



Berkshire Hathaway
Specialty Insurance



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Liability

An insurer's perspective



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Liability Policy structure – General Liability

- Legal liability for damages for *Personal Injury* or *Property Damage* suffered by a third party during the policy period caused by an *Occurrence* in connection with the *Council's business*
- Notification tips
 - When – date of Occurrence?
 - What – what happened (personal injury or property damage) and what is being claimed?
 - To who?
 - Where?
 - Status? Has a claim been made? Proceedings? Any admissions by any other party, e.g. contractors?



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Liability Policy structure – Professional Indemnity

- *Claims made* against the Council during the policy period *and notified to insurers* during the policy period for *civil liability* in connection with the *Council's business*
 - Claims made and notified, regardless of the date the wrongful act occurred
 - Low threshold for *claim*
 - Notification of circumstances which may give rise to a claim
 - Robust internal reporting structures are critical
- Notification tips
 - Claim form
 - Fact, not opinion

Notification of a CIRCUMSTANCE OR A CLAIM



A COMPLETION OF THIS FORM

- Must be completed by a Partner/Director/Principal or Senior Manager of the Insured.
- Please answer all questions in full. If you need extra space attach additional pages on your company letterhead and mark their inclusion on this form.
- Copies of Relevant documentation should be attached.

On completion please send to:

B STATUS OF CLAIM OR CIRCUMSTANCE

1. Are you notifying a claim or a circumstance which may give rise to a claim? Claim
Circumstance
2. If a claim – has this previously been notified as a circumstance? Yes No
3. When did you first become aware of the facts giving rise to the claim or circumstance?
4. If a claim, what date was the claim first made against you?

C COUNCIL CONTACT

5. Contact Name Position
- Email Telephone

D CLAIMANT/POTENTIAL CLAIMANT

6. Full Name
7. Address

E SUMMARY OF FACTS GIVING RISE TO A CLAIM OR CIRCUMSTANCE

8. Summary
- Amount Claimed/Estimate of Amount Claimed

DO NOT UNDER ANY CIRCUMSTANCES, ADMIT LIABILITY as this may compromise your insurer's position & deny cover under the policy.

F LEGAL PROCEEDINGS

9. Have proceedings been issued? Yes No If Yes, please (i) advise date served
(ii) attach a copy (tick to confirm)
10. Has legal advice been sought? Yes No If Yes, please advise Law firm details below.
- Law Firm Name Contact Name
- Telephone Email

NOTIFICATION of a CIRCUMSTANCE or a CLAIM



G ADDITIONAL DETAILS/PROPOSED COURSE OF ACTION

11. Are there additional details about which you wish to advise, or which may be of interest to the Insurers to provide them with a better understanding of this matter?
If Yes please provide details (along with supporting documentation).

Yes No

[Tick to confirm attachment.](#)



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Trends (1)

Claim Type	Claim Count %	Reported Incurred %
Building consent	24	45
Compliance	8	6
Defects	29	22
Defamation	1	1
Earthquake	4	3
Error	3	1
Flooding	3	3
Mixed claims	2	1
N/A	9	11
Negligence	3	2
Other	12	4
Subsidence	1	0
Swimming pool inspection	1	0



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Trends (2)

- Global market conditions
- Climate change
- Population growth
- Construction companies failing
- Defective building products
- Extensions to duties of care
- Litigation funding



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Prevention

- Culture
- Processes
- Accountability
- Communication