



SERVICE PROCEDURE

Liability Claims

INTRODUCTION

1. [Name of Policy this Procedure Supports](#) Pg 2
2. [Procedural Background](#) Pg 2

KEY INFORMATION

3. [Procedural Overview](#) Pg 2
4. [Scope](#) Pg 4
5. [Procedural Steps](#) Pg 7
6. [Systems / Equipment / Access Requirements](#) Pg 9

FURTHER INFORMATION

7. [Service Areas Impacted by Procedure\(s\)](#) Pg 10
8. [Associated Procedures](#) Pg 10
9. [Associated Documents](#) Pg 10

APPENDICES

- a) Appendix A – Claims handling process schematic

Document History

Responsible Department
Information Governance

Version No. 2

Created	Nov 2020
Last Review	Jan 2023
Next Review	Jan 2025

INTRODUCTION

1. Introduction

Personal Data Policy

This procedure should be followed if a legal Employers' Liability claim or a Public Liability claim (a claim) for compensation is made against us.

This procedure also supports our Personal Data and Non-Personal Data Policies and any liability claims arising from personal or non-personal data processing activities.

2. Procedural Background

Employers' liability insurance cover can pay the compensation amount and the legal costs if an employee, or an ex-employee, claims compensation for a work-related illness or injury.

Our Public liability insurance cover can pay the compensation amount and the legal costs if a non-employee claims compensation for something that has happened as a result of our actions or our estate.

A claim may also be made against us relating to personal or non-personal data processing by anyone whose information we have processed in conducting our business. Whilst our insurers may not cover these costs, we may be liable for any legal process and resulting financial penalties, this procedure applies.

This procedure provides a framework that explains the actions to take to effectively manage claims from receipt to resolution and closure. It also details the responsibilities of those involved in the process. All claims are different and some flexibility in the way this procedure is applied will enable it to be used for a wide range of liability claims made against the Service.

A schematic overview of the claims process is presented in **Appendix A** of this Service Procedure.

KEY INFORMATION

3. Procedural Overview

3.1 Notification of a Claim & Initial Actions

- 3.1.1 Any correspondence received relating to an employers' liability claim must be forwarded to the Service Information Team (SI Team) as soon as is reasonably practicable.
- 3.1.2 The notification will be recorded and acknowledged providing our insurer's details where applicable to the claimant or their appointed representative. Further details can be found in section 5.1

- 3.1.3 Any employee who recognises or processes information relating to employers' liability claims must deal with it in a confidential manner restricting access only to those who need it.
- 3.1.4 Any correspondence or engagement with all parties involved in any claim must be recorded throughout the progress in line with the instructions in section 5 of this document

3.2 Gathering information

- 3.2.1 Information will be requested from Service departments and collated by the Information Governance (IG) Department.

All correspondence after initial notification of a claim shall be directed by email to: claims@leics-fire.gov.uk

- 3.2.2 For each claim a "Register of Evidence" will be created and maintained. This will include references to evidence material, the relevant Service departments providing the information and a record of the responsible information owners.

- 3.2.3 Evidence can be any material in any format including but not limited to:

- documents;
- general and investigation reports;
- witness statements;
- decision logs;
- accident books;
- contemporaneous note;
- health and clinical records; and
- CCTV footage, video or photographs.

- 3.3.3 Information providers are expected to source and submit all required evidence as soon as they are able, and within deadlines set by the IG Dept. and legal executives making the requests. The deadline from request to submission will vary depending upon volume and complexity of the information required.

3.3 Disclosing information

- 3.3.1 Information relating to the claim will only be shared with parties who have legitimate interest and when there is a fair and lawful reason to do so.

- 3.3.2 Where there is doubt or clarification is required, advice will be sought from the IG and legal representatives of the Service.

- 3.3.3 Disclosure and non-disclosure of information to interested parties will be recorded on the register of evidence relating to the claim.

3.4 Managing the claim

- 3.4.1 The Area Manager (AM) Service Assurance has overall responsibility for the management of the any liability claim and will be supported by relevant stakeholders.
- 3.4.2 Third party professionals such as legal executives and professional subject matter experts may be engaged to support management of the claim.
- 3.4.3 Progress and decisions made will be recorded on appropriate Service Systems including SharePoint and in an online 'claims cloud' as required by our insurers.
- 3.4.4 The claim will remain open until such time agreement is reached with the claimant for settlement and that has been concluded, or the Service is not required to make such a settlement and the matter is concluded, then the claim will be closed. Notification and details received via Claims Cloud

3.5 Outcomes and learning

- 3.5.1 Gather feedback from Service stakeholders and the legal defense executives including the insurance provider(s).
- 3.5.2 Conduct a debrief on the process followed and record the outcomes.
- 3.5.3 Analyse lessons learned and implement any required improvements.

4. Scope

4.1 Claimants

- 4.1.1 A formal letter received via the postal system or electronically as an attachment to an email is to be submitted to the Service setting out the nature and circumstances of the claim.
- 4.1.2 If a claim is made by any other method, such as verbal or using social media then it will not be valid until submitted formally in writing (Para 4.1.1 applies). Advice may be provided to those intending to make a claim against the Service on what is accepted as a valid format.
- 4.1.3 The claimant's legal representation (if not self-representing) will be given the contact information of our legal executives (representing us as the defendants) in order to make direct contact with them to engage on all legal matters relating to the claim.

4.2 Service Information Team

- 4.2.1 Record claims notifications and acknowledge receipt of the claim to the originator.
- 4.2.2 Engage in processes to support management of the claim within legal timeframes.
- 4.2.3 Monitor and alert stakeholders of actions they may need to take.
- 4.2.4 Carry out any other administrative duties in relation to the claim as instructed by the IG Department

4.3 Information Governance

- 4.3.1 Provide professional advice and guidance to ensure compliance with relevant IG legislation.
- 4.3.2 Advise on and facilitate fair and lawful disclosure of information to interested parties.
- 4.3.3 Ensure that the register of evidence is maintained, is complete and accurate and all information requested by interested parties is recorded as disclosed; or withheld with reasons applied.
- 4.3.4 Source and provide information to the AM Service Assurance for regular reporting to Senior Management Team (SMT) on claims received.

4.4 Health and Safety

- 4.4.1 Ensure that safety event investigations are thoroughly completed and documented; and all evidence associated with them are securely stored.
- 4.4.2 Provide access to investigation reports, other documents, photographs, videos and witness statements when required to do so in response to a legal claim.
- 4.4.3 Provide access to any other information the department may hold that is relevant to the claim.

4.5 Occupational Health/Forge Health

- 4.5.1 Provide health records and clinical notes as evidence, applying relevant legislation for lawful information disclosure with or without the consent of the person the information relates to.

- 4.5.2 Any claims made against Forge Health Ltd the trading arm of LFRS will be treated using this Service Procedure.
- 4.5.3 Forge Health has its own liability insurance and any claims made will be communicated to their provider.

4.6 Human Resources (HR)

- 4.6.1 To provide employment information evidence in relation to the claim.
- 4.6.2 Where applicable, to ensure that all correspondence associated with the claim is included in the employees' Personal Record File (PRF).
- 4.6.3 The PRF will not contain all evidence items shared with parties as they may be retained by the information owners and referenced in the register of evidence or PRF for future inspection.

4.7 All Other Service Departments

- 4.7.1 Provide relevant information to the IG Department or legal executives when requested as evidence for the claim.

4.8 AM Service Assurance

- 4.8.1 Consult with members of SMT, the Services' insurers and or legal executives to determine if liability is admitted or denied.
- 4.8.2 Source evidence as required and provide to the IG or legal executives when requested.
- 4.8.3 Oversee management of the claim to ensure our claims process is being followed.
- 4.8.4 Determine in conjunction with SMT the approach to take in relation to settling claims that may be achieved outside of court or tribunals.
- 4.8.5 To provide liability claim updates to the SMT and Corporate Governance Committee.
- 4.8.6 Based on feedback from internal Stakeholders and our legal executives, conduct a post claim debrief to consider the outcomes of all claims, recommending any identified areas for improvement and issue actions arising to relevant stakeholders.

4.9 Service Legal Executives (Solicitors and Insurers)

- 4.9.1 The legal process of claim handling and any resulting legal proceedings are not detailed in this Service Procedure.
- 4.9.2 The AM Service Assurance liaises directly with legal executives and aligns the requirements of the legal process with the compliance obligations of the Service contained within this Service Procedure.
- 4.9.3 All other Service stakeholders are required to actively engage when requested with the Services' insurers, representatives or legal executives to assist them with the management of the claim.

5. Procedural Steps

5.1 Service Information Team– Gathering and Recording Information

- 5.1.1 Create a new record and enter details of the claim onto the SI Team SharePoint area, Information Request (IR) list. This assigns a unique IR log reference number to the claim that is used during management of the process.
- 5.1.2 Inform the Services' insurance provider that a claim has been made, forwarding any relevant details to them via the 'claims cloud' an information entry portal hosted by our insurers. This assigns a unique claims cloud reference number to the claim that is used during management of the process.
- 5.1.3 The claims cloud process is owned by the SI Team who work to guidance provided by the insurance provider.

5.2 Information Governance

- 5.2.1 Create and maintain a Register of Evidence for each claim and store in the SI Team Sharepoint site 'IR Log' library.
- 5.2.2 Communicate with insurers, and in conjunction with the AM Service Assurance, co-ordinate requests for information from relevant departments.
- 5.2.3 Identify the relevant information owner(s) and issue a request to them for sourcing and provision of evidence from Service department(s) including paper and electronic formats.
Note: Information owners will usually be members of Tactical Management Team (TMT).
- 5.2.4 Create a temporary secure repository for evidence gathered in Egress Workspace. This will enable the AM Service Assurance, the IG Manager (Data Protection Officer), their deputy and legal

executives to view information and evidence material prior to disclosure.

Note: Access to this repository is restricted to those managing the claim.

- 5.2.5 Store gathered evidence in the secure repository.
- 5.2.6 Record gathered evidence on the register of evidence completing all required descriptive fields (metadata).
- 5.2.7 Review evidence and determine lawful conditions for disclosure or non-disclosure (withheld information in full or part). Where information is to be withheld from disclosure record the reasons why for future audit.
- 5.2.8 Safely and securely disclose evidence to interested parties in accordance with our data protection personal data retention and disposal schedule. The retention periods are published in our Corporate Register of Personal Data Processing Activity.
- 5.2.9 Permanently remove evidence from the temporary secure storage once received by all interested parties. The original information documents will be retained by the Information Owners.
- 5.2.10 Provide Information Governance support and advice to all parties in progressing the claim to conclusion and closure.
- 5.2.11 Where the claim relates to information processing then the IG Manager (Data Protection Officer) and their deputy will liaise with the Information Commissioners Office (ICO) where required to do so.

5.3 **Human Resources**

- 5.3.1 Provide professional support and advice to all parties in progressing the claim to conclusion and closure.
- 5.3.2 Store all relevant correspondence and the register of evidence on the employee/ex-employee PRF.
- 5.3.3 If the claim relates to a person(s) other than a current employee of the Service or an ex-employee whose contract ended more than 7 years ago then seek advice from IG on where to store all relevant correspondence and the register of evidence.
- 5.3.4 Employment information in relation to the claim provided as evidence includes but is not limited to PRF, sickness PRF, contract

of employment, grievance/disciplinary notes and general correspondence with the affected person(s).

5.4 Closure of a Claim

5.4.1 The legal executives representing us will inform the AM Service Assurance when legal proceedings are concluded and advise on next steps the Service is required to follow.

5.4.2 Relevant Service areas such as HR and Finance will be assigned closure tasks by the AM Service Assurance. This includes relevant correspondence to interested parties and the approval of any payments arising from settlement.

As before, records of all correspondence and instructions must be kept (WHERE) for audit purposes.

5.4.3 When all actions relating to the legal process are complete then the claim will be closed on the IR log by the SI Team. They will be advised by the AM Service Assurance when to do this.

5.4.4 The debrief process will then commence and include gathering of information from all internal and external stakeholders.

5.5 Training

5.4.1 The Service Information Team and Information Governance staff must be trained in claims processes by the IG Manager.

5.4.2 Training on use of the 'claims cloud' by the Service Information Team and Information Governance staff will be initially provided by the insurance provider and thereafter competence will be maintained by the SI Team Supervisor.

5.4.3 Service department leads are responsible for ensuring their staff are trained in the specialist areas they operate in and that the information they provide in connection with a claim is of sufficient standards relevant to its nature.

5.4.4 All staff involved in the claims process will be trained in basic Data Protection legislative compliance to support fair and lawful information processing including sharing, both within and external to the Service. The mandatory GDPR E Learning provides this.

6 Systems / Equipment / Access Requirements

6.1 General

6.1.1 Access to MS SharePoint.

- 6.1.2 Access to other MS Office applications including Outlook, Word and Excel.
- 6.1.3 Access to the 'claims cloud' requires an internet connection.
- 6.1.4 Access to any electronic or paper based storage area where information is held that is required as evidence.
- 6.1.5 Secure information sharing media that extends beyond the Service networks.

FURTHER INFORMATION

7 Service Area(s) Impacted by Procedure(s)

- 7.1 All areas of the Service who are required to provide evidence in relation to the claim. The key departments are:
 - 7.1.1 Service Information Team
 - 7.1.2 Information Governance
 - 7.1.3 Health and Safety
 - 7.1.4 Occupational Health/Forge Health
 - 7.1.5 Human Resources
 - 7.1.6 Information Communications Technology (ICT)- enabling role

8 Associated Procedure(s)

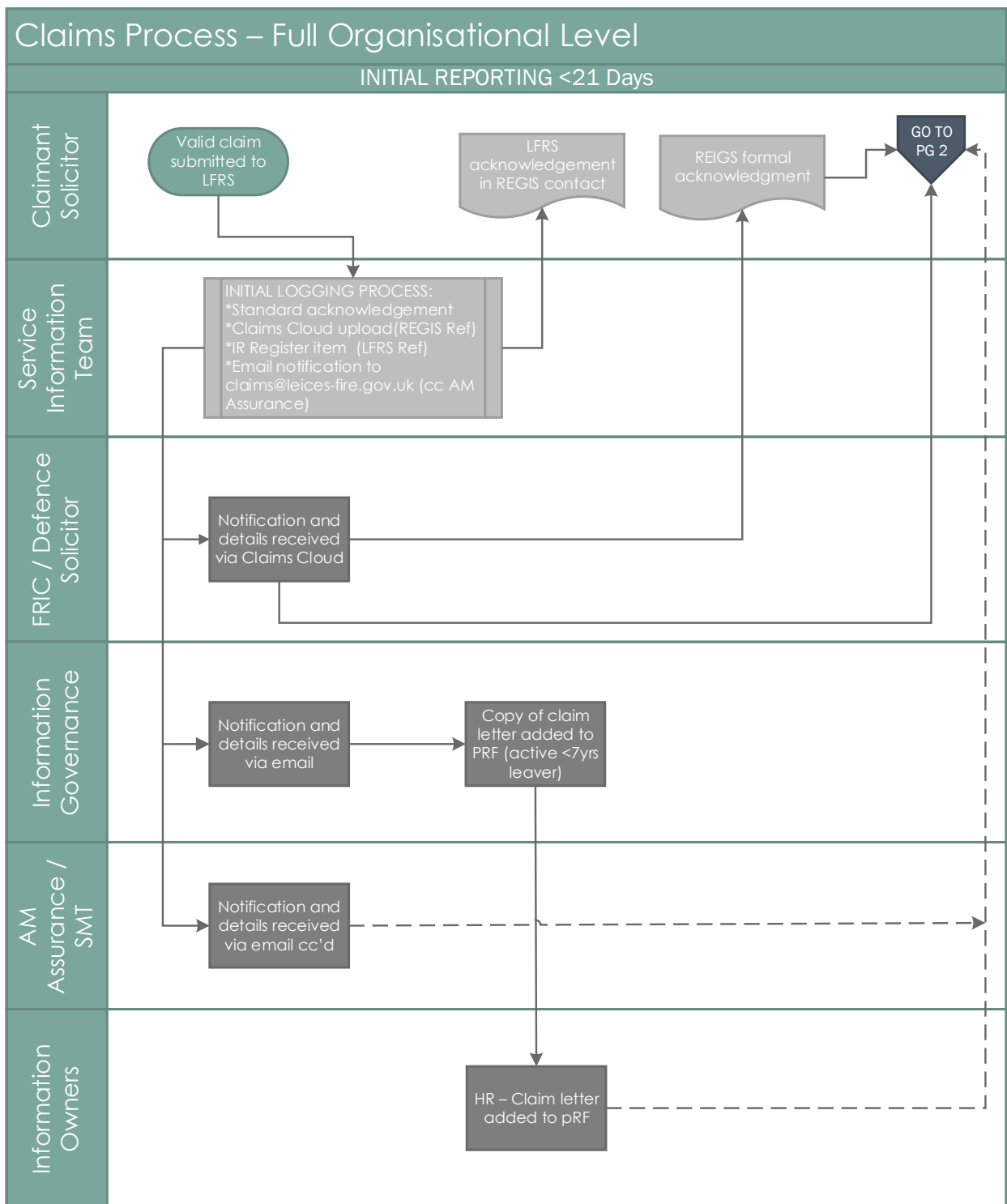
<i>Document Name</i>	<i>Version</i>	<i>Date Published</i>	<i>Department</i>
Access to Personal Data Procedure	V1.0	01/09/2018	Information Governance

9 Associated Document(s)

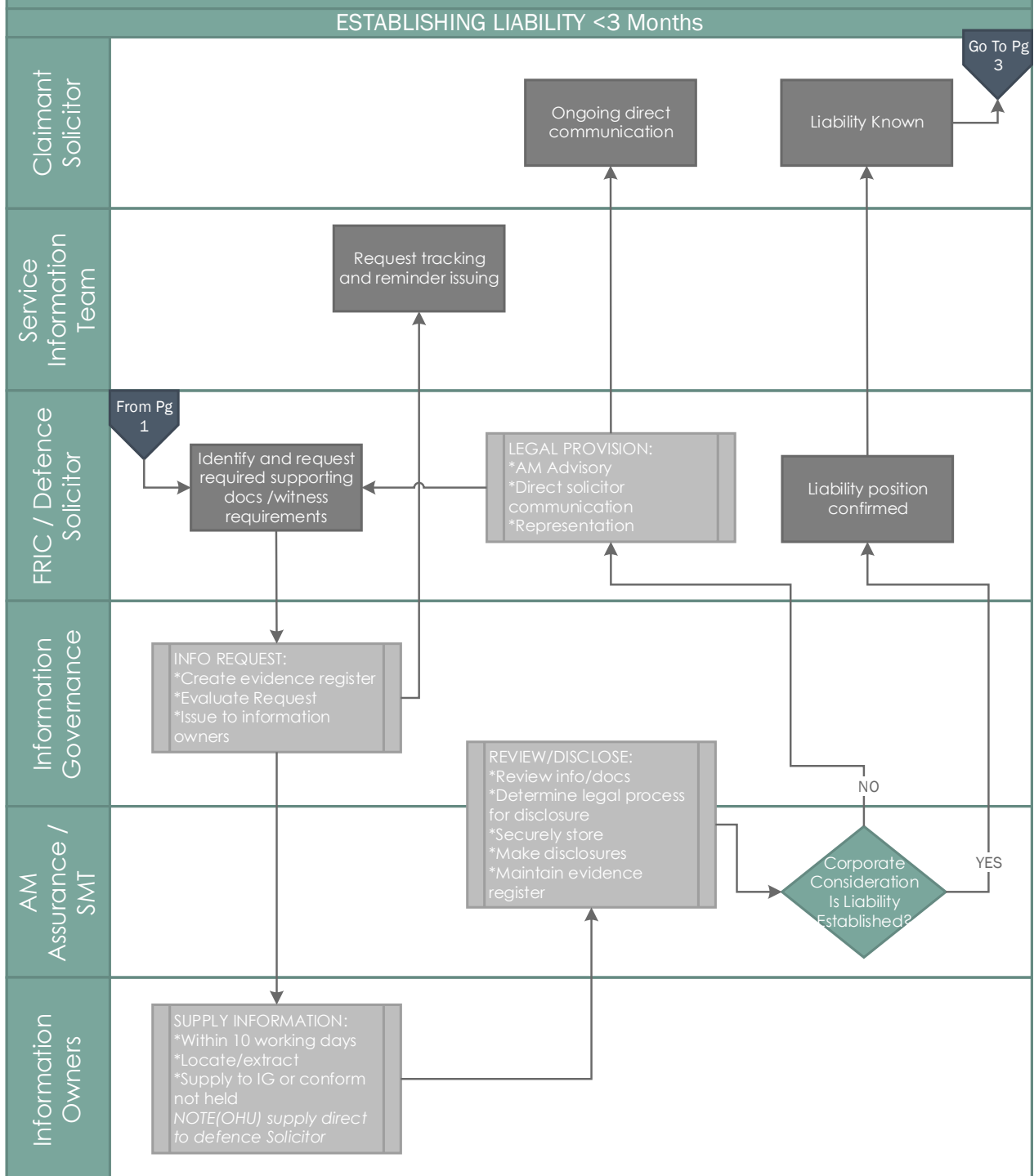
<i>Document Name</i>	<i>Version</i>	<i>Date Published</i>
Fire and Rescue Services Act	N/A	2004
Data Protection Act	N/A	25/05/2018
Freedom of Information Act	N/A	2000
Human Rights Act 1998	N/A	01/01/1998
General Data Protection Regulation (GDPR)	N/A	25/05/2018
UK General Data Protection Regulation (GDPR)	N/A	01/01/2021

(if more lines are required contact Policy Officer)

APPENDICES Claims Handling Process

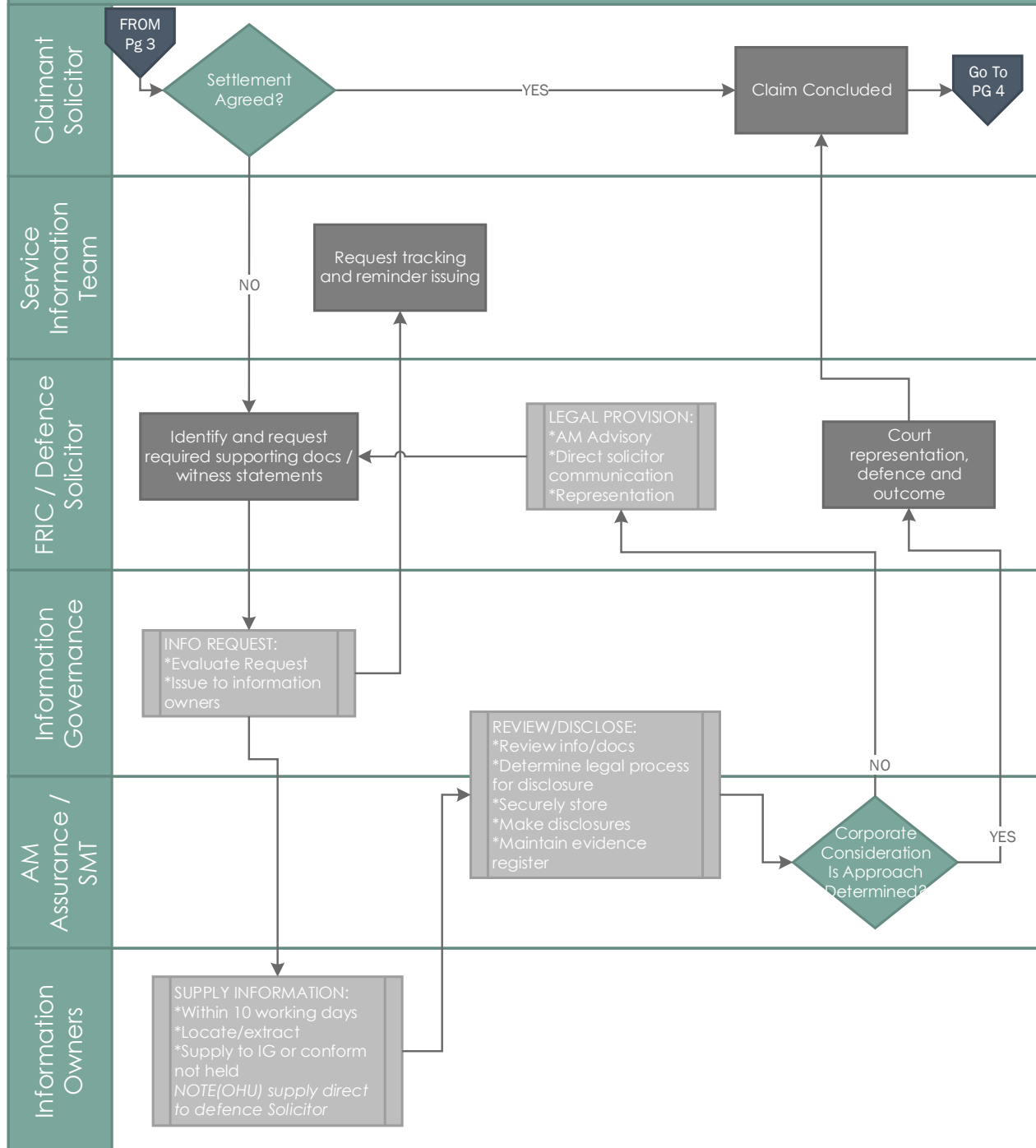


Claims Process – Full Organisational Level



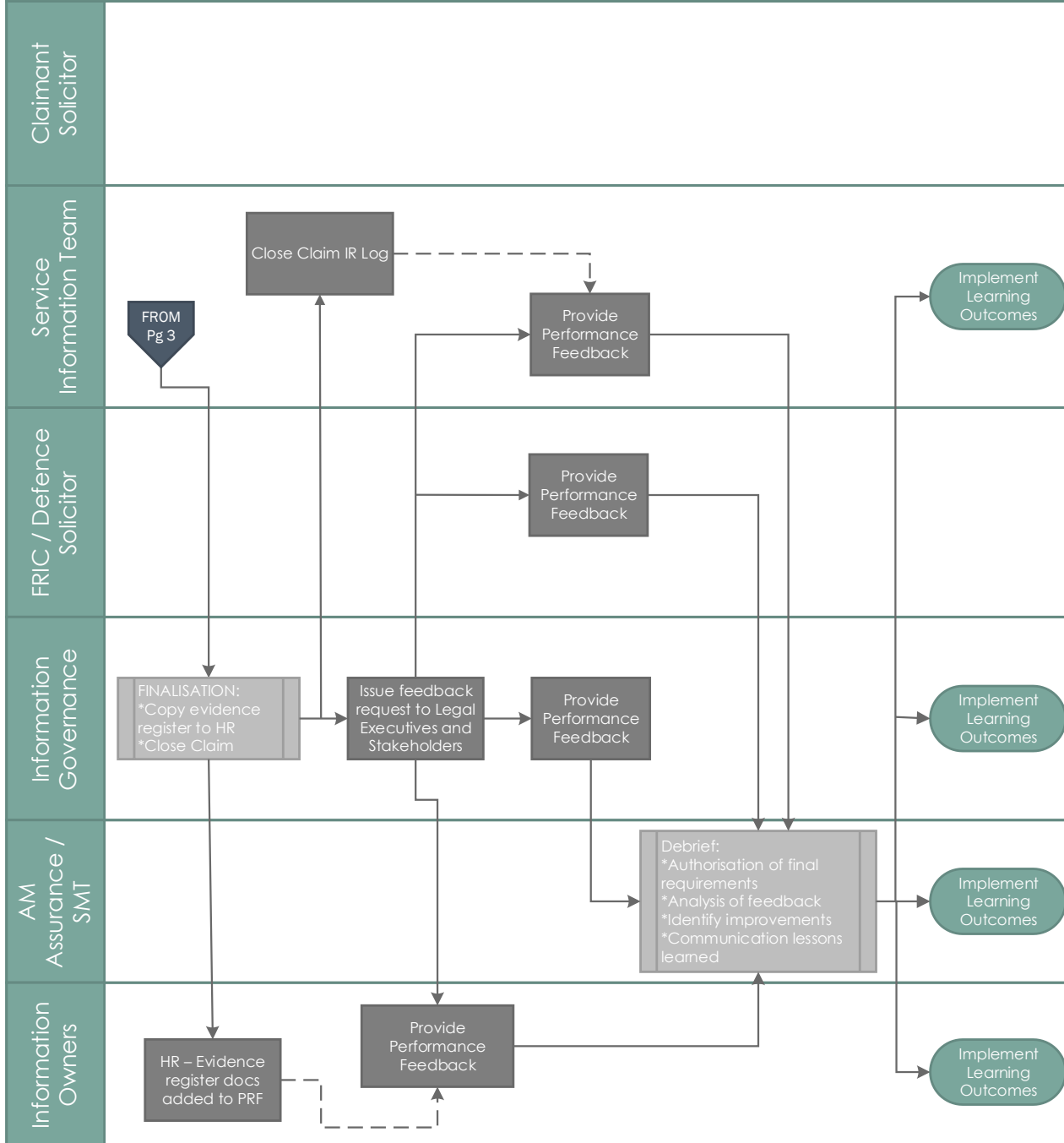
Claims Process – Full Organisational Level

SETTLEMENT OR DEFENCE - Thereafter



Claims Process – Full Organisational Level

CONCLUSION - OUTCOMES & LEARNING



Document History

This Version No.	2			
Department Approver	AM Service Assurance			
Date Policy Officer Assessed	12/01/2021			
Date TMT Approved	21/01/2021			
Assessments completed	EIA completed DPIA completed			
Review Period	2 Year			
Date of Publication dd/mm/yy	Version No.	Brief Details of Alterations	Dept Owner	Approved By
21/04/2021	1	New document	Information Governance	TMT
21/04/2021	2	Revision on whole document and moved to new template	Information Governance	TMT
18/02/2022	2	Review with no changes	Information Governance	As above
01/02/2023	2	Review with no changes	Information Governance	As above

Any Procedure Template enquires should be sent to the Policy Officer

Template Version 8