

The Claims Environment

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Risk Managers Forum
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Agenda



Agenda	
1	The QBE approach
2	The cost of claims
3	The liability decision
4	Working together
5	Getting it right
6	Questions and Answers

Claims service



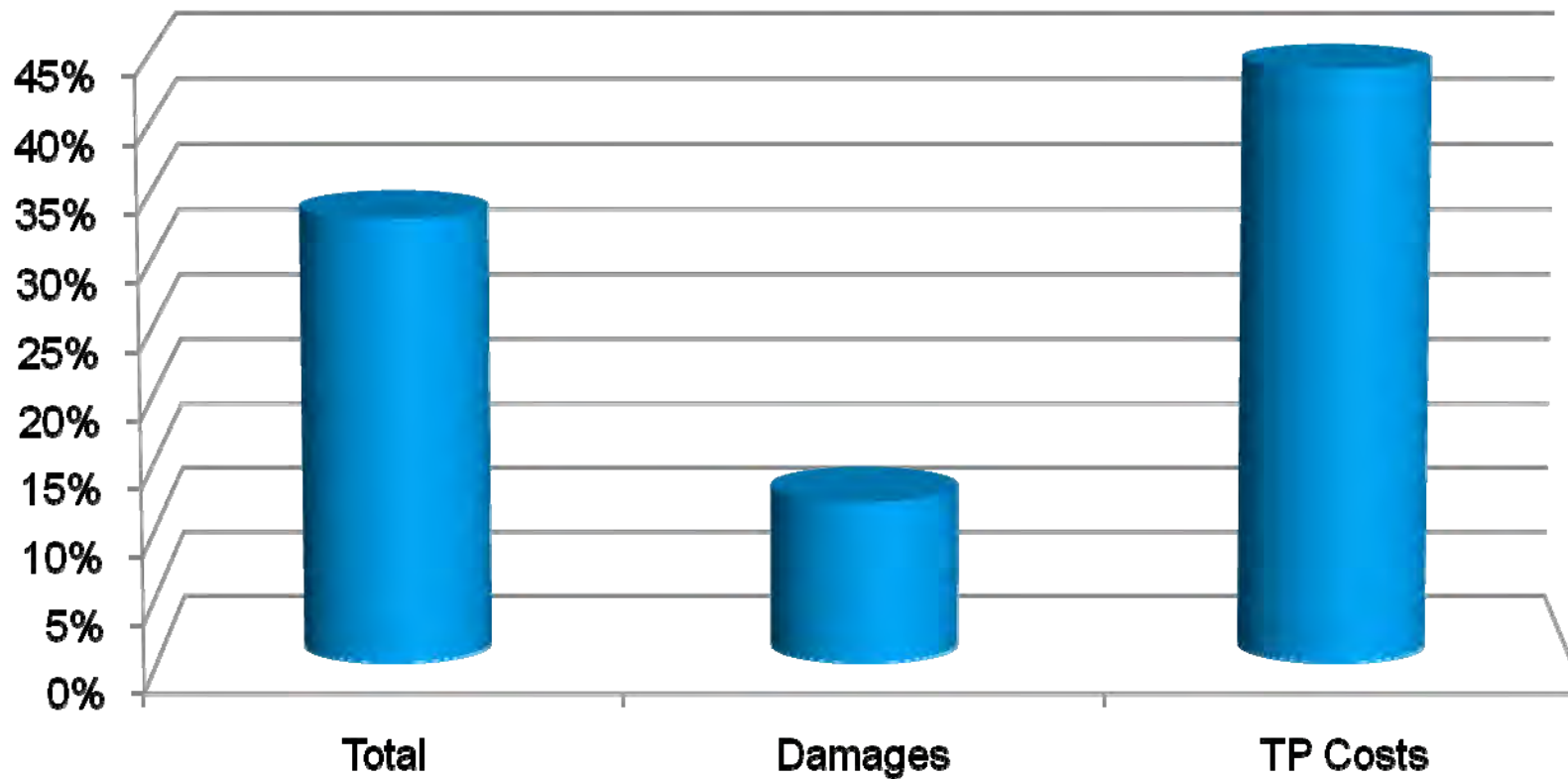
- Flexibility
- Tailored claims procedure with dedicated points of contact
- Service level agreements
- Skilled and experienced
- On-site investigation
- Proactive & timely resolution of claims
- Client involvement & regular feedback
- European Strategic Claims Team
- Solicitor panel working in partnership
- Rehabilitation team



Relative increases from 2003 to 2008



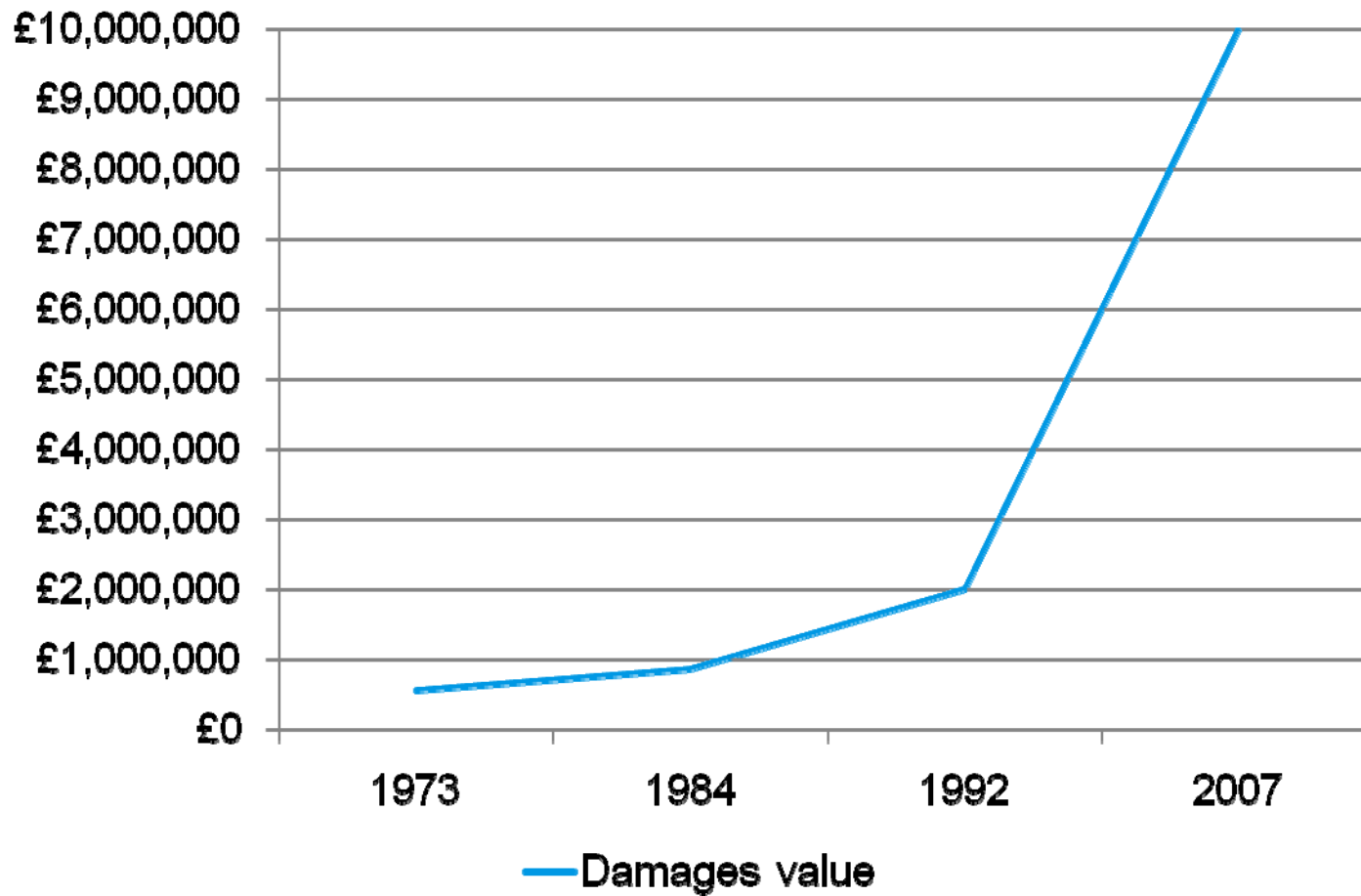
Percentage Increase for EL accident claims settled <£25k



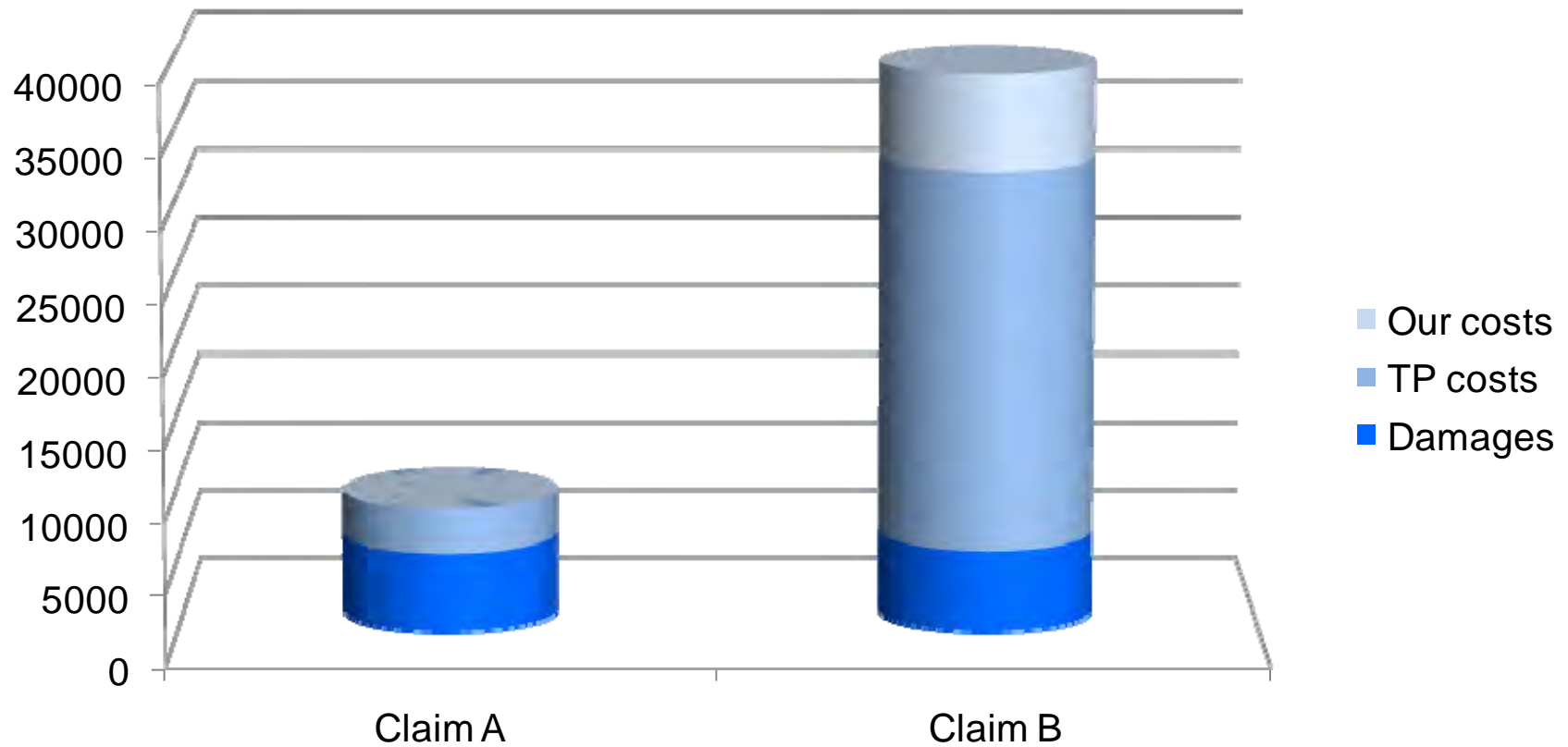
Catastrophic injury inflation



Comparable damage awards – accounting for RPI



The cost of fighting a claim



Sucking eggs



3 basic elements of the Tort of Negligence are

- A duty of care must be **owed**
 - Straightforward?
- That duty has been **breached**
 - Standard of care – reasonable man/reasonable competent person
 - Foreseeable
- Damage has been **caused** to the claimant
 - Did the act or omission amount to a **material** factor in the resulting damage
 - Contributory negligence
 - Remoteness – intervening act
 - ‘eggshell skull’ rule

Statutory duties



To succeed in an action for breach of statutory duty a claimant must prove

- The statute imposes a duty on the insured
- The insured has failed to perform that duty
 - Absolute duty
 - A duty to take all practicable steps
 - A duty to take all reasonably practicable steps
- The breach has caused injury
- The injury was of a kind the statute was designed to prevent

Defences

- Contributory negligence
- Volenti non fit injuria

Avoiding liability claims



- Reduce incidents
 - Risk management
 - Risk assessments
 - Post incident reviews
 - Near miss reporting/review
- Reduce claims
 - Engaged/motivated employees
 - Assisted return to work
 - Defend invalid claims robustly

How can you assist?



By ensuring that a thorough investigation is undertaken and contemporaneous evidence obtained we can

- Reduce costs by making early, accurate decisions on liability
- Potentially defend claims!

And you can

- Help prevent a recurrence
- Help minimise your insurance premiums

Accident investigation – the first steps



- Secure the scene, identify & retain evidence
- Photograph the locus, equipment, floor etc
- Obtain a signed version of events from the injured person
- Identify witnesses, take statements
- Challenge and record inconsistencies



QBE Claims Inspectors – what they do



inspector (inˈsɪː spɛktə) noun **1.** a person who inspects (*Collins English Dictionary*)



What they can't do



"This defence may need another coat"

“What do you mean, admit liability!”



Tick tock



- Identifying correct point of contact for investigation
- Making appointment
- Availability of key personnel on date of visit
- Redundancies, site closure
- Finding the right paperwork
- Integrity of the paperwork
- Evidence gaps
- Identifying/locating witnesses
- Disclosing documents

QBE Rehabilitation: services & benefits



Services

- Consultancy
- OH Scoping
- Manual Handling Scoping
- **Riddor Triage**
- Minor Injury Management Service
- Major Injury Management Service
- Major Incident Response (MIRS)
- Whiplash Scheme



Benefits

- Enhanced brand reputation
- Enhanced Union relations
- Improved management of risk
- Motivated workforce fit for the future
- Rehab intervention = **29% faster RTW**
- Reduced loe = **£1,157 per claim**
- Fewer claims = **£savings**

Getting it right



- Risk management
- Early & thorough accident investigation
- Facilitate early claims investigation with QBE claims inspector
- Look at the cold reality
- Back the winners & settle the lost causes
- Learn

Thank you

