



Defending yourself:

What to do if a public liability claim is filed against your charity.

As a specialist charity insurer, we work closely with other experts in the charity sector to ensure we're offering the best service and advice to our customers. This includes Plexus Law, a firm that specialises in liability law. Together, we've created this guide to help you if a public liability claim is ever filed against your organisation.

Liability claims can arise in a wide variety of circumstances, from an incident at a fundraising event to a customer slipping on a wet floor at a charity shop.

Plexus Law has a wealth of practical experience in successfully defending public liability claims, so they've helped us compile these tips. And with 94,872 new claims across the UK made in 2010/11* alone, it's worth keeping this guide somewhere handy.

What four actions should you take if a public liability claim is filed against your charity?

Turn over to find out



"The truth is that when a claim is filed, many charities panic and virtually accept a lost cause. Yet so many claims are flawed and readily defensible."

Jason Burt

Partner and Ecclesiastical Relationship Manager
Plexus Law



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courses of action

1 Don't delay

If a claim comes in, contact your insurance broker straightaway or if you don't have one, get in touch with your insurer direct. The sooner you tell them, the more time they'll have to respond on your behalf and the better prepared they'll be.

2 Avoid contacting the claimant's solicitors direct

Even if they write to you, it's usually best not to contact the claimant's solicitors direct. Instead, refer all correspondence through your broker, who will then pass it on to your insurance company. That way, both your broker and the insurance company will be in possession of all the facts.

They will usually deal directly with the claimant's solicitors and are fully qualified to act on your behalf and give a more appropriate response.

3 Always ensure a senior employee fills out any accident reports

If an accident or investigation report form needs filling in, it's wise to get someone experienced to do this. This will ensure that the circumstances of the accident are properly ascertained and accurately recorded. This will reduce the risk of any misunderstandings occurring. Further details of any witnesses, together with an outline of their evidence, should also be noted.

If in doubt, speak to your insurer's claims department and they'll help advise you.

4 Go back through all records you've got that might relate to this issue

Whether it's contracts, risk assessment records, health and safety 'significant findings' or the like, it's worth taking the time to look through what you've got, as it might be helpful.

Making a note of any findings is invaluable, as it can be used in your defence as positive proof of your vigilance. You should then supply this at the earliest opportunity to your insurance company via your broker with the letter of claim.

Under legislation, an insured person has 21 days in which to acknowledge receipt of a formal letter of a claim and an insurer has three months from the date of the letter of claim to provide the claimant's solicitors with their decision on liability. If the claim is being denied, your insurer must provide the claimant's solicitors with copies of all relevant documentation. So the earlier they see any documentation to support your defence, the more help it will be.

Ecclesiastical is committed to helping customers at the time of any claim, as well as helping to advise on prevention.

Take a look at our second factsheet 'Defending yourself: How charities like yours can reduce their public liability risk.'

Please ask your broker for your free copy or visit ecclesiastical.com/charity



What next?

For further information or to ensure you're properly covered, please speak to your broker or visit ecclesiastical.com today.