

POLICY 1.16	Reporting/Investigating Legal Actions and Potential Legal Actions	DOMAIN Governance and Ethics
ELT Sponsor: General Counsel and Director of Risk Management Policy Lead(s): Legal Advisor		Date Approved: June 24, 2025
		Date Effective: March 19, 2026
		Date of Next Review: June 2030

For further information please contact covenantpolicy@covenanthealth.ca

NOTE: The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definition section

Policy Statement:

Covenant Health shall investigate and report to its liability insurer and external legal counsel any occurrences that have resulted in unanticipated injury or harm to individuals, or incidents that may result in harm to the assets or reputation of Covenant Health.

Purpose Statement:

This document provides guidance for ensuring timely and appropriate reporting and investigation of legal actions and potential legal actions that result from unanticipated injury or harm to **patients** and non-patients, or incidents that may result in harm to the assets or reputation of Covenant Health.

Applicability:

This policy applies to all Covenant Health staff, members of the medical staff, students, volunteers and any other persons acting on behalf of Covenant Health.

Responsibility:

Covenant Health’s administrative and medical leaders will demonstrate commitment to the process for reporting and investigating potential medical and non-medical legal claims and litigation, and will support the ongoing requirements of Covenant Health’s insurer and its legal counsel in handling these matters.

Covenant Health staff and physicians, students, agents, volunteers and any other persons acting on behalf of Covenant Health are responsible for ensuring that Covenant Health’s Legal and Risk Management Department is apprised of all incidents so they may be reported to Covenant Health’s liability insurer and legal counsel in a timely and appropriate manner. The process for reporting incidents and the definition for “High Risk Incident” are included in 1.16.JOBAID.1

[Reporting/Investigating Legal Actions Algorithm.](#)

Principles:

1. Reporting Potential Claims:

Covenant Health shall ensure that all incidences which may result in a claim or litigation against a **Covenant Health facility**, or harm to the assets or reputation of Covenant Health, are reported in writing to its liability insurer (HIROC) and its legal counsel.

Information from investigations is considered privileged information. This includes statements by

staff, physicians, students, volunteers and any other persons acting on behalf of Covenant Health regarding events, personal notes, event reports and documentation regarding the investigation of the event.

2. Reporting Active Legal Claims:

Covenant Health is committed to notifying its insurer upon receipt of legal documents for claims against its facilities or employees.

The most common document is a statement of claim which is a court document initiating litigation by a patient or other person against Covenant Health, its employees, physicians and other defendants. An action may also be initiated by way of an originating application or by a notice of appeal, reference or other procedure or method specifically authorized or permitted by an enactment.

All notices of litigation have short time periods within which to respond. Upon being served with a statement of claim, an originating application or by any other initiating document, a response must normally be provided within twenty days from the date the document was served. To ensure that Covenant Health can respond within the required timeframes, immediate notice must be provided to the liability insurer and external counsel upon receipt of the document. All such documents are to be provided to the Covenant Health Legal and Risk Management department (by email: covlegal@covenanthealth.ca) upon receipt.

Other court-related documents that should be reported to the Covenant Health Legal and Risk Management Department upon receipt are; Subpoenas, Notices to Attend, Notices of Motion, Court Orders, Warrants and local police or RCMP Production Orders.

Definitions:

Covenant Health facility means any facility, property, or ground owned, operated, leased, or funded by Covenant Health.

Patient means all persons, inclusive of residents, who receive or have requested health care or services from Covenant Health and its health care providers or individuals authorized to act on behalf of Covenant Health. Patient also means, where applicable, a co-decision-maker with the person; or an alternate decision-maker on behalf of the person.

Relevant Covenant Health Policy and Policy Support Documents:	
A.	<p>Policies:</p> <p>1.00 Enterprise Risk Management</p> <p>1.08 Witnessing of a Legal Document for a Covenant Health Patient / Resident by a Covenant Health Personnel</p>
B.	<p>Procedures:</p>

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C.	Guidelines:
D.	Job aids: 1.16.JOBAID.1 Reporting/Investigating Legal Actions Algorithm
E.	Standards:
Keywords:	
References:	
Past Revisions: June 24, 2025 February 5, 2016 – <i>previously numbered III-5</i> October 12, 2010	