

Incident Reports Insurance Contracts

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What are Incident Reports used for?

- To provide a record of what happened – written when the information is fresh in everyone’s mind.
- They can be reviewed over time to show trends or areas of concern. Or where things have got better/less risky!
- Reviewing Incident reports can indicate where improvements can be made or where additional safety measures can be introduced.
- They are vital evidence in the event of a claim (if a client is injured and takes legal action) to indicate exactly what happened.
- To demonstrate due care and that you are a reputable and responsible operator who has a reliable reporting system in place.

Incident Reports

How good is your memory?

- English (European) Law – Time limit for an adult claiming for an injury is 3 years from the date of the accident! A child has 3 years from the date of their 18th birthday!
- It could therefore be many years before you become aware an injured client is commencing legal proceedings.
- Ensure an Incident Report is completed on the day of the accident. Read it carefully and obtain additional information or clarification (if needed) if you think a claim is likely.
- Keep Report on file until the claim deadline expires.

Recognising trends and reoccurrences/patterns

- Complete a report for all incidents and near misses
- In isolation they may seem unimportant. Does one pick pocket theft on the metro matter?
- But if you review at the end of the season and realise there are 10 similar thefts this indicates a trend.
- You have a responsibility to act on this knowledge.
- Review safety measures : reroute your group or warn customers to be extra vigilant.
- Monitor to ensure safety measures have been successful.

Important information in Incident Reports

- Help you and your legal team understand what happened.
- Help you to trace witnesses where their further information is needed.
- Will be important in deciding if you are negligent or not.
- Will be used as evidence in a court of law – ensure it is 100% accurate and clearly written. Clarify any areas of confusion immediately. Ensure all parts of the report are completed and that it is signed and dated by the person filling it in.

- And:

- Keep supporting documentation too – for example: photos of the accident scene, details of weather conditions, vehicle maintenance records, police reports, copies of warnings/briefings given, copy of the contract you have with the supplier (if applicable).

Public Liability Insurance

- Can you afford to pay for legal advice? Good advice is important to ensure you make the right decisions for your business when faced with a claim.
- Do you have the money pay a lawyer to defend your company if a client takes you to court?
- If you are found to be negligent can you afford to pay compensation to the client?

How Much???

- Legal advice approximately €200 an hour
- Your Defence Costs: potentially €200,000
- If you lose you pay the client's legal costs too.
- Compensation: potentially € millions!



Contracts

If you are arranging for an extended service provider to provide services on your behalf do you have a written agreement in place? It should include:

- Clear information about what services they will provide.
- Financial terms that have been agreed.
- Their obligation to provide services to a certain quality and safety standard. Including abidance to local legislation. According to SOPS as previous discussed.
- What will happen if a service changes or has to be cancelled.
- Your right to seek compensation in the event of a breach.
- Your (your insurer's) right to involve them in any legal claims brought against you by a client due to a breach/negligence on the part of the supplier including the recovery of any legal fees and compensation paid as a result (subrogation).

Why have a contract?

- To protect YOUR reputation by ensuring that you are seen to be offering responsible and high quality tours even when subcontracting services to another activity provider.
- To reduce holiday complaints by ensuring services are provided to an acceptable standard.
- To ensure all tour services are legal and compliant with any local safety regulations.
- To enable your insurers the opportunity to recover any legal costs and compensation payments from the negligent party in the event of a claim – therefore ensuring your insurance premium is kept to a minimum and your profits are not affected.

Thank you for your attention. I hope you found this session helpful.