

# Your guide to Claims

Developed by Bellrock Broking for Blooms Partners.







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# Introduction & Overview

Bellrock Advisory Pty Ltd ("Bellrock") have created this document specifically for Blooms the Chemist and their partners to use as a reference in the event of a Claim.

This guide contains all of the information necessary to ensure that correct procedure is followed should an incident occur and breaks down the requirements of insurers to enable prompt review and settlement.

We recommend keeping this document in an easily accessible place and sharing it with all staff members so they are aware of the protocols to follow, should an incident occur.

In the event of an incident which will or may give rise to a Claim, it is imperative that procedures are implemented and adopted, so as to ensure that the impact on your business operations, and thus trading results are minimised.

The Bellrock claims team and Meridian Lawyers are here to assist you in getting your business back on track within a reasonable timeframe.

### **CLAIMS CATEGORIES**

There are two categories that claims fall into:

### Claims made by you, for you

These are claims where you have experienced loss or damage to an item belonging to you or for which you are responsible to insure.

### Claims made against you

These are claims that a third party makes against you for loss or damage they have incurred.

# \$5.4 million IN CLAIMS PAID TO BLOOMS STORES SINCE 2017.

### **Our claims services**

All Bellrock clients receive the benefit of our range of claims services including:

- Broking, reporting and monitoring of claims.
- Professional and proactive management of under deductible claims, ensuring notifications are dealt with in a prompt, practical and equitable manner.
- 24/7 emergency and disaster response for catastrophic claims – including coordinating experts (such as lawyers, loss adjusters and public relations professionals).
- Assistance in the negotiation of claims with insurers and their representatives such as with claims examiners, loss adjusters and lawyers, ensuring that the financial impact of claims are efficiently and effectively managed, minimised and reported professionally.
- Claim audit reports on our clients' loss history, insurer, adjuster, law firm and third-party administrator services.
- Ongoing advocacy, review, monitoring and reporting on legacy claims files.
- Litigation management and support to assist litigation protocols, case management and reporting.



### **COMMON CLAIMS**

- Dispensing errors professional indemnity.
- Injury of patrons public liability.
- Fire, flood, and other insured perils property insurance.
- Claims by authorities for management of an organisation (D&O) or for misconduct as a pharmacist.
- Employment Practices Liability Claims brought by employees or third parties.
- Theft by staff, theft by customers, imitation fraud
   property and crime insurance.
- Cyber and third party ransomware attacks.

### **GENERAL CLAIMS PROCEDURE**

Regardless of the category your claim falls under, the efficient handling of the matter is reliant upon the following being done by you:

### **Record all details**

These include date and time of loss, incident description, details of any other parties and witnesses. Specifics will be provided throughout the course of this guide.

### **Report claims promptly**

Contact details for external providers are located within the appropriate section of this document, however Bellrock can be contacted on +61 2 9188 2460.

### **Complete Claim Forms**

We have included a copy of Bellrock's general insurance claim form with this guide.

# 3 key things to remember when an incident occurs:

Take all precautionary measures to minimise the potential of further damage occurring.

Never admit fault – try to avoid saying "I'm sorry" as people see this as an admission of fault.

Contact Bellrock and notify the incident as soon as possible.



# Professional Risk Claims

### **CLAIMS MADE CONTRACT POLICIES**

The following policies are generally issued on a 'claims made contract':

- Professional Indemnity Insurance.
- Directors & Officers Liability/ Management Liability Insurance.
- Employment Practices Liability Insurance.
- Fidelity (Crime) Insurance.

This means that the policy will respond to claims first made against you and reported to the insurer during the period of insurance, specified in the policy schedule.

It is imperative under 'claims made' policies that any known "circumstances" or "claims" are disclosed to the insurer during the relevant period of insurance and prior to any renewal. If the insured does not notify any known "circumstances" or "claims", then they will be in breach of s21 of the Insurance Contracts Act 1984 (Cth).

In the event of non-disclosure, insurers are permitted to reduce their liability (in whole or in part, s28 of the Act) for "circumstances" which may materialise into a future "claim" which the insured failed to disclose. Refer to our website here for more information regarding claims made insurance.

So as to ensure your position is not prejudiced and you are not in breach of any terms and conditions of your policy coverage, please notify Bellrock immediately and as soon as you become aware of any circumstances which could give rise to a future or potential claim.

This is particularly of relevance with regards to notifications of dispensing errors, HCCC and Pharmacy Council complaints and adverse reactions to medications / administration of vaccines, noting their frequency.

In the event of a significant dispensing error, or for any immediate legal advice required for an Emergency, Meridian Lawyers may be contacted directly. For all non-emergencies, we ask that you please contact Bellrock.

# Requirements Following Notification of a Circumstance or Claim

It is important that NO admission of liability is made by you to any third party. A third party demand is usually defined as either a verbal and/or a written demand (under most policies), which substantiates any damages claimed.

When making a claim, the documents outlined below should be sent Bellrock immediately to be provided to your insurer:

- Copy of letter of demand from third party.
- Completed claim form.
- Report of incident signed by manager and/or employees involved.

Your insurer will determine whether any further investigation is needed. They will negotiate settlement or otherwise with the third party on your behalf.

Any further demands or communication received should be directed to your insurer or insurance broker prior to responding.

<sup>1</sup> https://www.bellrock.com.au/claims-made-insurance/



# **Professional Risk Claims Checklist**

The following checklist outlines all the information required by your insurer to process a claim, Bellrock will assist throughout the process:

Policy number
Insured name (as per policy)
GST details (ABN & ITC)
Date you first become aware of such claim or circumstance
If the first intimation of a claim was in writing, please attach a copy If No, please provide a "first person" account
Detail the nature of the claim or circumstance that may give rise to a claim. If your contract/retainer for services is evidenced in writing, provide a copy to your insurer
Details of when you performed the work out of which the claim arises or may arise
Provide any additional background information that may assist in our understanding of this matter
Provide your opinion on the amount claimed or best estimate of the claim or potential claim
Third party claimant's or potential claimant's details:
Third party claimant's or potential claimant's details:  • Name
• Name
<ul> <li>Name</li> <li>Company Name</li> <li>Address</li> <li>Contact number</li> </ul>
<ul> <li>Name</li> <li>Company Name</li> <li>Address</li> <li>Contact number</li> <li>Details of allegation(s)</li> </ul>
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# Public & Products Liability

For any claims involving either damage to third party property or injury to a third party, the important thing to remember is that your insurer holds the responsibility to determine whether liability is accepted or denied. Do not get involved in discussions with the third party surrounding liability, this is for your insurer to determine.

The third party must substantiate their claim in writing to you in order for the policy to be triggered. Prior to this being received, the claim is required to be notified and recorded on your policy, however no settlements can be made or discussed without a written claim.

We recommend following the steps outlined below to prevent any risk of prejudice to your policy.

# Recommended Response After an Incident

Following an incident involving a third party, regardless of whether you believe you are responsible or not, your response should be:

### • Empathetic without guilt

Show that you care that they are injured or that their property is damaged, however don't admit responsibility.

### Consistent throughout

It is important that all staff are made aware of the correct way to react and that the information provided to the third party is consistent. Where possible, have all contact directed to one or two staff members only.

### **Quick reference guide**

The following is a breakdown of the actions that are recommended or that are not recommended following an incident:

### **RECOMMENDED**

- Be empathetic and show genuine concern for their loss/damage/injury.
- Render any assistance necessary, including arranging medical assistance if required.
- Take down the details of the third party, make note of the date and time and record your version of the incident.
- Take statements from any witnesses to the incident, ensuring that correct contact details are included.
- Take photos of the damage (if property), ask if the third party is ok with you taking a photo of any injury.
- Complete and incident report as soon after the incident as possible.

### NOT RECOMMENDED

- X Admit Liability.
- Mention insurance when the incident has just occurred.
- Volunteer too much information. It is best to wait until you have discussed the matter with Bellrock or your insurer.
- Fill in the incident report in the presence of the third party.
- Make any negative or derogatory statements when filling in the incident report.
- Discuss the details of the incident, especially the third party details with anyone.



It is absolutely imperative that you immediately report to the Insurer (via Bellrock) the following:

- Any incident, occurrence or event involving Third Party property damage or injury/illness/death;
- Any incident, occurrence or event involving a Third Party, which may give rise to a claim. Receipt of any demand for compensation, whether verbal or in writing;
- · Receipt of any indication verbal or written that a Third Party is threatening to, or considering taking action against you, for whatever reason;
- Any incident, occurrence or event not known to involve Third Party illness/injury/death or property damage, but which may do so, eg:
  - Use of another manufacturer's component in your product when the manufacturer has recalled that component.
  - Any products of your own manufacture or supply which may need to be recalled.

The initial report to Bellrock should be by telephone on the same day as the loss/damage is discovered, followed by detailed written factual account of the circumstances.

Failure to comply with the insurance company demands may render you uninsured. Policy wordings, terms and conditions vary, so don't take unnecessary chances.

You may not know about a liability claim for sometimes years after the alleged incident and in this regard your first notification may be the delivery of legal documents. Advise the Insurer (via Bellrock) immediately by telephone and then forward the documents by courier or facsimile.

If you have already notified Bellrock or your Insurer and subsequently receive correspondence or legal documents on the matter, do not respond to the sender, but immediately telephone Bellrock.

If you are aware of the incident, occurrence or event at the time it happens, you should take the following steps:

- Write down the name, address and telephone number of any witnesses.
- If possible, obtain written statements. A written statement of a witness's evidence, properly signed and witnessed, is a valuable instrument both in court and in negotiations. Liability claims often take a long time to settle. Memories fade, employees move on to other jobs;
- Take photographs if possible and/or practical of the events and/or scene, and/or results.

traces of vital witnesses may be lost.

 Safeguard any physical evidence and/or CCTV footage which may be available, until the appropriate authority has examined it (i.e.: Police, loss adjusters, engineers, legal advisers, etc).

Do not admit liability, offer and / or make any payment (no matter how insignificant the amount) or say that your insurer will make payment in compensation.

If in doubt, seek clarification and advice from Bellrock or your Insurer.



# **Public Liability Claim Checklist**

The following checklist outlines the information that may be required by

your insurer to process a public liability claim:
Policy number
☐ Insured name (as per policy)
Risk address
GST details (ABN & ITC)
☐ Date and time of loss
☐ If the first intimation of a claim was in writing, please attach a copy
If No, please provide a "first person" account
☐ Details of the incident/accident
Provide any additional background information that may assist in our understanding of this matter
All supporting Documentation relating to the incident/accident
☐ Third party details:
● Name
Company Name     Address
Address     Contact number
Details of allegation(s)
Supporting documentation (e.g. written demands, correspondence)
Witness details (if applicable):
Name
Company Name
Address     Contact Number
Police details (if applicable)



# Property Damage and Business Interruption

In the event of an incident it is a crucial first step to take all necessary emergency actions summon appropriate emergency services; follow appropriate First Aid procedures if there are injured persons; safely evacuate the premises and neighbouring premises (where relevant).

Where there is a claim that occurs as a result of material damage, the store is instructed to contact any contractor (be it a Blooms preferred supplier or otherwise) and proceed to mitigate further loss. Liberty has agreed to cover the mitigation works. Bellrock has negotiated that all reasonable professional fees necessarily incurred towards claims preparation are covered under the policy.

- · Arrange for temporary security fire brigade and police officers will advise what services are available. Alternatively contact your regular security service company or a reputable security service located in the telephone directory.
- If the damage to your property is such that a business interruption claim is probable or possible, immediately take steps to see what plant or services are available elsewhere. Business Interruption claims are frequently more critical to your financial welfare than the actual property damage.
- All daybooks, books of account and payroll records should be ruled off and re-started as from the time the damage occurred, it is also advisable to earmark in some way, or keep a separate analysis or note of any additional expenditure incurred which may rank for payment under the "increase in Cost of Working" item of the Business Interruption Policy.
- Ensure that Bellrock has been notified as soon as practicable. Do not overlook reporting seemingly minor claims, as all too often a straightforward loss becomes quite complex. What you see initially may only be the "tip of the iceberg".

Do not wait to document or quantify the loss before reporting a claim. Take necessary action to prevent loss to staff or employees and property and if required advise emergency services.

### **Property Damage Includes:**

(subject to the extent of cover provided under your insurance program):

- Physical Damage from any cause such fire, storm, accidental damage, burst pipes, collision, vandalism
- · Theft / Burglary or holdup.
- Machinery Breakdown.
- Loss of or disappearance of property.
- Possible Business Interruption such as loss of profits, loss of revenue or increased costs of working.

### **MINOR LOSS**

Property damage claims can be classified as minor losses or major losses. A minor loss does not pose an immediate threat to anyone's safety or require emergency services to be called for urgent attendance.

### **Your Duties Post Incident**

- Contact Bellrock and report the incident so that an assessor can be appointed as soon as possible if required.
- For any theft, malicious damage or vandalism claims the police must be called and a report number obtained. Where there is no emergency circumstance, contact Police on 131 444 and they will advise if you need to refer the matter to your Local Area Command.
- · Complete and return the claim form as soon as practicably possible, ensuring that any quotes or invoices are attached.
- · Keep all damaged property until the insurer has confirmed it is not required.



### **Important Information**

You are expected to take all necessary action to mitigate your loss following an incident. If you elect not to do so and additional damage occurs, this will not be included within the initial claim, therefore an additional excess will be applicable. Depending on the circumstances, deliberately choosing not to take all reasonable care to avoid further damages could result in your insurer not covering any additional damages.

It is advisable that you act as a prudent uninsured. In most situations, when an item is damaged or stolen you will have to get it repaired or replaced regardless of whether your claim is paid by the insurer. If the lack of the particular item is causing you delays or likely to result in the loss of productivity, it is expected that you will resolve the issue and then submit invoices for

reimbursement. Where the cost of the particular item exceeds \$5,000, it is best to seek approval through Bellrock before doing anything.

### **MAJOR LOSS**

In the event of a major loss, your first response should be to contact the appropriate emergency services and ensure the safety of all at the premises. Any evacuation instructions must be followed.

Once the initial emergency has been reported and your safety is assured, it is important that you contact Bellrock immediately to report the matter so that we can arrange an assessor to attend without delay.

In the event of any immediate threat to anyone's safety or damage requiring immediate attention, emergency services should be called urgently.

## **Major Loss Claims Process**

Major losses require a longer period for rectification and are not as straight forward as minor losses. Following the occurrence of a major loss, the most effective way of managing the claim is by dividing the process into three phases:

### **IMMEDIATE POST LOSS PHASE**

### **REHABILITATION** PHASE

### SETTLEMENT PHASE

**Emergency Services** Contacted - Emergency situation resolved, injuries dealt with and Security measures taken.

Notify Bellrock - Bellrock will notify insurer and arrange urgent assessor.

Temporary Repairs attended to - Any dangerous structures made safe, prottective shelters erected.

Counter disaster plan activation - Staff advised on the effect to their hours.

**Customers and Suppliers** advised of situation.

Emergency alternate location plans put in place. Interim staffing arrangements, Emergency Production, Reconstruction evaluated.

Architect and engineer plans and specifications.

Loss assessor provides report to the insurers.

Tenders requested for works.

**Reconstruction Works** commence.

Progress payments made following recommendation of assessor.

Works finalised and certified by assessor.

Business interruption claim is now able to commence. Accounts and all evidence of consequential loss provided to Bellrock and assessor.

Adjuster makes recommendation to insurer. Any adjustments are communicated prior to settlement being made.

Once amount agreed, deed of release is to be signed and returned.

Reimbursement of claimed **Business Interruption costs** and finalisation of claim.



# **Property Claim Checklist** The following checklist outlines all the information required by your insurer to process a property damage claim: Policy number ☐ Insured name (as per policy) Risk address GST details (ABN & ITC) Date and time of loss Cause of loss Loss/damage description including. location and extent of damage (if applicable) ☐ Third party details (if applicable): Name Address Contact number Witness details (if applicable) Name Company Name Address Contact Number Applicable documentation: Damage reports Invoices Proof of ownership • Quotes (if applicable) • Item list inc. make/model/utility company (if applicable)



# Cyber Liability

Cyber risk continues to increase as businesses continue to become more reliant on technology, isolation and remote working.

With cyber threats continuing to increase in the current climate and with the introduction of a mandatory reporting regime, how a business responds to a data breach is critical.

### **CLAIMS NOTIFICATION PROCESS**

In circumstances where a cyber security breach is detected or suspected it is crucial that notification is made to insurers as soon as possible.

In the event there is a breach of your network, or in circumstances of a ransomware attack, insurers have agreed to the engagement of Casobe & Co to coordinate an emergency incident response. Bellrock will also continue to be available to support you throughout the process of a claim.

Once the matter is notified, clients are then advised by PR, legal and IT consultants who are specialised experts in cyber security incidents and data breaches. How a company responds and manages an incident can also influence the outcome of a regulatory investigations, so being guided by expert specialists in this field is critical.

# What clients can expect in the event of a detected or suspected cyber security breach:

**Breach response:** Immediate response and assistance from a claims and legal response advisor.

**Expert Forensics:** The retention of expert forensics who will establish what has been affected and how it can be contained, repaired or restored.

**Legal / PR Advice:** To provide expert legal and PR consultancy to contain any reputational damage.

**Notification:** To provide assistance and the costs of notifying subjects who may be impacted by the breach and also identify theft monitoring to prevent further losses.

**Fines and Investigation:** The professional preparation for any investigation, insurable fines and penalties by a data regulator.

Liabilities: Defence Costs and Damages in respect of:

- Any breach of personal or corporate data;
- Contamination of someone else's data;
- Theft of system access code;
- A negligent act or error by an employee.



# **Cyber Claim Checklist**

The following checklist outlines all the information required by your

insurer to process a property damage claim:
☐ Policy number
☐ Insured name (as per policy)
GST details (ABN & ITC)
Date and time of loss
A brief chronology of the key facts, setting out when the data breach/cyber incident occurred, when it was discovered and the individuals involved
The name and contact details of your data protection officer (if applicable)
The name and contact details of your IT team and/or communications team (if applicable)
Details of IT security measures in place prior to incident
Details of any changes to IT security measures following the incident
Details of IT security measures in place prior to incident
Copies of any notifications made to any affected parties or regulator
Copies of any correspondence received from the regulator
<ul> <li>Screenshots of any demands or communications to and from threat actor (ransomware only)</li> </ul>
Details of whether the incident has become public



# Motor Vehicle

### CLAIMS NOTIFICATION PROCESS

- 1. Report the accident to Bellrock or to your Insurer within 24 hours or during the next business day, unless this is impractical because of, for example, the accident happening in a remote location.
- 2. Report vehicle theft immediately to the Police Department and on the same day to Bellrock. If your vehicle is fitted with a tracking device, notify your service provider immediately.
- 3. Report any accident involving another person's vehicle or property, even if there is no damage to your own vehicle or if your own damage is less than the policy excess.

Once your Insurer has been advised you will be required to:

- Complete a claim form
- Obtain a repair quotation
- Make the vehicle available for the motor vehicle assessor's inspection and assessment.
- Detailed advice will be given to you at the time.

Assessments will be made and repairs authorised, only when a completed claim form is with the insurer, or alternatively the completed claim form is with the repairer.

Immediately refer telephone calls/correspondence from Third Parties to the Insurer via Bellrock. Do not admit fault for the accident, make any payment to the Third Party or promise any payment. Simply acknowledge receipt of the demand.

If any person is injured in the accident, you must obtain and complete a separate claim form and forward it to the 'CTP' insurer.

This must be done even if your driver is not injured or at fault in the accident.

### **DRIVER'S PROCEDURE**

The following driver procedure should circulated to all employees using company vehicles or ideally, be kept in the glove box of each vehicle:

This information is supplied to assist in having your vehicle repaired as soon as possible, and to assist your insurer where appropriate to recover the cost of your repairs from the other driver involved in the accident. It will also assist the insurance manager in your own office to prepare the necessary claim form.

### At the scene of a motor vehicle accident:

- 1. Do not admit liability.
- 2. Comply with Police reporting requirements.
- 3. If another vehicle is involved, obtain:
  - (a) The owner's name, address and telephone number.
  - (b) The driver's name and address.
  - (c) The name of the owner's insurance company.
  - (d) The make, type and registration number of the vehicle.
  - (e) The name and address of any witnesses.
- 4. Record the date, time and location of the collision.
- 5. Notify the insurance manager in your office or relevant policy holder immediately and assist to complete a claim form.
- 6. Where the vehicle is:
  - (a) Undriveable, have it towed to a place of repair.
  - (b) Legally driveable, advise Bellrock and await instructions as regards insurer authorised repairers to complete an assessment.



### **What Next?**

Some policies do not allow for choice of repairer. In the circumstance that a vehicle was not towed, Bellrock will advise the relevant insurers procedures as regards appointment of a repairer.

Where a choice of repairer is available, two quotations must be sought. You should advise Bellrock of the day when the vehicle will be available for assessment at the selected repairers' premises. Leave the quotation and claim form documentation (ensuring your ABN and Input Tax Credit entitlement are included) with the vehicle. It will assist your insurers to have twenty-four (24) hours' notice of a request for assessment.

Where the cost of repairs exceeds the applicable excess, repairs will be undertaken by the selected repairer as is relevant to the insurers' procedures. This will include the requirement to leave the quotation and claim form documentation (ensuring your ABN. and Input Tax Credit entitlement are included) with the vehicle.

Where the damage to the vehicle is under the applicable excess, it is the insureds responsibility to arrange repairs with their preferred repairer.

Where the vehicle is driveable, advise Bellrock of the day when the vehicle will be available for assessment at the repairers' premises.

### Settlement

Unless otherwise instructed, repair accounts will be settled directly with the repairer by your insurers. Settlement of claims in respect of vehicles which are deemed to be a total loss will be made with you and/or your financier, depending upon whether any amount is owing on the vehicle.

### PROCEDURE FOR THIRD PARTY PROPERTY **DAMAGE CLAIMS**

Under no circumstances should any liability to third parties be admitted. Details of claims from third parties should be forwarded immediately to Bellrock so we can advise your insurer accordingly.

If a Third Party is at fault and the claim is below your deductible or you do not wish to claim under your insurance, proceed as follows:

- 1. Obtain a quotation for repairing your vehicle.
- 2. Send a Letter of Demand and the repair quotation to the Third Party.
- **3.** Keep a copy of the quotation and the letter.
- 4. If the Third Party pays the cost of repairs the matter is settled.
- 5. If they ignore the letter of demand, you should send a second letter about seven (7) days after the first
- 6. If they ignore the second letter, we advise referring the matter to your solicitor.



# Motor Vehicle Third Party Property Damage Claim Sample First Letter Of Demand

"WITHOUT PREJUDICE"
dd/mmm/yyyy
<insert name="" other="" party's=""> <insert address=""></insert></insert>
Dear <insert name="">,</insert>
We are the owners of <insert and="" number="" of="" registration="" type="" vehicle=""> which was damaged in a collision with a vehicle driven by you <insert and="" number="" of="" registration="" type="" vehicle=""> and owned by <insert name="">.</insert></insert></insert>
The collision occurred at <insert location=""> at <insert time=""> am/pm on dd/mmm/yyyy.</insert></insert>
We are holding you liable for the cost of repairing the damage to our vehicle and seek payment of \$ <insert amount=""> from you, being the cost of repairs as shown on the enclosed quotation.</insert>
To avoid further action, please make payment to us or arrange for your Insurer to do so within fourteen (14) days from the date of this letter.
Yours faithfully,
<insert name=""></insert>



# Motor Vehicle Third Party Property Damage Claim

# Sample Second Letter Of Demand

"WITHOUT PREJU	DICE"						
dd/mmm/yyyy							
<insert other="" par<br=""><insert address=""></insert></insert>							
Dear <insert nan<="" td=""><td>ne&gt;,</td><td></td><td></td><td></td><td></td><td></td><td></td></insert>	ne>,						
In our letter date			we requeste	ed that you o	or your Insu	irer pay the	e cost of
As we have not raction against ye (7) days, we will of repairs plus le	ou. Unless we instruct our so	receive	the amount o commenc	claimed, no	amely \$	withir	n seven
Yours faithfully,							
<insert name=""></insert>							



# Bellrock Service Team & Contact Details

General Contact: Please direct all emails in the first instance to: blooms@bellrockadvisory.com



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### Other important contacts:

**CASOBE & CO EMERGENCY HOTLINE +61 451 666 368 MERIDIAN LAWYERS** MEDICO-LEGAL ADVSIORY +61 2 9018 9999



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