

## **Are you dealing with a personal injury claim made by an employee?**

Accidents happen and as an employer you have a duty of care to provide a safe working environment for your staff. If an employee does file a personal injury claim against you, then there are a number of things you need to do to manage the claim effectively.

Use our top tips to help navigate the process...

- 1. Encourage all employees to report accidents and near misses.**  
This means you can take steps to reduce similar events happening in the future.
- 2. Keep an accident log to hand.** Make sure your staff know the importance of completing accident forms and make sure the book is easily accessible. If you can't find the book at the time of the accident, this could leave things left unrecorded which could cause problems in a dispute.
- 3. Ask employees to sign the accident form.** It will help you during a dispute if you have signed agreement from the employee on the details of the accident. If the accident form is just written by the supervisor, then it leaves you open to the employee disputing the facts as you recorded them.
- 4. Disclose any accidents to your insurer.** Check your contract as many insurers will state what they need you to report and if you don't comply then this may impact on any payouts. You can check the Health and Safety Executive's RIDDOR list which shows the types of accident you must report to them.
- 5. Don't try to assign blame straight after an accident.** Keep your reporting factual and investigate the accident without making any assumptions.
- 6. Be thorough.** When it comes to compiling your report, be as detailed as you can. Take photos and date them. Take written statements from everyone confirmed – signed, dated and in the witnesses' own words. Collate copies of all documentation relating to the accident, for example, risk assessments for the job being done when the accident occurred, manufacturer instructions on a piece of equipment, work procedures etc. Check CCTV footage and preserve it so it can't be recorded over.

- 7. Keep the employee informed.** Show them the results of your investigation and ask if they're prepared to sign it off. This will put you in a better position later on, meaning there will be less cause for disputes.
- 8. Take legal advice if you're pursuing a disciplinary.** Consult an employment lawyer if you are considering pursuing a disciplinary with the injured person or anyone else relating to the accident. If you are too quick to lay the blame and this is subsequently disputed, you may find yourself the subject of further claims.
- 9. Learn from the incident.** Fix or repair any defects relating to the accident. Consider if you need to carry out new risk assessments or change the workplace environment.
- 10. Keep your records safe.** Personal injury claims can be made up to three years or more after the incident itself, so don't throw records away after six months! Also, you may over time change insurers, so make sure you keep your current and previous insurer's details to hand so they can be quickly accessed if needed. As soon as you receive notice of a claim being made, you must let the relevant insurer know.