



Standard Disclosure Documents

On 26 April 1999 Lord Woolf introduced his Civil Procedure Rules (CPR) for England and Wales for liability claims. Scotland & Northern Ireland are not party to the Rules. One of the most significant aspects was the disclosure of documents and evidence, to defend or argue contributory negligence in liability claims. This fundamental change to the way liability was negotiated produced what has come to be known as Standard Disclosure Documents.

LEGAL REQUIREMENTS

Many of the most frequently requested documents to be disclosed will relate to the regulations governing Management of Health & Safety at Work, Workplace, PUWER, COSHH, Manual Handling Operations and Personal Protective Equipment although evidence can be requested under any applicable legislation relating to the claim. QBE or your broker can advise on relevant requests for disclosure for EL, PL and motor claims.

When a decision has been agreed to defend a claim or allege contributory negligence, it is crucial that the supporting evidence is available at the earliest opportunity and, to comply with the CPR within the 90 day period from the date of acknowledgement of the letter of claim. Failure to disclose requested evidence, or comply with the 90 day period, will likely result in the issue of a pre-action disclosure (PAD) requiring its release. Costs awarded against the Defendant average around £750.00.

Further documentation can be requested at anytime during the lifetime of a claim and organisations should ensure they have a document storage and archive system that facilitates prompt retrieval and disclosure.

BEST PRACTICE

An abbreviated list of the most frequently requested disclosure documents is shown below. This is by no means exhaustive and the link to the QBE website below takes the reader to The Pre-action Personal Injury Protocol Standard Disclosure list.

- Accident book entry / First aid report
- Reporting of Injuries, Diseases and Dangerous Occurrences Form (RIDDOR)
- Accident investigation report
- Pre & post accident risk assessment
- Standard operating procedures
- Training records
- Maintenance and servicing records
- Minutes of Health & Safety meetings
- Correspondence with the HSE

FURTHER GUIDANCE

Ministry of Justice website, http://www.justice.gov.uk/civil/procrules_fin/index.htm

Further guidance is available on our Risk Management website at www.qbeeurope.com/rm