

For: Heads of all Establishments/Settings
OCC Managers
Governors/Management Committees
Trade Union Safety Representatives
Intranet

Insurance – General Requirements

Employees

Employers Liability

Oxfordshire County Council holds Employers Liability insurance which covers the Council against claims made by employees suffering injury during the course of their employment for which the Council can be held legally liable (for example through breach of statutory duty or negligence).

Personal Accident Insurance

The Council holds personal accident cover for all employees which provides compensation (subject to insurers acceptance of the claim) should the employee sustain bodily injury whilst engaged on official duties, including travelling to and from the place of work. The benefits provided would depend on the degree of the injury and would relate to the following scale:

1. Death or loss of one or more limbs or eyes or other permanent total disablement – 5 times gross annual earnings or £25,000 whichever is greater.
2. Permanent partial disablement – varying percentages of the above.
3. Temporary total disablement – weekly/monthly top-up to full pay, for up to 104 weeks from the date of the accident. (Any top-up payment made is not subject to National Insurance contributions and therefore the injury payment is reduced to take this into account.)

The above policy is also applicable in respect of employees who suffer an assault during their employment, which results in injury and a period of absence from work.

The above is in effect for all employees, working on or off site, working on official work related activities and whilst travelling to and from work, providing the journey goes directly to and from the work location.

Professional Negligence Insurance

Negligence Insurance is required for competent individuals and or teams who advise, support, manage/direct activities/operations/processes of third party organisations including contractors, partners, service providers, voluntary groups etc. This cover will be needed where the council is providing “professional” services that are not provided under statutory duty, to outside organisations. Individuals/ teams involved in such activities will need to ensure that adequate professional negligence insurance (usually £1million) is in place to undertake such work with third parties. Contact the Insurance Team for further information.

Volunteers

Public Liability Insurance

If a volunteer suffers injury or damage due to the Council's negligence the volunteer may claim against the Council's Public Liability insurance. This covers the Council against claims made by third parties for which the Council can be held legally liable.

Personal Accident Insurance

The Council's personal accident "on duty" policy is extended to cover volunteers of the council. Negligence does not have to be proved. Benefits are the same as for employees (see above).

These insurances will only operate if the volunteer is **acting within his/her authority and under the direct control and supervision** of an appropriate member of staff.

Work experience students working on a Oxfordshire County Council Placement

Work experience students on placement with Oxfordshire County Council are covered by Oxfordshire County Councils' Employer's Liability insurance for the duration of the placement.

Personal accident cover for Governors

This package is available through the insurance team via an additional subscription to the Council's Insurance Scheme.

Cover will provide benefits for Governors who suffer accidental injury whilst carrying out their duties, including assaults at any time because the person is a Governor. The benefits provided would depend on the degree of injury and relate to a scale of compensation as follows:

1. Death or loss of one or more limbs or eyes or other total permanent disablement - £25,000
2. Permanent partial disablement – varying amounts – maximum £25,000
3. Temporary total disablement from usual occupation for up to 104 weeks, at a weekly rate.

Providers of services to Oxfordshire County Council

It is a mandatory requirement for any external provider of services to hold a minimum of £5 million public liability insurance cover, and this must be checked prior to taking on the services of the provider. In the event of work bordering a highway, i.e. scaffolding, then £10 million Public Liability would be required.

This is required on all Council contracts including those organised by schools e.g. swimming lessons.

Employers Liability insurance cover would also be required by the company, agency, consultant or contractor (should they employ any staff) to the sum of £10 million.

Professional indemnity may be **required where there is a risk of financial loss due to errors or omissions on the part of the contractor**. The level of cover will be dependant on the value of the contract and the level of financial risk. Please contact the Insurance Team if this cover is deemed necessary.

Trustees Liability cover would be required when working with any charity bodies.

Dealing with Claims letters from a claimant or legal representatives

Individuals or members of the public may wish to try and make a civil claim against the Council using legal representatives.

If documents are received indicating a claim against the authority the document(s) **must not** be acknowledged by the recipient but forwarded immediately to the Insurance Team at County Hall who will deal with the matter.

Timescales

The process is time-limited. The period for a response by the Council will start from the issue of a letter of claim by a claimant or their solicitor.

Following receipt of the letter the Council has **5 working days** to acknowledge receipt, whilst at the same time advising of details of its Insurers. Once the letter of claim is acknowledged the Insurers will have **40 working days** to consider what their response will be.

NB Due to the time limits it is essential that all establishments, settings and services ensure that they have arranged for post to be opened and actioned during any extended periods of closure.

Reforms of the civil justice system with regard to claims have changed the emphasis from a court process, to a streamlined, open and efficient process, in which strict time frames determine that all necessary and pertinent information is available and disclosed, thus enabling early decisions over liability or mitigation issues.

What do managers and heads of establishment/settings need to do?

Managers are required to ensure that any and all letters of claim are **not acknowledged** by them but are forwarded **immediately** to:

Insurance Manager
County Hall
New Road
Oxford
OX1 1ND

Email: insurance@oxfordshire.gov.uk
Tel: 0333 0143385

Documents required..

To assist the Insurers in dealing with claims a considerable amount of essential documentary evidence will be required and this will need to be collected by the manager of the setting or service concerned. These documents may include:

- ✓ Accident/Incident report forms
- ✓ Inspection and testing reports
- ✓ Repair and maintenance records for equipment
- ✓ On-site accident investigation reports
- ✓ Details of Information, instruction and training provided to employees
- ✓ Risk assessment, both pre- and post-accident/incident
- ✓ First aid report
- ✓ Minutes of meetings e.g. health and safety meetings
- ✓ Any relevant photographs
- ✓ Any witness statements taken

Co-operation with this time limited process is essential otherwise the courts may impose punitive penalties for failure to properly comply with the requirements of the protocols, in addition to any decisions on the settlement of a claim.

For further information and advice:

OCC Insurance Team	Email: insurance@oxfordshire.gov.uk web address: http://intranet.oxfordshire.gov.uk/links/intranet/insurance	Tel: 0333 0143385
OCC Health and Safety Team	Email: healthandsafetyhelp@oxfordshire.gov.uk	Tel: 03300 240849

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