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ProActive Risk Management

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### A Material World

Have you ever given any thought to what constitutes a material fact?

Do you know the importance of a material fact in insurance terms?

It is potentially the most important part of your contract with the Insurance Company. We take insurance out in order to have peace of mind that when the worst happens we are insurance backed and our claim will be paid! After all, why wouldn't it, we paid our insurance premiums on time and we've done everything right, haven't we?

A material fact is a fact that is so important that its disclosure would

Welcome to our latest Newsletter

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### UPDATE - First company convicted of corporate manslaughter is sentenced

Cotswold Geotechnical (Holdings) Limited, the first company to be convicted under the Corporate Manslaughter and Corporate Homicide Act 2007 was sentenced recently (17 February 2011).

The company was fined £385,000 which it will pay at the rate of £38,500 per year over the next 10 years.

The court said that the level of the fine reflected the gravity of the offence and would act as a deterrent to others.

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### Ten South Yorkshire and Humber building sites shut down

Ten construction sites across South Yorkshire and the Humber were so dangerous that workers' lives were being put at risk, inspectors found.

change the insurance company's attitude to accepting the risk, settling a claim or determining a premium. The principle of utmost good faith requires anyone seeking insurance to disclose all the material facts about the risk that he knows or should know. If you are in doubt about whether some piece of information is material or not then tell us anyway. Remember it is possible for an Insurer to turn away any claim if there has been a breach of utmost good faith and material facts have been withheld.

Things to think about :

Have you been convicted of a motoring offence recently that your Insurers may not know about?

Has your son or daughter become the main user of a vehicle that is insured in your name?

Are you a property owner? Do you have properties that have become unoccupied and Insurers may not know about?

Have you had previous claims that may not have been disclosed?

Have you ever been prosecuted of a criminal offence or been declared bankrupt?

If you want to discuss any issue please call your insurance advisor to discuss. Remember it's an old adage but still true, "better to be safe than sorry".

Nobody wants your claim to be paid more than we do!

Health and Safety Executive experts checked 52 sites and served prohibition notices to firms in Hull, Sheffield, Rotherham and Grimsby.

Prohibition notices are served when there is immediate danger and work must stop immediately.

The inspection comes after four workers' deaths in the area in 2009-10.

Accident figures for that period show 100 accidents, including two deaths in Hull and East Riding, 250 accidents with two deaths in South Yorkshire and 58 accidents in North and Northeast Lincolnshire.

Inspectors said most of the notices related to working at height, which was how the two deaths in Hull occurred.

Inspector Hazel Dobb said: "This is the fifth year of the inspection initiative and it is disappointing to find construction sites taking the same unnecessary risks with their workers' lives.

"Companies have a responsibility to protect their workers, to help rid construction of its reputation as being one of Britain's most dangerous industries."

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## Why Personal Protective Equipment?

The Personal Protective Equipment Regulations at Work require employers to provide suitable protective equipment and clothing where employees cannot be protected by any other means. In other words, personal protective equipment is classed as a last resort control measure. Risk assessments will identify where it is appropriate to provide personal protective equipment or clothing (PPE).

Suitable PPE will be issued to employees. In order for the PPE to be suitable it must:

- Provide protection against the identified hazard
- Fit the user and be comfortable
- Be compatible if used with other items of PPE

All employees receiving PPE should sign the PPE issue record to confirm that they have the PPE. Suitable training should be given to employees on:

- The reason PPE is provided
- The risks it is designed to protect against
- How to use the PPE correctly
- The duties of the employee regarding the use of PPE, maintenance of it and reporting



**Beverley Brown FCII**

We are delighted to announce that our Broking Director Beverley Brown has taken over as President of the Sheffield Insurance Institute from this month.

Beverley has spent the last year as Deputy President in preparation for the year ahead and has served on the council for a number of years.

The purpose of the Local Institute is to promote professionalism among members of the institute by providing seminars and training courses and encouraging members to undertake professional qualifications. The Institute is also heavily involved in the promotion of insurance as a career to schools and colleges in our area.

Beverley will have a very busy year in organizing and planning regional events and taking part in those

loss or defect.

Suitable storage facilities should be provided for the PPE when not in use. Signs and notices should be displayed to remind employees of their obligation to wear PPE. Appropriate disciplinary action should be taken against employees found not wearing their PPE.



Sam Leeder, one of our Account Managers, modelling our new PPE kit.

### Employers Liability Tracing Office (ELTO)

Historically individuals needing to make a claim against a former employer in relation to injury or disease caused during their employment has proved difficult. This is largely due to the nature of industrial disease, which can take many years to show symptoms, by which time past employers may not be able to trace who was their Employers Liability (EL) insurer at

further afield, including the National Conference.

Atkinson Smith are very proud to have Beverley representing the company in this way and we wish her every success in the year ahead.

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### **Staff News**

It has been a very busy few months at Atkinson Smith with a number of new members of staff joining us across the organisation. We are delighted to have been able to offer some great opportunities to trainees and boost our numbers with some additional experienced staff. This is part of our commitment to grow the business and provide excellent customer service.

So a very warm welcome to -

Martin Singleton	Commercial Account Manger
Emma Furniss	Private Client Account Handler
Laura Carter	Commercial Insurance Technician
Andy Bray	Trainee Accounts Technician
Rachel Whiteley	Graduate Trainee
Alex Drakeley	Trainee Insurance Technician
	Small Business Team

Sadly we will also be saying goodbye to Ann Knapp who has been a key member of our accounts team for over 13 years. We wish Ann a very happy retirement and are all looking forward to celebrating with her at the end of March.

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### And On A Lighter Note.....

Some funny insurance claim forms gaffes.

"The accident happened because I had one eye on the lorry in front, one eye on the pedestrian and the other on the car behind."

"The car in front hit the pedestrian but he got up so I

the time.

ELTO is an independent body that has been formed to aid the process of tracing the relevant insurer for an employer.

The Employers Liability Database (ELD) is being created to hold the following:

Details of all new and renewal EL insurance policies incepting on or after 1<sup>st</sup> April 2011.

Old EL policies which have new claims recorded against them.

Successful traces undertaken by its predecessor - the ABI tracing service.

The ELD will hold information against employers based on their unique Employers Liability Reference Number (ERN) - which will be identical to the PAYE reference number under which their employers income tax and national insurance contributions are made.

We will be contacting you over the next year to collect this ERN from you, ensuring that your policies are fully recoded on the new database.

hit him again"

"I was thrown from the car as it left the road. I was later found in a ditch by some stray cows."

"I thought my window was down, but I found it was up when I put my head through it."

"The guy was all over the road. I had to swerve a number of times before I hit him."

"I had been driving for forty years when I fell asleep at the wheel and had an accident."

"I told the Police that I was not injured, but on removing my hat found that I had a fractured skull."

"I saw a slow moving, sad faced old gentleman as he bounced off the roof of my car."

"The pedestrian ran for the pavement, but I go him."

"The accident was caused by me waving to the man I hit last week."

"I knocked over a man; he admitted it was his fault for he had been knocked down before."

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### **And Finally...**

Thankyou for reading our newsletter. We hope you found the articles and details of courses of interest. Please contact us if you need further information or assistance.

Sincerely,

**Ian Laycock**  
Managing Director

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