

Version History			
Version	Date	Detail	Author
1.0	29/05/2012	Initial issue – Draft	Adela Green
2.0	12/07/2012	Revised Draft	Adela Green
3.0	13/07/2015	Final Document	Adela Green
3.1	10/02/2016	Update to contact persons	Hazel Swainsbury/Sue Pilgrim
3.2	11/03/2016	Update to contact person	Hazel Swainsbury

Notification of Serious Incidents/Occurrences

Insurance Requirements

As part of our Liability Insurance Policies there are conditions that apply in terms of notifying Insurers when certain circumstances arise which **may give rise to a claim or legal proceeding**.

This protocol has been developed to ensure that we notify appropriate circumstances and the way in which it should be done.

The following specific occurrences/injury types must be notified to the Common Law team (Lisa Brewin 01629 538366, lisa.brewin@derbyshire.gov.uk) with a cc to the Risk and Insurance Section (riskandinsurance@derbyshire.gov.uk) at the frequencies stated below;

1) Injuries

- (a) Fatality
- (b) Amputation of a major extremity
- (c) Any serious head injury (including skull fracture or loss of sight of either or both eyes)
- (d) An injury to the spinal cord
- (e) Any disability where it appears reasonably likely that there will be a disability of more than one year
- (f) any second or third degree burn of 25% or more of the body

2) Occurrences involving

- (a) sexual or physical abuse
- (b) false arrest wrongful/improper detention or false imprisonment or malicious prosecution

3) Impending prosecution, inquest, fatal inquiry or proceedings into any court

In order to meet the more general requirement of incidents that **may give rise to a claim or legal proceedings** the following information should be provided to the Common Law Team. Reports should include date of incident, brief description of incident, name of complainant and location of the incident.

Health and Safety Officers – All Departments

- Detail of all injuries in item “1” above immediately upon knowledge.
- Quarterly detail of all major injuries reported under RIDDOR.

Jane Parfremment – Strategic Director – Children’s Services

- Quarterly detail of all child deaths (except neonatal or expected)
- Details of all serious case reviews
- Eight weekly - Minutes of child death notification panel
- Details of any serious incident learning reviews

A quarterly meeting will be held between the Strategic Director, Risk and Insurance Management and Senior Solicitor Common Law to review the information provided and efficacy of the notification process.

Simon Stevens – Assistant Director – Direct Care, Adult Care

- Quarterly report of all physical abuse allegations involving staff on resident (and resident against resident) in Direct Care Services and HOPS reaching the “Significant Harm” level in the “Safeguarding Threshold Framework Guidance v5”.
- Quarterly report of physical assault allegations from staff against residents in Direct Care Services where they have caused injury and absence from work.
- Immediate notification of any sexual abuse allegations involving staff on resident (and resident against resident) in Direct Care Services and HOPS reaching the “Significant Harm” level in the “Safeguarding Threshold Framework Guidance v5”.
- Information provided should include, date of incident, name of complainant, name of alleged abuser, brief description of circumstances and any injuries sustained, location of alleged incident.
- Information is not needed concerning incidents occurring in wider contracted services.

Jill Ryalls – Group Manager – Fieldwork, Adult Care

- Notification of potential deprivation of liberty claims as they occur. Trigger for report will be the point at which a challenge is made by a service user’s family or when criticism of a DOLS application is made and where the Group Manager feels there is a potential exposure.
- Information provided should include the name of individual, brief detail and where application was made.

Carole Robinson – Group Manager Mental Health

- Notification of potential misuse of Mental Health Act claims as they occur. Trigger for report will be the point at which a challenge or allegation is made relating to wrongful detention or other misuse of the Mental Health Act and where the Group Manager feels there is a potential exposure.
- Information provided should include the name of individual and brief details about the situation and location involved.

HR

- Quarterly detail of stress related staff absence. To include name and number of days absence and first date of absence.
- Only cases where absence is 6 months or more will be reported to insurers. Analysis will be completed by Risk and Insurance Section.

Children’s Services and Adult Care Departmental Data protection Contacts

- Notification of any **subject access** requests made under FOI.

CONTROLLED

- Current contacts: **Adult Care** Neil Brailsford; **Children's Services** Richard Corker and Tony Smith.

Responsibilities for notifying insurers

Risk and Insurance Section – Logging of the incident as a notification on the Council's claims database.

Common Law Section – reporting of the incidents to the Insurer's claims representatives.

Further notification responsibilities of Claims Handling Teams within the Council:

1. Any claim where a reserve is established of more than 50% of the retention or £50,000 whichever is the lesser
2. Claims falling outside of the defined in-house handling authority limits

Adela Green

Risk and Insurance Manager