

CFT operating procedures manual



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Insurance claims, incidents

Introduction

The CFT insurance is third party legal indemnity insurance. This means that claims against individual members or clubs are covered where there is a legal liability as a result of proven negligence.

Any incident or claim on a CFT member may be a claim on the CFT insurance and rigorous procedures are necessary to comply with the terms of the insurance policy.

This procedure replaces all previous directions regarding incident reporting and its purpose is to ensure that CFT as company acts in a due diligent way and protects its members adequately.

Procedure

Any incident must be reported directly in writing to Head Office by anyone with knowledge of the incident. If an incident is believed to have occurred a letter will be sent to the club requesting details and including this procedure. If a member of CFT hears of an incident then they should assist this process by notifying head office informally so that the reminder letter may be issued.

Head office will then notify the relevant parties and collate any necessary records. Head office is the first and only appropriate point of contact. An incident report must be sent in immediately with statements from anyone present and not later than seven days after the incident. Further information or additional statements can be sent later. Communication to any other party other than the Gardai investigating the occurrence is inappropriate. Note as all CFT meetings, shows and events are covered by insurance policy an incident report is essential regarding any adverse occurrence which could have implications for CFT.

Maintaining insurance cover

A further area of concern is that incident reports involving any injury or damage to property are also sent to our Insurers to comply with the condition of our Policy that the Insurers be notified immediately of all incidents which may possibly give rise to a claim. Our insurance broker has explained many times that if Insurers are **not** notified immediately, they may be entitled under the terms of the policy to refuse to handle any subsequent legal claims arising out of the incident. He has also explained that in these circumstances, club officers and members may be **personally** responsible for all legal costs and any awards made for injury or property damage. CFT is the insured party and therefore all queries etc should be routed through the organisation. Inquiries made directly to the broker may be referred back to CFT.

Office actions

On receipt of a report in writing Head office will then

1. Date stamp each page of the documentation submitted
2. Inform the insurance broker currently Alan Fisher at Thompson Insurances, 16 Uppr. Grand Canal Street, Dublin 4. 4817700, fax 6604058. alan.fisher@nti.ie

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3. File the original report and any correspondence, statements photographs etc in a file devoted to incidents held at head office. No changes, notes or comments may be made on the originals of incident reports which will be date stamped on arrival.
- 4 Inform the Directors on the executive of the possibility of a claim affecting the company which needs to be noted by the Treasurer in the annual accounts.
- 5 Remind anyone involved to write down statements details etc to gain the fullest possible information.
- 6 Inform the coastguard at NI Coastguard Bangor Co Down if the incident has taken place in Northern Ireland waters.
- 7 Inform the Chief Surveyor, Marine survey office, Dept of Marine and natural resources, if the incident took place in Irish waters
- 8 Inform the incidents officer of the CFT Technical Commission where the matter relates to diving

Important Notes

- The name address and CFT number of everyone present should be listed so that their insurance status at the time of the incident can be checked by head office.
- A brief written statement must be obtained from all parties present at time of incident - not months later when memories are vague. These must be dated and signed and witnessed. Statements are essential when trying to visualise how and why an incident occurred and will almost certainly be required if a case goes to court. A complete folio of original documentation should be sent to CFT Head Office for the attention of the Secretary .
- A sympathetic ear is encouraged as the injured party(s) will probably be our good friends but anyone dealing with the incident on behalf of CFT including the Executive Council should make no admission of responsibility or comment on the projected outcome of any claim. Remember if and when a claim goes to court, those well intentioned but sometimes misplaced words could be seen as admission of liability.
- It is the role of the Executive Council to decide the best course of action to take when all the facts are available and it is the role of the Insurers and Legal System to determine liability and compensation.
- Section 23 of the Merchant shipping Investigation of Marine casualties act requires “An owner charterer, master, skipper, person in charge, ship’s manager, ship’s husband of a vessel involved in a marine casualty shall, by using the quickest feasible means, notify the Chief surveyor or any other marine surveyor in the marine survey office of the Department of the Marine and natural resources of the casualty immediately he or she is aware that the marine casualty has occurred or commenced, or as soon as practicable thereafter.