

STANDARD DISCLOSURE IN WORKPLACE CLAIMS CONSULTATION BY THE CIVIL PROCEDURE RULE COMMITTEE (CPRC): PROPOSED AMENDMENTS TO ANNEX C OF THE PRE-ACTION PROTOCOL FOR PERSONAL INJURY CLAIMS.

Overview & Background

This consultation was commissioned following a presentation from the Health & Safety Executive (HSE) at the November 2021 meeting of the Civil Procedure Rule Committee. The Workplace Claims Sub-Committee's task was to review Annex C (Standard Disclosure in Workplace Claims) of the Pre-Action Protocol for Personal Injury (PI) Claims, to bring it up to date.

Annex C of the PAP includes considerable repetition of various types of documents under each of the regulations referred to, such as risk assessments, training records and inspection records. HSE proposes that these can be consolidated into common categories, and the sub-committee agrees. We propose that this should be done by a table, which is included in the proposed amendments. The advantages of this approach is that it identifies relevant documentation to the specific allegation. It is user friendly and underlines the emphasis on risk rather than business size. It could also refer to exemptions. The disadvantages are: oversimplification which may lead to some relevant documents being overlooked, encouraging a tick box approach, and being unsuitable for multi breach cases. Overall, it is considered that the advantages outweigh the disadvantages, but your views would be welcome. Views are also sought on the topic of proportionality in workplace claims disclosure; currently there is no reference to proportionality being taken into account.

In the course of their review, the Sub-Committee did identify wider issues with the PAP as a whole, however, it was decided that proposals for wider changes to the Pre-Action Protocol (PAP) for Personal Injury Claims will be referred to the Civil Justice Council to consider, in conjunction with their ongoing review of PAPs generally.

This Consultation

We now invite views and comments on the proposed amendments to Annex C of the Pre-Action Protocols for Personal Injury Claims, as reflected in the attached material, together with any views as to proportionality, which is also set out in the [attached material](#).

How to Respond

Please send your responses to [CPRCconsultation.gov.uk](https://cprcconsultation.gov.uk) (in word or PDF format) with the subject heading "Workplace Claims Consultation"

Deadline for Responses

This consultation will close on 4th August 2023.

Questions

If you have any questions regarding this consultation, please use the email address above or email the general enquiries inbox at CPRC@justice.gov.uk

Next Steps

The matter will be programmed in for CPRC consideration following the conclusion of this consultation. You can follow progress by reading the minutes of CPRC meetings here:

<https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>

Data

Data will be handled in line with the CPRC Personal Data Privacy Notice found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707892/cprc-privacy-notice-may-2018.pdf

Civil Procedure Rule Committee

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