

Case Study – The Health and Safety Advisor

Background

Health and Safety Advisors tend to be risk adverse individuals and are one of a rare breed of professions who can see the need for good quality Professional Indemnity insurance, before a disaster occurs. Maybe because they operate in an arena where their clients are protecting themselves from potential claims from other people, the prospect of a claim being made against a health and safety advisor, no matter how good, seems to be never far away.

Along with professions such as Solicitors, Trade Unions and HR advisors, PI Expert sees more Professional Indemnity claims against this type of profession than any other that we arrange cover for.

The following claim circumstances have arisen in respect of three of our clients, and whilst the nature of the claims were certainly spurious it is interesting that this seems to be a recurring risk being run by Health and Safety Experts generally.

Circumstances

In each case our Health and Safety Advisor had received a commission to carry out some work for a client preparing some simple risk assessments. This involved some form of work space assessments for example VDU work etc. The jobs were not onerous and involved a small amount of education for the clients employees. In all three cases the Health and Safety Advisor carried out the job diligently, submitted the invoice, were paid and thought no more about it.

Sometime later each Health and Safety Advisor received a summons to attend an employment tribunal. There was an allegation that one of the employees that he had assisted had been forced to take redundancy due to discrimination of a sexual and racial nature. The member of staff had named the employer and about six different consultants who had carried out work for the employer over a period of time, and our Health and Safety Advisors was unfortunate enough to be included in the unlucky list of professionals.

How PI Expert helped

There was never any doubt that these were spurious claims, however this did not mean that our Health and Safety Advisors were unconcerned or that the claims did not need to be defended.

In one of the cases the employer arranged and paid for a defence on behalf of the Health and Safety consultant, whilst insurers maintained a watching brief, however in two cases the employers were a small business and did not have the funds to extend to this.

In both of these cases, although it could be argued that the claims were really not covered by the intention of the Professional Indemnity cover, PI Expert worked with insurers to ensure that the costs of legal representation were met. Insurers accepted our suggestion that to not do so might result in a full

blown claim for bad advice against the Health and Safety Advisor, which would have had to be defended under the policy, possibly at greater cost.

Result

Working with insurers to assist PI Expert's clients is just one of the ways that we help when a claim arises. It takes the worry away from the client and helps them get on with their businesses, while the claim runs in the background. Because PI expert has excellent relationships with the insurers that we work with our clients find that the insurers that we use are often prepared to go the extra mile to support them when a problem arises.

All three cases we are pleased to report that the claims against the Health and Safety Advisor were rejected and, as there was no excess to pay in respect of defence costs, all three clients were able to walk away from the situation at nil cost to their business.



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