

## Ecclesiastical Insurance – Casualty Claims Handling Protocol for the Anglican Church in England and Wales

### **Ecclesiastical Insurance Group (EIG)**

EIG is a specialist insurance company with a focus on the church, care and charity sector. Founded in 1887 the church insurance contracts remain a major part of our business. Working with carefully selected service providers who provide additional technical claims handling support, our aim is to prove an efficient and bespoke claims service for the Anglican Church.

### **Beachcroft LLP**

Beachcroft LLP is one of the largest national commercial law firms in the UK. With more than 1,500 employees, including over 800 lawyers and 140 partners, we provide commercial legal advice and litigation services from eight locations in the UK and also in Brussels and Dublin. Working with both national and international organisations, excellent service delivery and in-depth insight into clients' businesses are at the heart of the firm's strategy.

**When to advise of a potential claim** – This may be obvious, for example on receipt of a document headed Letter of Claim from a solicitor; but you should also be contacting EIG if there has been an incident or accident where there has been an injury, particularly if there has been a need for medical assistance or a notification to the Health and Safety Executive (HSE) using a RIDDOR notification. With some incidents there may have been no obvious injury but you have been advised of circumstances which might give rise to a claim, for example an employee being persistently absent they say because of the effect of their work; or where there is a complaint of some form of harassment. A notification can arise where there have been verbal allegations, it does not have to have been in writing. If you are uncertain it is best to check rather than hoping for the best and thereby losing opportunities to assist and resolve matters at an early stage.

**Health & Safety** - This may encompass any investigation by the HSE, Local Authority (including Trading Standards), Foods Standards Agency or Environment Agency arising out of an accident or incident where there is a possibility of enforcement action being taken for a breach of statutes such as the Health and Safety at Work etc. Act 1974, the Consumer Protection Act 1987 or the Food Safety Act 1990. In general the HSE is the enforcing authority in the case of all industrial premises and in the case of commercial premises within its area the local authority is the enforcing authority.

Ecclesiastical will: assist you with any initial enquiry and then contact, where appropriate Beachcroft with case instructions. It is imperative that EIG are notified as soon as the enforcing authority become involved so that representation can be provided during the course of the initial investigation when the enforcing authority will be gathering evidence. This will have a significant impact on the outcome of the investigation and risk of prosecution.

Contact: Manchester Casualty Claims 0161 817 6500

Beachcroft will: provide representation and assistance during the conduct of the investigation by the relevant enforcing authority. Support will be provided to help you manage your response to incidents, protecting your interests when faced with regulatory investigations and defending enforcement actions on your behalf. This may involve the initial investigation, attendance at interview under caution and representation in the Magistrates or Crown Court.

Contact: Steven Harrison  or Peter Wright

**Motor prosecution** - This may arise when there has been a serious or fatal road traffic accident. Immediate legal representation in the aftermath of a road traffic accident may be required if the police seek to arrest or question at the scene. **In which circumstances the Beachcroft LLP 24 Hour Emergency Hotline should be utilised - +44 (0) 845 230 0111.**

Ecclesiastical will: assist you with any initial enquiry and then contact, where appropriate Beachcroft with case instructions.

Contact: Manchester Casualty Claims 0161 817 6500:

Beachcroft will: liaise with the police, coroner, and you to ascertain what investigations are being conducted. Advise & represent you at police station interview. Advise as to the implication of any criminal charges being brought. Represent on summary, either way and indictable charges in the Magistrates or Crown Court. Advise EIG and you as to the consequences of the criminal proceedings on civil claims.

Contact: Sara May  Kate Archer  or Liz Jones

**Abuse & Stress/Harassment** – this may be physical, verbal and/or sexual and it may have occurred many years earlier or be a contemporaneous event. The allegations may be made by any individual in some way associated with the Church, whether an adult or a child.

Ecclesiastical will: consider the Letter of Claim and in the majority of cases will involve Beachcroft to co-ordinate the investigation and to prepare a response to the letter of claim. A copy of the letter of claim should be sent immediately on receipt; alternatively if there is a criminal investigation and possible prosecution, EIG should be advised of the same so that they can take appropriate action and be aware of the potential for future claims. EIG can also assist when issues arise such as media contact, offers of counselling, desire for internal investigations. These cases will be handled by the senior EIG case handlers.

Beachcroft will: generally assist you in the investigation of the issues as soon as they are raised, working with you and EIG, to ascertain what information exists to either support or contradict the allegations. The historical nature of some of these claims may necessitate the interview of people whose knowledge will be of the life of the Church many years earlier. Old PCC minutes, choir membership records etc will also be potentially relevant.

Contact: Carol O'Donnell [DPA] or Chris Lynwood [DPA]

Contact: Paula Jefferson [DPA]

**Letter of Claim and Pre-Action Disclosure** – The first you may know of a potential claim is when you receive a document headed "Letter of Claim". There are time limits for responding to this letter, in some cases just 15 days. If that letter is ignored, or not appropriately responded to, the Claimant's solicitor may issue and send to you an application for Pre-Action Disclosure (PAD), that is for sight of those documents which they consider they are entitled to see prior to issuing a formal claim. Please see page 6 for a more detailed explanation.

Ecclesiastical will: on receipt of a Letter of Claim from you acknowledge it and commence the initial investigation. That will require you to provide information as requested. If a PAD application is made then EIG will arrange for legal representation at that hearing.

Beachcroft will: on being instructed to respond to a PAD application consider the reasonableness of the request, the extent of information and correspondence up to that point and as appropriate either agree or dispute the application in full or in part, with attendance at court as necessary.

Contact: Manchester Casualty Claims 0161 817 6500

Contact: David Clark [DPA]

**Issued Proceedings - Claim Form** – this is the legal document which starts the progress of a claim through the court. It must be issued within the defined limitation period and be served within a further set period. Once served (by post, fax, in person etc) it triggers certain time scales for a response – the first of these is only 14 days so prompt action is required as soon as the Claim Form is served.

Ecclesiastical will: respond to a claim form as soon as you send it to them, this will usually be by the appointment of Beachcroft, in those cases where Beachcroft have not already been involved in the matter.

Beachcroft will: file the acknowledgment of service within the prescribed time period, thus ensuing that the court and all parties are aware of who is representing you. They will then as required file a defence and continue with all necessary steps in the litigation, advising EIG and you as the matter progresses.

Contact: Manchester Casualty Claims 0161 817 6500

Contact: Sara May [DPA], Kate Archer [DPA]