

18 December 2001

Mr Alan Craddock
HSE Inspector
Health & Safety Executive
Daniel House
Trinity Road
Bootle, Merseyside
L20 3TW

Dear Mr Craddock

HSE's revised leaflet on information to the bereaved and HSE's internal guidance to inspectors

Thank you for your letter of 16 November seeking our views on the above draft leaflets. Our only comment relates to the advice given in each leaflet in respect of consulting a solicitor about making a civil claim for compensation. The internal guidance to inspectors notes that inspectors should "advise, if asked, that they should see a solicitor for legal advice on pursuing any civil claim". In addition, the draft leaflet for the bereaved correctly states, "you will need a solicitor to pursue your case through the courts".

We would urge the HSE to inform the bereaved, through both their inspectors and their leaflet to the bereaved, of the importance of consulting a personal injury solicitor who specialises in occupational health when pursuing a claim for compensation and the reason why this is important. For example, in our own general public information leaflet entitled "Accident or Injury – How to Find Qualified Advice", we state the following:

"Personal injury is a very complex area of law and a specialised solicitor can ensure your compensation claim is properly handled. You may be approached by unqualified non-specialists who may only be interested in obtaining a percentage of your damages. The Government has investigated the activities of unregulated organisations which operate in this way – please take care, as they may not be able to prove your case through the courts if such action becomes necessary.

Solicitors' firms will be able to:

- Act in **your** best interests
- Advise you of your legal rights
- Negotiate with insurance companies or other parties involved to make sure you receive maximum compensation and your legal costs are covered
- And, most importantly, if negotiation fails, pursue your claim through the court.”

We understand that the HSE may not see it has a role in advising the bereaved of the importance of consulting a specialised solicitor. This issue may arise for the first time, however, in conversation with an inspector or through reading a HSE leaflet. We believe, therefore, that it would be extremely useful if the HSE provided such information.

I hope that these comments are useful. Please do not hesitate to contact me if you have any queries or if I can be of any further assistance.

With kind regards.

Yours sincerely

Annette Morris
Policy Research Officer