

# Care Homes

Insurers and owners of care homes face a wide range of claims, ranging from personal injury (Employers Liability/Public Liability) to medical malpractice claims. Capsticks has the expertise to deal with all types of claim, drawing from a pool of experienced fee earners.

Insureds and insurers can face difficulties determining whether a claim falls under their medical malpractice policy or their EL/PL policy. For example where a fall occurs and is unwitnessed and the care plan is prepared with input from a medical professional.

Other considerations insureds may face include liaising with the CQC and the Coroner in worst case scenarios.

We have significant experience in assisting in these claims, including claims involving life changing injuries and death, involving sensitive and commercial considerations as well as claims where there has been a change of ownership of the home and complications arising from coverage considerations.

We have an experienced inquest team who are able to assist with all aspects of an inquest from liaising with the coroner, taking witness statements from staff and representing the insured at an inquest,

Specific examples include:

- A Claimant who died following a fall and where the coroner asked for relevant documentary evidence relating to care plans and risk assessment
- A Claimant who alleged that she had been wrongly diagnosed and as a consequence her care plan had been wrongly implemented.
- We were successful in persuading a Claimant to withdraw a claim that the Deceased died as a consequence of the negligent assessment and care plan following a pressure sore
- We have dealt with claims arising out of prescribing errors

## HOW CAPSTICKS CAN HELP

In care home claims, we can support you in care home claims and associated proceedings in the following ways:

- Review policy coverage issues and provide detailed policy coverage advice
- Undertake the necessary investigations including instructing experts
- Liaise with our advisory team generally on CQC implications for claims
- Act in a group litigation (ie claims involving multiple claimants)
- Offer advice and assistance to your insureds on risk management and, for example, assist with advice on documentary evidence, HSE compliance and reporting
- Offer advice on the contents of a serious incident review for the purposes of an inquest
- Liaise with our inquest team colleagues who are a team of barristers with significant experience of the coronial system. Our inquest team is able to support insureds with an inquest management service from initial correspondence with the coroner through to representing clients at inquest.

Essentially, we are able to manage any complaints or claims from their early stages through all steps in the litigation process and offer advice on wider issues to reduce the risk of future claims being made against insureds.

## TAILORED TO MEET YOUR NEEDS

A central tenet of our service is that we will tailor the service to meet your requirements and have a small but dedicated and specialist team able to help. This means you will always know those lawyers assisting on any particular matter.

## OUR SPECIALISTS

Majid Hassan, Sarah Bryant and Ed Mellor are our principal senior insurance specialist lawyers. They are assisted by others across a range of qualifications to ensure work is passed to the appropriate level.



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