

The Future of Early Evidence Capture in Liability Claims

Background

Early evidence capture has long been vital in the investigation of liability claims, arguably more so than some other classes of claim given the time constraints. Firstly, liability claims may occur in locations where an adjuster is acting for a party who does not have control of a site, as such gaining access to inspect damage will be more difficult than a first party adjuster acting for the entity in control of the site.

Secondly, following an incident, the locus can change quickly meaning that the relevant hazard is no longer available for an adjuster to inspect days or weeks after the incident.

Finally, as time passes, access to witnesses may also be more difficult as people move on, or access is actively resisted by other parties as other loss adjusters or lawyers become involved.

However, despite these challenges, there is often a window in the immediate aftermath of an incident where if the adjuster is quick to act, they can inspect damage, interview witnesses, and gather vital evidence before barriers come down and positions become entrenched.

The importance of early evidence gathering

Early site attendance and early evidence gathering is vital when providing meaningful guidance on quantum, liability etc. but also with one eye on any potential litigation which may be coming some months or years away. There is often only one chance to collect this vital information.

In recent years the UK Ministry of Justice Portal and the pandemic have conspired to reduce the number of physical visits by adjusters. This isn't to say that video calls and google maps etc. are not useful tools for an adjuster to utilize during an investigation, they clearly assist and enhance enquiries. However, they are limited and often cannot replace the benefits obtained from a physical site inspection by an experienced adjuster.

The Injury Claims Environment

The early capture of evidence when a loss occurs on site is an ongoing challenge for Insurers. This is especially true for liability claims where a transient hazard, temporary obstruction or a failed plumbing connection can disappear shortly after the loss event.

In terms of injury claims, despite the pandemic, data from the UK in 2021 shows there were still 441,000 non-fatal workplace injuries reported. This is down from 693,000 the previous year, primarily due to the effects of the pandemic but remains a significant figure, averaging at just over 1,200 incidents per day.

Workplace Injury

142

Workers killed at work in 2020/21

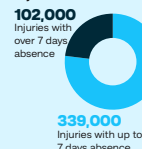
441,000

Workers sustaining a non-fatal injury according to self-reports from the Labour Force Survey in 2020/21

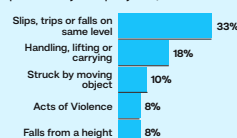
51,211

Employee non-fatal injuries reported by employers under RIDDOR in 2020/21

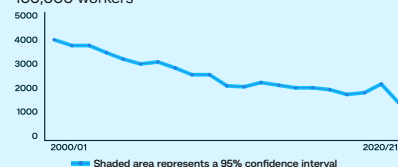
Estimated self-reported non-fatal injuries, 2020/21



Non fatal injuries to employees by most common accident kind (as reported by employers) 2020/21



Estimated self-reported workplace non-fatal injury per 100,000 workers



Of these 441,000 incidents some 51,211 were RIDDOR reportable and therefore more likely to be serious and give rise to a claim.

The most common type of workplace accident in 2021 are those caused by slips, trips and falls; representing 33% of all incidents, followed by manual handling at 18%.

This is important to note because both slips, trip and falls; as well as claims involving a manual handling injury are precisely the types of claims which can pose difficulties for investigating adjusters in that the crucial piece of evidence i.e., the spillage over which someone slipped or the item, which was being lifted or carried, is typically not available to view by the time of a visit.

The GRS Solution

Our experienced team of specialist liability adjusters have decades of combined experience in the investigation and handling of liability claims. We have leveraged our experience and unique insight to develop a solution.

We have considered the importance of early evidence gathering, the preference for an adjuster to attend a site and how technology can help.

To bridge that gap we have developed vYsus site view, derived from the Latin for "sight", vYsus is an online application which can be utilized to capture evidence quickly and efficiently. Downloadable as an app, the technology allows for evidence to be secured by those on site at the time of the loss and immediately shared with the Loss Adjuster and other parties.



On site operation

vYsus can be made available to anyone with a smart phone. This makes it ideal for a project manager on a construction site or a facilities manager in an office block to utilise for recording contemporaneous photographic evidence. They can also include relevant notes which can be dictated into the phone or typed out at the time of taking the photograph.

The ideal situation would be for the project or facilities manager at a site to have use of vYsus built in to an agreed claim notification process. This means that in the event an incident occurs they can immediately use their phone to record crucial evidence.

An easy alternative is that on notification of a loss the GRS adjuster contacts the relevant person on site and through vYsus access via their smartphone remotely, allowing us to use the on-site person as our "eyes and ears" and their phone camera to capture the evidence.

The technology allows the Insured to temporarily pass control of their smart phone to the Loss Adjuster, allowing them to view the damage in real time.

The benefits of this are clear, the Loss Adjuster will, at the point of the claim being notified, be able to ensure vital evidence is captured as well as understand the severity of the claim before they even make arrangements to attend site. This provides clear benefits to underwriters in terms of potential cost savings.



Clear benefits for all stakeholders

Our solution allows for the early involvement of an experienced loss adjuster at the crucial moment in the aftermath of an incident enabling an Insured to be in direct contact with an expert adjuster who can guide them through the early stages of a claim. At the same time ensuring the correct evidence is gathered, both with an eye on future litigation but also from the point of view of first actions to be taken by an Insured. As detailed previously this is especially important when dealing with liability claims where evidence should be gathered as quickly as possible.

This information will allow the Loss Adjuster to make impactful decisions early in the claim life cycle and to provide the Insurer and other stakeholders with more accurate information on which to base their decisions. Making the right decisions early reduces the claim life span and ultimately indemnity spend.

All evidence is immediately transferred and saved to our platform in real time where it can be shared with Insurers, Brokers or any other relevant stakeholders.

In situations where property damage has occurred and repairs are undertaken, this platform also allows stakeholders to view the progress of repairs logged over multiple visits. This provides valuable data indicating repair times for individual claim elements allowing a greater understanding of where focus should be placed to resolve the claim.



The Future

There is no doubt that technology will continue to develop, as will Customer expectations.

Whilst face-to-face discussions remain the most efficient, customer focused method of gathering evidence and information, denying the benefits of technology and how it can add to the loss adjusters arsenal is short sighted and ultimately provides a sub-par service to both Insurers and their Customers.

At GRS, we are taking the best of what technology has to offer and melding it with traditional loss adjusting expertise - because the final outcome becomes more than the sum of its parts and benefits our clients.



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