

Loss prevention standards

Claims Defensibility for Pubs and Restaurants

Good practice guidance on claims defensibility
for pubs and restaurants reopening after the
COVID-19 lockdown



Claims Defensibility for Pubs and Restaurants



Introduction

This guide is intended to provide an overview of good practice in respect of claims defensibility for the restaurant and pub sectors. Good risk management practices can minimise exposures and improve the chances of successfully defending potential future claims. For additional guidance refer to the Aviva Loss Prevention Standard [Claims Defensibility](#).

The reopening date for pubs and restaurant has been confirmed in England for 4 July 2020, 3 July 2020 for Northern Ireland, 6 July 2020 for Scotland for beer gardens and 15 July 2020 for indoor areas (as of 30 June 2020, Wales have yet to confirm a date).



Risk Assessments



It is critical that you complete COVID-19 risk assessments and this Loss Prevention Standard should help to highlight some of the areas to be included. When carrying out assessments it is vital that you are working to the latest Government guidelines, that all changes are recorded, and that all previous assessments are archived.

Consider having a nominated employee and deputy to be responsible for ensuring these documents are adequately completed. You should also remain up to date with information provided by trade bodies such as [UKHospitality](#) and the [British Beer and Pub Association](#). As a minimum the [COVID-19 Secure poster](#) should be displayed to confirm that you have complied with Government guidance on managing the risk of COVID-19, and you should have hand sanitiser points at all entrances and other key positions.

Social Distancing

It is vitally important that you have plans in place for social distancing before opening the premises, that staff are aware and trained on these and that you are able to demonstrate how you will manage and enforce the procedures.

By reviewing the plans of your pub or restaurant, you can calculate the maximum number of people you will be able to safely accommodate. This should also include any beer gardens and external seating areas. It is critical that you plan safe routes for people to enter and exit the premises, as well as being able to use the welfare facilities. Where possible, a one-way system should be introduced with directional arrows.

Numbers of guests will be easier to manage if a booking system is used, and this will also help with the requirement to keep **guests'** details for 21 days to support the NHS Test and Trace service with requests for data, if needed. If this is not the case, you will need to include arrangements for queue management outside of your premises (try to avoid any indoor queueing). This should include distancing markers based on the current Government guidance. As part of the plans you will also need to consider who is going to manage these queues.

The Government is due to issue some guidance in relation to temporarily keeping customer records and how this will affect any General Data Protection Regulation (GDPR) requirements. Aviva will update this Loss Prevention Standard when this information is available, but it is important that you continue to look out for any information that is issued.

LOSS PREVENTION STANDARDS

If you are offering a table service only you will not need to consider queues at the bar. If customers are required to order at the bar, then safe distancing markers for the queue will be needed, and you will also need to prevent people from staying at the bar after collecting their order. Also consider the distance of any queues from adjoining tables. Perspex screens could be considered to minimise the risk to other guests.

You will also need to take account of social distancing for your employees, behind the bar, in the kitchen and those providing table service. How many employees can you safely have behind the bar and can they be spaced out, so that they have their own pumps? How will payments be made and who will collect drinks and food from the bar?

To maintain social distancing in the kitchen consideration might be given to operating a reduced menu. In this instance, how many chefs are required, and can you split their duties so that they have different duties to enable social distancing? For example, you may have a chef who gets the products and prepares them, another who cooks and another who plates-up and makes and serves the desserts. Consideration will also need to be given to contact at the kitchen pass and how this will be controlled.

Cleaning

As a result of the COVID-19 pandemic, your cleaning regime will need to be reviewed and updated to take account of the increased frequency of cleaning required, especially in high-touch point areas. The revised schedule should include payment machines, especially if not contactless, kitchens, door handles, toilet facilities and waste bins if they must be touched, etc. General cleaning frequencies will need to be increased and you should have plans for a deep clean in the event of a COVID-19 case or a suspected one.

If you have menus on the tables, can disposable paper ones be used? If not, ensure that there are procedures to clean and sterilise menus after every sitting. Ensure that there is a defined cleaning frequency for tables, which should include before any change-over and at regular intervals. If you are providing salt, pepper and other condiment dispensers, can you replace these with disposable sachets? If not, arrangements for cleaning them will be required. Any other materials should be removed from the tables to reduce the risk.

Employees/Training

It is important that all your employees returning to work feel comfortable and confident working in the new environment. Before bringing employees back to work there is a need to find out (if not already known) which employees have been designated as clinically extremely vulnerable and are currently not able to return to work. There is also a need to identify any vulnerable employees and carry out risk assessments for them to be able to return to work safely.

A return to work questionnaire should be completed by all employees to see if they have already had the COVID-19 virus, if there are any conditions you need to be aware of that would make them vulnerable and if adjustments are required.

Any existing de-escalation/conflict training will need to be reviewed and updated, and if you use a specialist security company you will need to check their procedures and training.

As part of any return to work, all employees should be contacted as they will need to undergo both refresher training and COVID-19 training. This training should be undertaken whilst they are furloughed if it is possible.

It is important to keep shift records, and if possible, not to mix the staff on shifts. This will not only reduce the risk to them, but also make any tracking and tracing easier.

Personal Protective Equipment (PPE)

Your risk assessment should highlight what, if any, additional PPE your employees are required to wear as part of your controls for COVID-19. Where PPE is required it is important to ensure that there is a plentiful supply and that all relevant employees have received training in the use of it. If the PPE is single use, this training should include when it should be changed. If PPE is reusable, training on its storage and sterilising should also be provided prior to first use.

The type of PPE likely to be provided is gloves and face masks/face coverings. The risk assessment may also indicate the need for fixed or mobile screens and, whilst this is not considered as PPE, it should also be included in any cleaning regime (see above).

Manual Handling

As well as the more typical, pre-lockdown manual handling of kegs, casks, etc. there may also be a need to remove full kegs and casks where it has not been possible to dispose of them into the drains (in any case, all disposal must be done safely and without risk to the environment, and in accordance with Government regulations and laws on the same). Assessments need to be made where kegs and casks must be lifted out of storage. Where this is necessary, it should preferably be by mechanical means, however, if the activity means that social distancing cannot be maintained, have you considered what training and added precautions are required? This could include the use of PPE, ensuring employees are working for the minimal amount of time within the social distancing limit and trying to avoid facing each other whilst undertaking the task. For any activities where social distance measures cannot be adhered to it is particularly important that the risk assessments are completed and retained.

Control of Contractors

There may be statutory inspections that have not been possible to complete whilst the premises were closed. It is important that any such inspections are prioritised, but there is also a need to review and retain copies of any contractors' risk assessments and method statements. Even if contractors are familiar with your premises you will need to make them aware of your new procedures for COVID-19.

It is also important to ensure that all your usual contractors for deliveries of beer, food, etc. are made aware of the new COVID-19 procedures that have been introduced. This could include avoiding busy times for delivery and only being able to accept deliveries through one door.

Audits/Checks

Daily checks should be carried out before opening to ensure that all cleaning for COVID-19 has been carried out and that it is safe to start work. There could also be a closing down check to give the morning staff the confidence that it is safe to start work.

All cleaning inspections will need to be recorded and more detailed checks should be carried out at defined periods (weekly or monthly) to verify that checks have not been missed.

Audits should also be carried out on the training of employees to ensure that all relevant training has been completed, including refresher training, and that shift logs are retained.

This information along with your risk assessments and procedures could be requested if there is an inspection by an Environmental Health Officer (EHO).

Summary

It is likely that the Government guidance for pubs and restaurants will be changing at regular intervals. It is therefore vitally important that your business stays up to date with the changes and can demonstrate how and how quickly it is reacting.

The information above should help you make plans to open the business and provide a safe environment for your employees, customers and contractors. By following this guidance, you will go a long way to demonstrating compliance and help defend a claim if a COVID-19 claim is received or a complaint is made to the local EHO.

Checklist

A Claims Defensibility for Pubs and Restaurants Checklist is presented in Appendix 1 which can be tailored to your own organisation.

Specialist Partner Solutions

Aviva Risk Management Solutions can offer access to a wide range of risk management products and services via our network of Specialist Partners who are reputable companies offering agreed discounted rates for Aviva customers.

For more information please visit:

[Aviva Risk Management Solutions – Specialist Partners](#)

Sources and Useful Links

- [Working safely during coronavirus \(COVID-19\)](#) – GOV.UK
- [Coronavirus](#) – Gov.SCOT
- [Coronavirus](#) – Public Health Wales
- [Coronavirus](#) – Northern Ireland Executive

Additional Information

Relevant Loss Prevention Standards include:

- [Claims Defensibility](#)
- [Legal Professional Privilege](#)
- [Accident Recording and RIDDOR Reporting](#)
- [Managing Change - Liability](#)

To find out more, please visit [Aviva Risk Management Solutions](#) or speak to one of our advisors.

Email us at riskadvice@aviva.com or call 0345 366 6666.*

*Calls may be recorded and/or monitored for our joint protection.

Appendix 1 - Claims Defensibility for Pubs and Restaurants Checklist



| | |
|-----------------------------------|--|
| Location | |
| Date | |
| Completed by (name and signature) | |

| | Claims Defensibility Checklist | Y/N | Comments |
|----|--|-----|----------|
| 1. | Do you have 'Staying COVID-19 Secure in 2020' poster displayed and are you complying with the 'Five steps to safer working together'? | | |
| 2. | Do you have you plans in place to temporarily retain guests' details for 21 days to enable any NHS track and trace request as required? | | |
| 3. | Have you completed a calculation for the maximum number of patrons allowed when complying with social distancing guidance? | | |
| 4. | Have plans been drawn up on the lay out of the internal and external areas to ensure that social distancing can be maintained? | | |
| 5. | Have you installed hand sanitiser units at the entrances, exits, toilets, at the bar and any other strategic areas? | | |
| 6. | Have you identified individuals who will be responsible for checking and replenishing hand sanitisers? | | |
| 7. | Does your cleaning schedule include the toilets? Have cubicles, urinals, washbasins been isolated/taken out of use to enable social distancing? | | |
| 8. | Have directional arrows and space markings been put on the floor to aid compliance? | | |
| 9. | Are there designated, trained employees to ensure compliance with social distancing requirements? | | |

LOSS PREVENTION STANDARDS

| | Claims Defensibility Checklist Contd. | Y/N | Comments |
|-----|--|-----|----------|
| 10. | Can social distancing be maintained by the bar staff? Has the maximum number of bar staff been calculated? | | |
| 11. | Have the cleaning regimes of all areas been reviewed and updated to include more frequent cleaning of key touch points and cleaning of tables following a churn of customers? | | |
| 12. | Is there a deep cleaning plan in place if there is a suspected COVID-19 case? | | |
| 13. | Can orders and payment for drinks and food be carried out whilst maintaining social distancing (this can be via apps, table service, distance at the bar , etc.)? | | |
| 14. | If not will protective screens/barriers be installed? | | |
| 15. | Is it made clear to customers that the preferred method of payment is either via contactless or app (if available) and are there procedures in place for card and cash payments? | | |
| 16. | If waste bins are present in the toilets and the bar areas are there procedures in place to empty and sanitise these? | | |
| 17. | If you use security guards from a specialist provider have you checked their risk assessments and training to ensure that they are COVID-19 compliant? | | |
| 18. | Are there plans and training to deal with any disturbances on the premises? | | |
| 19. | If people don't have to make a reservation, are there procedures in place to manage any queues and are social distancing markers provided? | | |
| 20. | Do you have procedures in place to continually check on Government guidance in respect of temporarily retaining customer records for 21-days and compliance with GDPR? | | |
| | Employees | | |
| 21. | Have you identified any employees who may be shielding and not able to return to work? | | |
| 22. | Are all employees required to complete a return to work questionnaire? | | |
| 23. | Are there any daily checks on employees to ensure that they remain fit to work? | | |

LOSS PREVENTION STANDARDS

| Claims Defensibility Checklist Contd. | | Y/N | Comments |
|---------------------------------------|--|-----|----------|
| 24. | Are you keeping shift records that will enable testing and tracing of employees with symptoms? | | |
| 25. | Are breaks staggered to try to maintain social distancing? | | |
| | Kitchens | | |
| 26. | Have the menu options been reviewed and reduced to enable easier compliance with social distancing? | | |
| 27. | Can all chefs work safely to ensure social distancing and has the number of chefs working been reduced as far as possible? | | |
| 28. | Can social distancing be maintained at the kitchen pass? | | |
| | PPE | | |
| 29. | Can employees work safely without the need for face masks/face covering, gloves and visors? | | |
| 30. | If not, can you maintain an adequate supply of this equipment and has training in their use been provided to all employees? | | |
| | Training | | |
| 31. | Is refresher training carried out for all employees returning from furlough and is this training documented? | | |
| 32. | Is COVID-19 specific training carried out and recorded? | | |
| 33. | Have appropriate employees received updated conflict management training and has this been recorded? | | |
| | Manual Handling | | |
| 34. | Is there a plan in place to remove all stale beer from the cellar and can this be completed without having to lift full casks or kegs? | | |
| 35. | If not, is there a risk assessment and are there safe procedure to remove the casks and kegs from the cellar? | | |
| 36. | If lifting aids are used have these all had their statutory inspections and are they safe to use? | | |
| 37. | Has the requirement for 2-man lifts been mitigated and assessed? | | |

| | Claims Defensibility Checklist Contd. | Y/N | Comments |
|-----|---|-----|----------|
| | Audits/Checks | | |
| 38. | Are you completing daily compliance checks and are these recorded? | | |
| 39. | Are any actions raised allocated and tracked to completion? | | |
| 40. | Are you reviewing all procedures in line with changes in Government guidance and is there evidence that you have made changes at the appropriate time? | | |
| 41. | Have all statutory inspections of plant and equipment been completed and if not can the premises open? and | | |
| 42. | If not, are there plans in place for testing to be completed? | | |
| | Control of Contractors | | |
| 43. | Have your procedures been reviewed and updated to take into account contractors on site? | | |
| 44. | Are you asking contractors to provide their COVID-19 risk assessments and procedures along with method statements, risk assessments and copies of their Public Liability Insurance? | | |
| 45. | Have you made your regular contractors aware of the new procedures and controls on site regarding COVID-19? | | |
| 46. | Additional Comments: | | |



Please Note

This document contains general information and guidance only and may be superseded and/or subject to amendment without further notice. Aviva has no liability to any third parties arising out of ARMS' communications whatsoever (including Loss Prevention Standards), and nor shall any third party rely on them. Other than liability which cannot be excluded by law, Aviva shall not be liable to any person for any indirect, special, consequential or other losses or damages of whatsoever kind arising out of access to, or use of, or reliance on anything contained in ARMS' communications. The document may not cover every risk, exposure or hazard that may arise and Aviva recommend that you obtain specific advice relevant to the circumstances.

03/07/20 V1.0

Aviva Insurance Limited, Registered in Scotland Number 2116. Registered Office: Pitheavlis, Perth PH2 0NH.
Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority.

LOSS PREVENTION STANDARDS