

Liability Services — COVID-19 and beyond

How Can Willis Towers Watson Help?



There is pressure on businesses and organisations to provide evidence to assist with the defence of claims.



Our Claims Defensibility & Regulatory Practice has developed a number of services to help businesses defend claims including from COVID-19.

Claims Defensibility Review

What is a Claims Defensibility Review?

A Claims Defensibility Review is a process of assessing an organisation's ability to defend a civil claim for compensation arising from a public or employers' liability claim, including claims as a result of COVID-19.

A defensibility review will identify weaknesses in documentation, policies and procedures which can result in the payment or settlement of claims. It will recommend changes to improve the ability to successfully defend claims and introduce effective measures to limit damage to the balance sheet and assist with premiums.

What does a Claims Defensibility Review involve?

The process involves an in-depth review of an organisation. It will focus on policies, procedures and other claims related documentation that an organisation may be required to disclose in the event of a claim. In particular, areas such as accident investigations, risk assessments, training records, housekeeping/inspections, record keeping and other documentation relating to COVID-19 will be reviewed.

How does the Claims Defensibility Review work?

The review will involve key individuals within the organisation such as Health and Safety, Human Resources, Occupational Health and Training. Willis Towers Watson specialists can assist in the implementation of the report findings, including training managers and supervisors so the organisation is fully equipped with the practical knowledge, skills and techniques to prevent and defend claims.

What are the benefits?

Undertaking a Claims Defensibility Review will benefit an organisation by:

- Identifying improvements in policies, procedures and claims related documentation
- Improving the ability to defend claims through implementing recommendations
- Ensuring documentation and evidence is gathered to support a successful defence

- Helping to introduce measures to defend and combat COVID-19-type claims
- Improving the ability to make early decisions on liability and save costs where claims cannot be defended
- Reducing the cost of claims together with insurance premiums

Claims Defensibility Training

It is often a lack of understanding that leads to failure in defending claims despite having the right processes and procedures in place. Poor incident and claims management will also increase costs, not just in terms of settlements, but from greater time and resource required to deal with them.

What is Claims Defensibility Training?

Claims Defensibility training equips organisations with the practical knowledge, skills and techniques to enhance the prospect of defending claims. It also develops understanding and improves the way accident claims are managed. Training is delivered by a dedicated training team which has extensive practical experience of handling cases, including disease claims such as COVID-19.

Training options include accident investigation (including investigation role play), contractor management, as well as bespoke modules covering specific topics of your choosing.

What are the benefits?

Claims Defensibility training will benefit an organisation by:

- Helping identify improvements in policies, procedures and claims related documentation
- Highlighting the importance of accident investigations and recording evidence to support a successful defence
- Improving the ability to defend claims through implementing recommendations, including any claims as a result of COVID-19
- Improving the ability to make early decisions on liability and save costs where claims cannot be defended
- Reducing the cost of claims and insurance premiums

Who should attend?

Training is recommended for managers and individuals responsible for:

- Health & Safety
- Accident investigations
- Claims
- Insurance
- Training
- HR

What will training deliver?

The aim of the training is to:

- Raise awareness of the claims management process and the impact of claims on an organisation, including claims from COVID-19
- Develop and consolidate the existing knowledge of managers and individuals responsible for health and safety, claims and insurance
- Determine how previous investigations would stand up to 'present day' scrutiny by Claimant lawyers in the civil claims sector and what changes would be required to improve
- Ensure attendees gain practical skills which can be transferred to the workplace

- Provide an insight and understanding of key factors which can lead to personal injury and COVID-19-related compensation claims
- Enhance knowledge of how to improve defensibility within their own organisation

Mock Trial Training



Organisations and employees are often unfamiliar with claims and court processes relating to personal injury claims. This lack of understanding can create confusion as to what information is required and how best to present it, as well as a feeling of unpreparedness prior to attending court. As a result, payments towards the cost of claims and insurance premiums may increase.

What is Mock Trial Training?

The training provides an overview of the workings of personal injury claims, both prior to and after the commencement of formal proceedings. It also provides a demonstration of the relevant litigation process and gives an insight in to what to expect at court.

Mock Trials cover the following claims areas:

- Employers' Liability accident
- Public Liability accident

What are the benefits?

In addition, to an increased understanding of personal injury claims, benefits include:

- An insight and understanding of key factors which can lead to personal injury and COVID-19-related compensation claims
- An appreciation of the importance of detailed documentary records and how they can influence the Court

- An understanding of how accident investigations can either significantly enhance or undermine a defence and/or a key witness's credibility
- A demonstration of the pressures a witness experiences whilst giving evidence at trial.
- Enhanced knowledge of how to improve claims defensibility within your organisation
- A reduction in the cost of claims

How does the Mock Trial Training work?

The training includes audio visual footage which has been specifically designed and produced to give an authentic insight into the relevant court process. The trials are heard by real County Court judges, with the advocacy being conducted by specialist practising barristers to ensure the trials are as realistic as possible.

The footage shows the barristers conducting a full trial, including opening/closing speeches and cross examination of witnesses. It also includes a demonstration of how witness evidence and documentation is presented and challenged in court, with a particular focus on:

- Overview of the trial process
- The importance of documentary evidence and how it is interpreted by the court
- Demonstration of how witness evidence is delivered and challenged in court
- Examples of how barristers will approach questioning over areas such as training, risk assessments and accident related documentation
- Delivery of judgments/verdicts and how the facts are commonly analysed by a judge
- Summary of how to defend claims

Footage from our Mock Trials can be accessed on the below links:

<https://bcove.video/35cOCXP>

<https://bcove.video/2E5RdqM>

<https://bcove.video/336zmdi>

“Claims defensibility training enabled our management teams an insight into the reality of the complex subject of employer liability claims. The practical mock trial exercise brought to life the reality of a court case hearing and the nature of cross examination. This element of the training was particularly engaging and provides participants with a genuine grasp of court proceedings. I would highly recommend the course; it's a must for all organisations who wish to manage risks at a strategic level.”

**Health & Safety Manager,
Refresco Group UK**

Facilities Management Document & Process Review

The review will examine the operation of an organisation's management systems, linked to real estate and property management, to ensure that required actions are correctly undertaken and recorded, including how these interact with systems of other interested stakeholders.

The review will also consider what systems and processes are in place to record inspections, required maintenance and other associated actions. It will assess their effectiveness to track and reproduce key documents and evaluate the quality of evidence they create in relation to a civil liability claim. It will also highlight any changes necessary to improve the ability to

defend liability claims and will cover the following areas:

- Facilities management systems
- Consideration of processes in place to add new properties to the management systems
- Undertaking of surveys of new properties
- Planned maintenance procedures
- The reactive maintenance procedures
- Any risks arising from COVID-19
- Management of contractors undertaking servicing, repairs and maintenance
- Recording of inspections, servicing and maintenance
- Record keeping

Undertaking a review will also demonstrate the organisation's desire to challenge existing systems, drive change where necessary and ensure the highest levels of compliance.

Claims Review



A poor or deteriorating claims experience has a significant impact on insurance premiums and renewal terms. Managing and forecasting claims spend is vital for budgetary control; especially for organisations that are self-insured or have captive arrangements.

Poorly handled claims can not only lead to increased costs but are a threat to brand and reputation.

A Claims Review will provide an independent and detailed examination of all aspects of the claims handling and data capture process by loss adjusters, brokers, lawyers and insurers.

Willis Towers Watson specialists select and forensically examine claims to identify and highlight issues with individual claims or claims handling processes.

What are the benefits?

By undertaking a Claims Review, an organisation can achieve benefits including:

- Better containment of legal costs and improved claims experience
- Lower premiums from reduced claims costs
- Identification and improvement of data capture
- Identification of inaccurate reserving
- The ability to release funds and resources already set aside on the basis of existing reserve figures

What will a Claims Review deliver?

A Claims Review provides confidence and reassurance in the quality of claims handling, whether by a third party provider or an internal claims function. It will ensure that any claims costs are minimised to have a positive impact on claims experience, making an organisation a more attractive proposition to insurers.

A Claims Review will provide the following:

- An independent and impartial view of claims handling
- Ensure agreed procedures and protocols are followed
- Check to ensure legal costs are contained
- Assurance of settlement at the correct level
- Recommendations to ensure adequate reserves are held to meet future liabilities
- Advice to mitigate the negative impact that reserving can have on premium calculation

Once a review has been undertaken, a detailed report is produced commenting upon key areas. This provides conclusions and recommendations for implementation by the service provider or internal claims function.



About Willis Towers Watson

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willistowerswatson.com/social-media

Each applicable policy of insurance must be reviewed to determine the extent, if any, of coverage for COVID-19. Coverage may vary depending on the jurisdiction and circumstances. For global client programs it is critical to consider all local operations and how policies may or may not include COVID-19 coverage.

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