



HOW TO PROTECT YOUR BUSINESS AGAINST LITIGATION

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In today's litigious society, compensation claims for minor trips and slips are on the up. Property owners, in this case a club, must take precautions to guard against them, says Ken Watson of Marsh.

Many of the things property owners can do to cover themselves against litigation are quite simple, and include the following:

1. Basic Safety Management Programme

This could be as simple as having a traffic light system: one sheet of red paper, one amber and one green. On the red sheet, note down everything that urgently needs to be done in relation to hazard and risk. The amber sheet is for things that are in the progress of being done, and the green sheet for completed tasks. For example, it could be that the electricians have not been checked in three years. There is no harm in acknowledging that something is dangerous and needs attention because it shows you have a programme in place.

2. Ongoing maintenance

A lot of risk management is about having a schedule in place. A regular, annual programme of repairs to be done is a smart idea. Paint peeling off a wall is not itself dangerous, but it gives a poor overall impression of the premises if a case goes to court.

If a claim was made, with a schedule in place, one would be able to say the plumbers were due to come in on this date and the electricians on that date. If the offended party realises that the owner has not kept up maintenance on the property in the last two years, it is easier to receive a payout. Owners need to examine major items once a week and record the results.

3. Training on perceived dangers

As an employer, you are required to make sure you provide a safe working environment and training represents a big part of that. Health and safety training, and food hygiene are a must for staff. These include the basic things like how to clear tables safely, lift and carry items, and pointing out potential dangers in the workplace. If a staff member puts their back out while lifting a barrel in the cellar and they haven't been shown how to do it properly, the owner will most likely be held liable for the accident. This training can be done in a half-hour induction scheme. At the end of the training, all staff need to do is to fill in and sign a tick box sheet detailing what they have been shown. By training staff in good practice they will also be more aware of making sure the establishment is in good working order.

4. Identify the main risk areas

The Health and Safety Executive website highlights five steps for risk assessments and are as follows:

- ✎ Step 1: Identify the hazards
- ✎ Step 2: Decide who might be harmed and how
- ✎ Step 3: Evaluate the risks and decide on precaution
- ✎ Step 4: Record your findings and implement them
- ✎ Step 5: Review your assessment and update if necessary

People often don't understand what a risk assessment is. The easy way to do one is to look at the six to eight areas where the most activity occurs. That would usually be the car park, the entrance, the bar, the toilets, the lounge, the cellar, the stairs and dance floor. Take a sheet of paper for each area and mark down 10 things that could go wrong in there. After this, put a note next to each item detailing what has been done to minimise the chances of anything going wrong.

For example, noting down that carrying glasses up a set of stairs is dangerous is the first step. The next step would be to make sure there is sufficient lighting on the steps, the carpet has been taken up, a sign saying beware of the steps is in full view and staff have been briefed in their training.

5. Toilet rotas

You may have a great pub, serving tremendous drinks and food, but if there is spilt water on the toilet floor and someone slips up, none of that would matter. Major chains have a toilet rota and it is a very sensible policy to implement. A toilet rota is a tick box sheet in the facilities to note when the toilets were last inspected – usually every half-hour. If a claim is made, the first thing that will be asked for is the record of when the toilets were last inspected. Using signage to ask customers to inform staff if there is anything wrong is good practice. Proving the premises are checked regularly during opening hours is a significant start.

6. Log all incidents

If an accident does happen by law you have to log it in an accident book. Having a written record is useful to ensure that you can recall events should someone make a claim two years after the event. Jot down details of every accident and any action taken no matter how trivial.

7. Photo evidence

If an accident does occur, log details in the accident book and take a photograph of the area where it happened. Closed Circuit Television can also be used as a record of what actually happened. It may also be useful to take some witness statements.

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