



# WHAT TO DO IN THE EVENT OF AN EMPLOYEE BEING INJURED AT WORK



## Immediately after the incident

- All accidents at work must be noted in your accident book.
- The Health & Safety Executive should be notified in respect of certain categories of incident. You will be required to complete and submit a “Report of an injury or dangerous occurrence” form (also known as a “RIDDOR” form, or F2508) for the following:
  - A fatality
  - A major injury or condition (these are defined in explanatory notes that accompany the RIDDOR form)
  - Injuries that prevent an employee from doing their normal work for more than three days
- The RIDDOR form should also be used for injuries to members of the public, where they are taken from the scene of the accident to hospital for treatment.
- The HSE provides a separate form for completion in the event of alleged industrial disease.
- Your insurers will require that any RIDDOR reportable incident be notified to them (even if you do not feel that you are responsible and/or where no formal claim has been intimated). You should submit a copy of the RIDDOR form and accident book entry to H W Wood Limited, in order that your insurers can be advised of the matter. You may be requested to complete one of the insurer’s Employers’ Liability Report forms.
- Very serious injuries and/or fatalities should be notified by telephone.



The following pages summarise other documentation that may need to be produced to the insurer and/or a claimant’s representatives. They also briefly outline the time limits dictated by current Court protocols, where a formal claim has been made.



# IN THE EVENT THAT A FORMAL CLAIM IS MADE

## Documentation that your insurers may require

In the event that a formal claim is made, your insurers will have very limited time in which to investigate the matter. To assist in their investigations, you should ensure that the following additional information/documentation is readily available:

- Details of witnesses to the accident or its immediate aftermath, together with any signed statements
- First Aider Report/Surgery Record
- Foreman's/Supervisor's/Safety Representative's Accident Report
- Any communications with the HSE
- Minutes of Health & Safety Committee Meetings where the accident/matter is considered
- Report to DSS
- Accident book entries, RIDDOR forms and documents listed above relating to previous accidents/matters which have been identified by the claimant as proof of negligence
- Any risk assessments carried out (both before and after the accident)
- Accident Investigation Report Details of any relevant training courses attended (for example, if a manual handling injury is being alleged, evidence of manual handling training will be required)
- Details of any safety clothing or other safety equipment provided, if appropriate. Evidence to show that management enforced the use of safety equipment may also be needed
- If a claim relates to the use of chemicals, a copy of any relevant COSHH forms should be available
- If defective machinery/furniture/premises is alleged, and urgent remedial work is carried out to the defect, photographs of the offending item/area should be taken prior to the work being carried out.
- Wage details for the employee for a three-month (thirteen-week) period prior to the accident, and details of payments made during any absence from work as a result of the incident. This should show basic pay, overtime and bonus payments, any deductions and Statutory Sick Pay as appropriate (some insurers will supply a special form for this purpose)
- Confirmation of the inclusive dates of absence as a result of the incident. If the employee has returned to work, could normal duties be carried out immediately?

[Any other documents produced to comply with the requirements of the Management of Health and Safety at Work Regulations 1992 should also be available.](#)

The exact documentation and information required will depend on the nature of the incident. H W Wood can provide further advice on a case by case basis.

# WHAT TO DO IF YOU RECEIVE A LETTER OF CLAIM

## Complying with the Woolf Protocols

In England and Wales, new court protocols were introduced in April 1999, which severely restrict the amount of time that your insurer has to respond to a letter of claim. There are also limits on the time allowed for them to investigate an accident. In the circumstances, it is essential that any letter of claim is passed immediately to H W Wood Limited for onward transmission to insurers.

Some insurers ask that letters of claim be forwarded unanswered to them, so that they can respond on your behalf. Others require that you respond to the claimant (or their legal representative), giving your insurer's name, address and policy number, but no other information. H W Wood can advise you on an individual basis in this regard. In either event, Court protocols require that the letter of claim be responded to within 21 days. Failure to do so could have serious repercussions.

If you reply to a letter of claim, you must provide a copy of the response letter to your insurers, via H W Wood Limited. From the date that the letter of claim is acknowledged, the insurer has a maximum of three months in which to investigate the matter.

At the end of the three month investigation period, your insurers must either admit liability or, if they deny liability (either in whole or in part), they must give detailed reasons for the denial, and provide some basic documents. Most of these documents have been mentioned previously. You are under a duty to carry out reasonable and proportionate searches for these documents. You must release these documents, even if the contents may be prejudicial to your case.

Failure to admit liability within three months, or to provide reasons for the denial within that timescale, with all relevant documentation, could result in sanctions being imposed by the Courts. For this reason, it is essential that you respond promptly to any queries from your insurers.

If you have any queries or concerns, or if you require clarification on claims handling procedures, please contact H W Wood for assistance.

**It is important to note that new protocols are presently being proposed that would, if implemented, result in the timescales quoted above being greatly reduced during the course of the next year. As such, it is now more important than ever before that all communications be forwarded to us immediately.**

