



# Defending Insurance Claims

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**Mid Corporate Business Resilience Manager, AXA Insurance**



## **Your Health and Safety Expert – Jillian Watt, Mid Corporate Business Resilience Manager**

- Jill Watt is a Chartered Insurance Risk Manager, an Associate of the Chartered Insurance Institute and is CertIOSH qualified.
- Jill has over 30 years' experience in the insurance industry and has had roles in underwriting, surveying and providing technical direction to survey teams in the areas of liability and health and safety. During that time, she has provided H&S advice to companies in the manufacturing, retail, hospitality, construction, wholesale and logistics sectors to name a few.
- Jill has experience of managing large insurance programmes requiring engagement and negotiation with both brokers and customers. She has a passion for supporting businesses with risk management solutions and providing advice and guidance.

# Why do we investigate accidents?

Health and safety at work  
Summary statistics for Great Britain 2024

## Key facts

 **1.7 million**

Workers suffering from work-related ill health (new or long-standing) in 2023/24

Source: Estimates based on self-reports from the Labour Force Survey for people who worked in the last 12 months

 **0.6 million**

Workers sustaining a workplace non-fatal injury in 2023/24

Source: Estimates based on self-reports from the Labour Force Survey

 **33.7 million**

Working days lost due to work-related ill health and workplace non-fatal injury in 2023/24

Source: Estimates based on self-reports from the Labour Force Survey

 **0.8 million**

Workers suffering from work-related stress, depression or anxiety (new or long-standing) in 2023/24

Source: Estimates based on self-reports from the Labour Force Survey for people who worked in the last 12 months

 **61,663**

Employee work-related non-fatal injuries reported by employers under RIDDOR in 2023/24

Source: RIDDOR

 **12,000**

Lung disease deaths each year estimated to be linked to past exposures at work

Source: Counts from death certificates and estimates from epidemiological information

 **0.5 million**

Workers suffering from work-related musculoskeletal disorders (new or long-standing) in 2023/24

Source: Estimates based on self-reports from the Labour Force Survey for people who worked in the last 12 months

 **138**

Workers killed in work-related accidents in 2023/24

Source: RIDDOR

 **2,257**

Mesothelioma deaths in 2022, with a similar number of lung cancer deaths linked to past exposures to asbestos

Source: Counts from death certificates and estimates from epidemiological information

 **14.5 billion**

Annual costs of new cases of work-related ill health in 2022/23, excluding long latency illness such as cancer

Source: Estimates based on HSE Cost Model

 **7.1 billion**

Annual costs of workplace injury in 2022/23

Source: Estimates based on HSE Cost Model

 **21.6 billion**

Annual costs of workplace injury and new cases of work-related ill health in 2022/23, excluding long latency illness such as cancer

Source: Estimates based on HSE Cost Model

# The cost of accidents



## **Insured**

Injury  
Ill health  
Damage

## **Not Insured**

Fines  
Prosecution  
Overtime / temporary labour  
Investigation time  
Loss of experience  
Excess  
Sick pay  
Insurance premium  
Reputation

# Accident Investigation Process



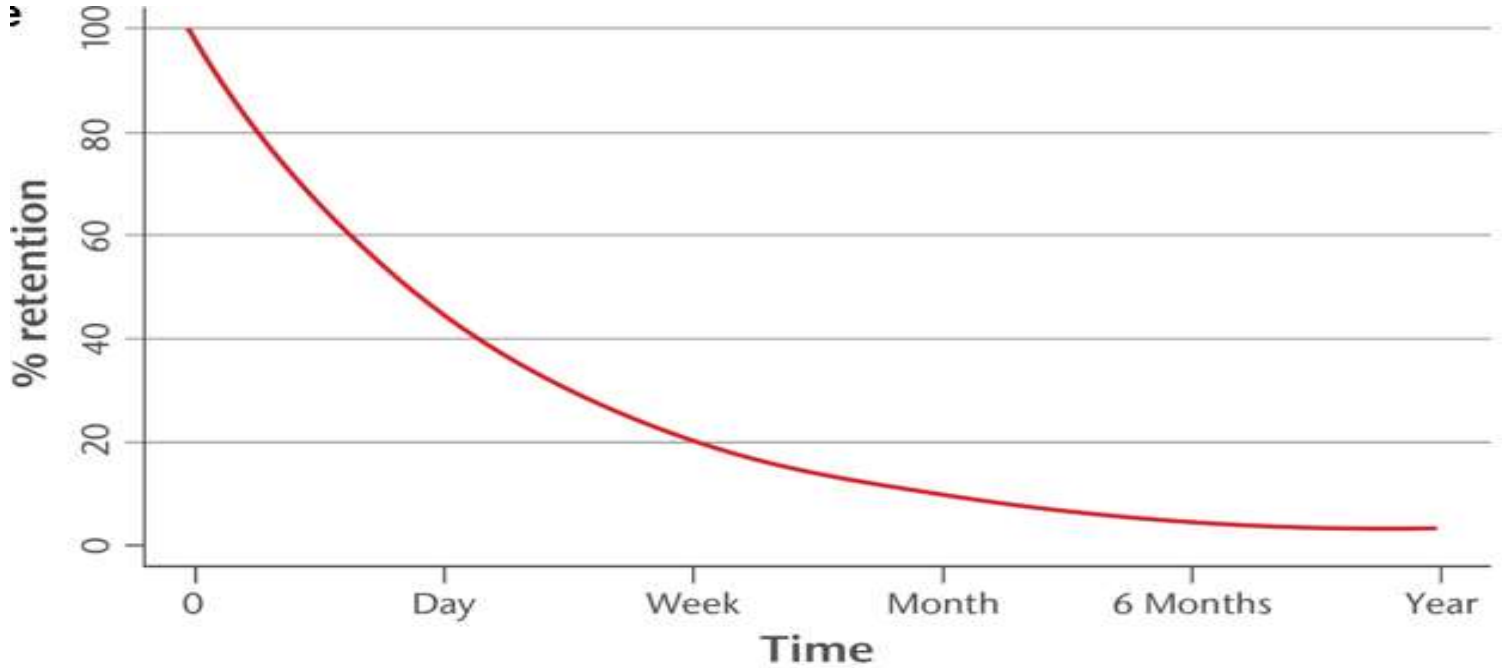
Emergency  
Response  
First aid  
Make area safe

Preserve the scene  
Gather evidence  
Note who/what  
involved &  
witnesses  
Capture evidence,  
CCTV photos etc

Internal reporting to  
responsible  
persons  
Accident book entry  
RIDDOR reporting  
if applicable  
Advise Insurers

Determine the  
level of formal  
investigation  
required  
Analyse  
information  
Action plan and  
implementation

# Ebbinghaus' Forgetting Curve



# Defending insurance claims

- ✓ Do an investigation immediately after the accident, take statements, photos, CCTV footage etc
- ✓ Accident reports should be completed by management and signed by the Injured employee
- ✓ Accident investigations provide a conclusion on the root cause **when it is known – less is more until you are sure**
- ✓ Keep detailed attendance records of training
- ✓ Ensure Risk Assessments and Method Statements (or Safe Operating Procedures) are signed by employees to say they have been read and understood
- ✓ The training provided should be job specific and documented. Check your employees understanding of the training and record this. Provide regular refresher training.

# Defending insurance claims

- ✓ Keep logs up to date for the maintenance and servicing of machinery. There should be a clear system in place to report defects
- ✓ The PPE provided should be specifically chosen for the task (remember PPE is a last resort). It must be maintained and adhere to safe standards (check the HSE website for details). Keep a record of PPE issued to employees and ask them to sign to confirm they have received it and that they will wear it in accordance with the risk assessment findings
- ✓ Demonstrate how you take safety seriously and discipline where appropriate (record this too)
- ✓ **Documents, Documents, Documents ! Evidence!**



# Common pitfalls in claims defensibility

- Lack of documented evidence
- Previous versions of documents lost or overtyped
- Incorrect, generic or out-of-date information
- Training records incomplete
- Lack of detail, generic information and poor descriptions
- Risks not properly assessed, and employee signatures not obtained
- Lack of dates/times
- PPE records incomplete
- Disciplinary conversations not recorded and failure to act on the findings
- Documentation not followed in practice



# Defending insurance claims - Summary

1. Respond immediately to make the area safe and assist any injured persons
2. Preserve the scene
3. Gather available information - photos, CCTV, drawings, measurements, witness statements, H&S records, etc. Use a timeline to get the full story
4. Review the data to identify the immediate, underlying and root causes by keep asking “Why?” – include positives as well as negatives
5. Identify any actions required as a result of the investigation findings, and create an action plan
6. Prepare an investigation / defence pack that includes all the supporting information
7. Make any necessary changes (documentary, procedural or physical) and then check that they are working as expected



**Thank you!**  
**Questions?**