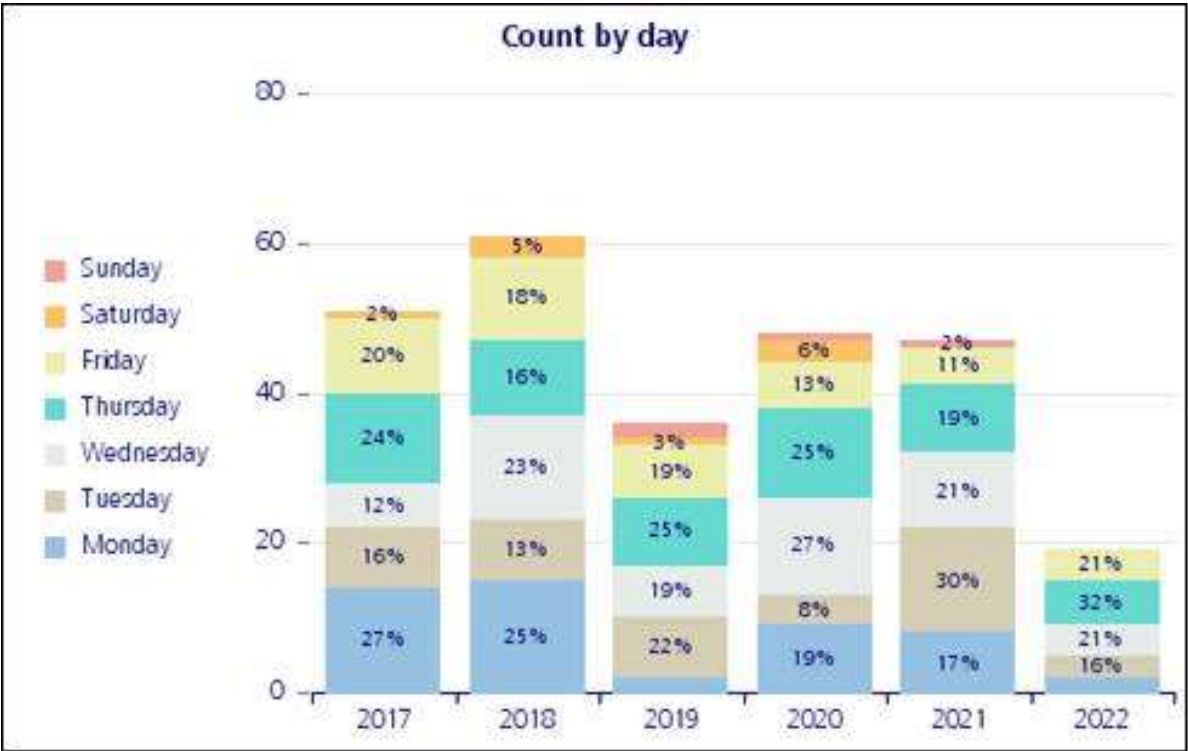
- RIDDOR report to HSE
- Accident book entry
- Risk Assessments (pre and post incident) for main tasks and work area
- Training records – signed off by employee
- Accident investigation report
- Safe systems of work documents
- PPE (Personal Protective Equipment)
- Documentation to support adequate signage
- Notices
- Warning signs
- Maintenance and repair records
- Earnings information
- Minutes of Health and Safety meetings
- Reports to Department of Social Security
- Witness Statements
- Occupational and Personnel records



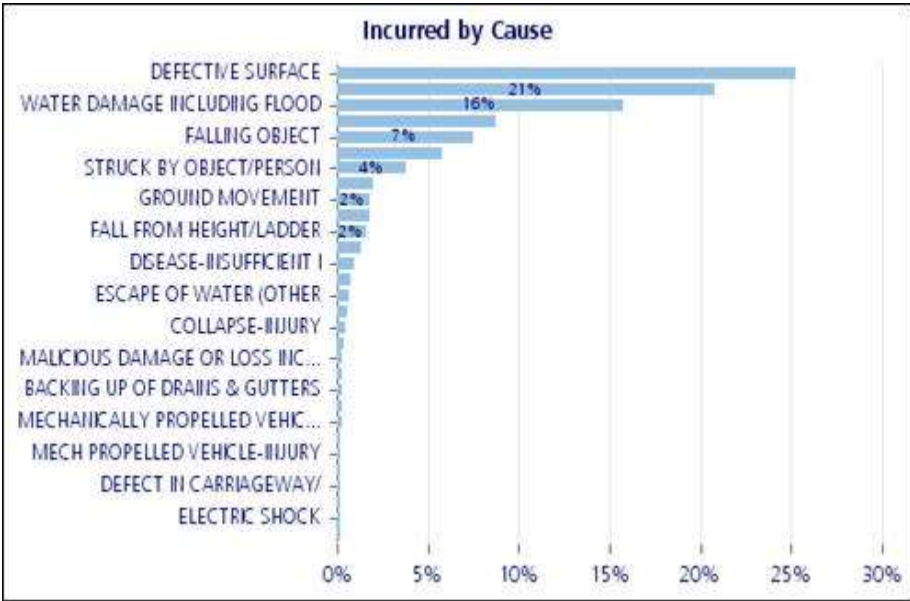
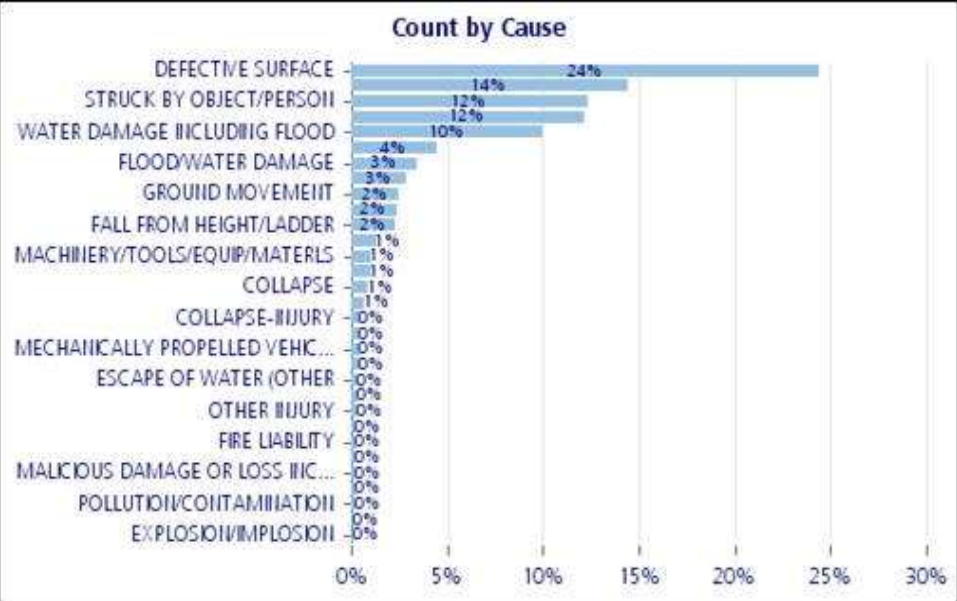
Claims Insights – Employers Liability



Claims Insights – Employers Liability



Claims Insights – Public Liability



Claims Examples

PAY or DEFEND?	Winter Maintenance
Unfinished Surfaces	Beast of a claim



Liability Risk Engineering Services



Our team of liability consultants provides bespoke solutions across the public and private sectors in relation to:

- Employers' Liability
- Public Liability
- Product Liability
- Asset liability
- Claims defensibility

We also work with a range of strategic partners, with preferential rates for Zurich customers.

For more details, get in touch with your local Risk Engineering contact, or email zrs.enquiries@uk.zurich.com



Core services benchmark you against our Global risk standards to assess your safety management systems and systems for defending civil claims.



Training services includes a suite of standard courses or bespoke programmes to up skill your employees and fill gaps in your organisation.



Operational liability services provide assessment, guidance and training to help you manage your operational liabilities and includes areas such as event management, inspection regimes and allergen awareness.



Natural environment liability services provide assessment, guidance and training to help you manage your natural assets such as trees, green and blue spaces.



Built environment liability services provide assessment, guidance and training to help you manage your built environment assets such as commercial premises, housing and highways.



Our strategic partnerships and digital tools provide practical risk management solutions for improving your risk.

Conclusions & Summary

Prevention the primary focus

Evidence to demonstrate the accident prevention strategies in event of accident / claim

Getting to the right decision early with the evidence to be persuasive