

## **AIM. A Short Guide to Accident and Near Miss Investigation and Claims Management.**

### **Matthew Ford and Sophia Read of City of London solicitors Berrymans Lace Mawer Law on pre and post accident procedures.**

The more a member assesses potential risks and implements procedures to reduce these risks, the less likely it is that an employee or customers will suffer injury.

However, no amount of prevention policies can ultimately stop accidents from occurring. By investigating near misses and accidents and preparing and documenting evidence, members can help decrease claims. All procedures should aim to maximise the collection of information about a near miss or an accident.

We have devised a brief checklist for providers' use to examine how effective your post accident procedures are.

#### **General Procedures**

1. Are up to date staff training records on file, countersigned by the member of staff?
2. Is there a documented system in place outlining a procedure for inspection of your equipment? If customers are on site, is there a documented system in place outlining a procedure for and frequency of cleaning of the floors
3. Where activities involve physical pursuits, does customer training include briefing on the potential risks and how best to avoid them? If so, is there a signed training or induction record retained?
4. Is the customer or the parent/guardian asked to sign a documents indicating that they accept that adventure activities are inherently hazardous and that there is a risk of injury when participating.
5. Do you keep a record of the name and contact details of each participant? When you take group bookings, do you have a record of the name and contact details of each member of the group?
6. Does the Health and Safety policy clearly detail how to follow a chain of communication and who to contact in the event of an emergency?

#### **Post-Accident Procedures**

1. Is an accident book entry completed immediately after every accident and, if possible, signed by the injured party?
2. When an employee is absent from work for more than three days or a client is taken to hospital, is a RIDDOR report completed?
3. Do you have a camera available to take pictures of the accident location and injury? Is the camera in an area accessible to all employees?

4. Do you obtain contemporaneous statements from the injured party and the other witnesses as soon as possible after the incident?
5. Do you keep a file of accident related documents with each accident report?
6. Is there an investigation procedure with accompanying report to clarify the details and cause of the accident?
7. Do you conduct and retain the minutes of all Health and Safety meetings in which the accident is discussed?
8. Do you search for details of similar accidents, such as previous accident reports and cross-reference to the accident in question?
9. Do you keep a day dairy in which all incidents are recorded and which is signed off by the duty manager at the end of each day?

The time and costs of continually reviewing procedures will be minimal when compared to the time and costs of dealing with an accident related claim or HSE prosecution. By providing a comprehensive set of pre and post accident documents as evidence, the task of successfully (and economically) defending a claim is massively improved.

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