

Case study – Property Owners



A large property management company managing numerous property units in the UK was subject to a liability claim following a trip at one of their premises. Situated in London and a multi-tenanted building comprising a mix of commercial, assured tenants and shared ownership units.

The incident

The property where the incident occurred had a rear and front entrance. The rear access was never intended for regular use, and our customer had advised, in writing, all inhabitants that they should refrain from using the gate to the rear of the property.

The gate, which consists of metal rails with an inset door, was never intended to be used as a main entrance. When this door is open, the bar forming the bottom section of the gate panel remains in place and anyone using the gate has to step over it. To alert visitors to the potential trip hazard, yellow and black warning tape is wrapped around the bottom bar and there are 'caution -mind the step' signs at eye-level on both sides of the gate.

The property managers had written to all of the tenants to advise them that the gate should not be used to access the premises, and, instead, they should use their individual entrances at the front of the property. Despite this, the gate continued to be used.

On one particular occasion, a visitor to one of the business units caught his toe on the bar and fell, sustaining a fractured cheekbone requiring surgery. Although the accident was not reported at the time, the visitor subsequently attempted to make a claim against the building managers for the injury incurred.

Our response

Full risk assessments on the premises were in place, carried out by independent health and safety consultants. Although, these had not specified the trip hazard created by the gate, a subsequent visit by the consultant found that the area of the gate was well lit and that the hazard had already been highlighted with hazard tape before the accident. He confirmed that these constituted reasonable measures. Our customer also reported that in the region of 100 people pass through the gate each day and there had been no previous accidents reported.

On being advised that the person who suffered the injury intended to make a claim, we were able to offer a robust defence, citing the evidence supplied by our customer. We denied liability, setting out all of the relevant facts and no further action was instigated by the claimant.

Mark Matthews, Risk Management Director at Ecclesiastical commented: “ Minor accidents - what the insurance industry terms 'slips, trips and falls' - can happen in any building to which the general public has access. With this in mind, we stress to all of our customers how vital it is to have carried out fully-documented risk assessments which, in the event of a possibly spurious public liability claim, will be the main form of defence. ”



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