

Sample Solicitors
Address 1
Address 2
Address 3
Postcode

Date: 19 February 2010

Your ref: ABC/PQR/12/345

Our Ref: ACC9876

Inspector: Joe Bloggs

Claim Technician: Tom Smith

“Client interviewed”

Dear Sirs

Re: Your Client: Henry Jones
Accident Date: 12 May 2008

We are pleased to confirm that we have interviewed your Client and as such we are pleased to supply our findings to you in the following manner.

CLIENT

Henry Jones is 32 years of age. He lives with his wife and four children and is currently unemployed.

He gave his evidence quite well. He has a confident nature and a polite disposition. He answered all questions asked of him and we were not given any particular reason to doubt the evidence he offered throughout the interview process.

HIS EVIDENCE

We would refer you to the attached statement which you will wish to consider in its entirety, but briefly the main points can be summarised as follows.

a. Accident Circumstances

- He was working for Simple Signs Limited as a factory operative and had been since the 9/01/2007. The company manufactured road signs and he states he did not receive any formal training before commencing his job.
- The incident happened on the 12/05/2008 at 10.30 am. His normal job would be to place templates on metal road signs, but this was not required and so was told to pull the feet off barriers. The barriers are used by construction companies and they needed to be re-sprayed yellow. He was told by his supervisor, John Smith, to pull the barriers off their supporting feet instead of using a sledge hammer, as it was suggested that a sledge hammer would break the feet. It was also suggested that a machine could be used but it was cheaper to use manual labour.
- He was on his third barrier and was pulling it out of its feet when he tore the shoulder muscles in his left shoulder.
- He spoke to John Smith about his injury, who said he was just trying to get out of the job. However, when your Client stated that he needed to go to hospital, John replied: "Get yourself away then".
- He is not aware if the incident was reported in the Accident Report Book and he is not aware of any Health and Safety Executive investigation.
- He believed the incident could have been avoided if he had taken the feet off with a sledge hammer. He also reiterated that the feet would normally be taken off with a machine but: "John Smith wanted me to pull them off because it was much cheaper".
- He states there was no Health and Safety policy in place at all at the time of the incident and he had never signed any Health and Safety documents.

b. Quantum

- He arrived at hospital at 12.30 pm and was seen by a doctor. He was given a support for his shoulder and told to take pain killers. He was diagnosed that he had torn muscles in his left shoulder and had tissue damage. He was told to get a sick note from his GP.
- Ultimately he got a sick note for some three/four weeks.
- He still continues to see his GP once each month and is prescribed numerous medications. He has not had any physiotherapy and continues to have problems sleeping and cannot do any heavy lifting. He describes the difficulties he has in cold weather and in connection with his social life and domestic duties and as a result, he has been unemployed for the last thirteen months.

- He did get a job as a Lorry driver in June 2009, but only lasted four days due to his shoulder injury.

OPINION/RECOMMENDATION

The Claimant suggests that there was no Health and Safety policy in force at his place of employment and he was never given any manual handling training. He describes being instructed to pull the barriers out of their supporting feet by hand, but suggests that on occasions this would have been performed by a machine, but it was “cheaper” to use manual labour. Furthermore, he had been told not to use a sledge hammer to dislodge the feet, as that had the potential of damaging them.

If, indeed, he had not gone through any manual handling training, then clearly his employers will have a case to answer and may well struggle to evidence any risk assessment relating to the activities he was undertaking at the material time.

TIME SHEET

We have been engaged upon this file as follows:

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| • File administration | - | 40 minutes |
| • Interview with your Client | - | 1hour 15 minutes |
| • Technical compilation | - | 40 minutes |
| • Finalisation | - | 20 minutes |

ENCLOSURES

We enclose the following:

- A typed version of the draft statement we have taken.
- A note of our fee.

If we can be of any further assistance please do not hesitate to let us know.

Yours faithfully