

## Liability Claims Notification Requirements

Your contract of insurance does have certain conditions imposed, which may be summarised as follows:

- You are required to give insurers immediate written notice with full particulars of any claims or circumstances which may give rise to a claim, regardless of any excess that you have to bear under your policy cover, or whether you think that you may be legally liable.
- Every letter, claim, writ, summons and process in connection with such circumstances must be forwarded to Howden immediately on receipt
- Written notice must be given to insurers immediately you have knowledge of any prosecution, inquest or inquiry in connection with any circumstances, which may give rise to liability under the policy.

Strict timescales are now in place to direct the handling of claims, and if these are not adhered to it may mean insurers will be obliged to admit liability and pay the claim.

Therefore it is important that:

- An investigation of every incident should be carried out whilst those involved, including witnesses, still have a clear idea of the circumstances, and a written report should be produced
- Every incident, particularly those involving personal injury, but also those involving allegations of abuse, should be reported to us immediately it happens and we will advise you what to do next. Please ensure procedures are in place for all documentation to reach us as quickly as possible.

In order to achieve this, we would ask that you notify us immediately of any incident that involves:

- A fatal accident
- An injury involving either referral to or actual hospital treatment
- Any allegations of libel/slander
- Any allegations of professional negligence ie arising out of tuition, coaching or advice given
- Any investigation under any child protection legislation
- Any circumstance involving damage to third party property.
- All incidents connected with the activity of Diving

An injury is defined as:

- Any head injury that requires medical treatment (doctor or hospital)
- Any fracture other than to fingers, thumbs or toes
- Any amputation, dislocation of the shoulder, hip, knee or spine
- Loss of sight (whether temporary or permanent)
- Any injury resulting from electrical shock or burn, leading to unconsciousness or requiring resuscitation or admittance to hospital for more than 24 hours
- Any other injury leading to hypothermia, heat induced illness or to unconsciousness which requires resuscitation or admittance to hospital for more than 24 hours
- Loss of consciousness caused by asphyxia or by exposure to a harmful substance or biological agent.

Please note the above list is not exhaustive and if you are unsure as to whether an incident should be reported, then please do not hesitate to contact Howden claims department for further advice.

**We would remind you that in NO circumstances should you admit liability or agree to pay for any damage caused as this may prejudice the position of insurers and COULD result in the withdrawal of any indemnity.**

**Finally, please note that this is a liability policy where insurers decide if negligence attaches to you. Therefore any payments you make to third parties will not necessarily be reimbursed.**

## Incident Recording Guidelines

We would recommend that a designated person within your organisation is made responsible to record any reportable accident/incident. Records must be kept for at least 6 years, and longer where it involves a person under the age of 18 years. Names and addresses of any possible witnesses should also be recorded.

Since 31 December 2003 businesses must have an accident book which is compliant with data protection legislation. The book is available from HSE Books.

The register must contain the following information relating to all reportable accidents or dangerous occurrences:

- Date and time of accident
- As regards a person at work – full name; occupation; nature of injury; age
- As regards a person not at work – full name; status (e.g. customer); nature of injury; age
- Place where accident occurred
- A brief description of the circumstances
- Method by which the event was reported.

## Reporting Incidents to Health and Safety Executive

You may also have obligations under the RIDDOR regulations to report incidents to the HSE. For further information visit the [HSE website](#).

## Insurers Comments on Potential Abuse Claims

It is a policy requirement that the insured declare all claims or incidents that may give rise to a claim.

This relates to incidents where there is a breach of the safeguarding and child protection policy, which when triggered, the police and social services are involved. As a notifiable incident this needs to be passed to insurers immediately.

All other incidents which trigger the safeguarding and child protection policy must be notified to XL via Howden as soon as you are aware of them.

Only formal allegations of abuse e.g. allegations from the victim or triggered by a whistle-blowing policy, which calls for a response and investigation by the police and social services. General suspicions or unsubstantiated allegations, which do not trigger the policy, clearly do not need to be reported.



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