

Insurance policy services

Capsticks has extensive experience in insurance law and we act for most of the market leading underwriters. Insurers often ask us to consider, in the first instance, policy coverage and the contractual rights and indemnity arrangements of the parties involved when a claim is made. The importance of identifying these issues at an early stage cannot be underestimated. We also advise on draft policy wordings, assisting Underwriters on compliance with the Insurance Act 2015 and advising on how they are likely to be interpreted in the event of any claim.

Policy wording review

The knowledge we have of insurance claims enables us to advise Underwriters on the drafting of professional indemnity policy wordings, proposal forms and endorsements. We understand the importance of wordings being sufficiently clear in order to avoid uncertainty in any future coverage decision or dispute.

Examples of instructions we have received are:

- advising on new professional indemnity products before the inception of the risk;
- advising on amendments to existing policies to ensure they comply with the Insurance Act 2015;
- considering existing policies following indemnity scheme changes by membership organisations (e.g. the RCN);
- advising employment agency Insureds on the type and scope of their professional indemnity insurance and their liability exposure arising from the actions of agency workers on third party placements;
- advising on contingent insurance.

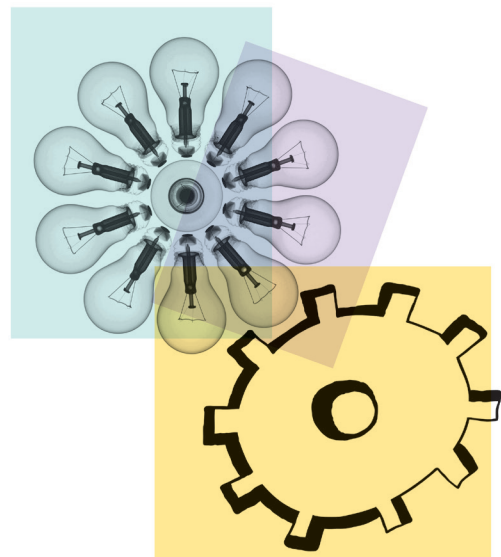
Policy coverage advice

We regularly advise Insurers and Reinsurers on policy coverage once a claim is made. Such advice can focus on one particular issue (e.g. claims control) or it can encompass more in-depth investigations of indemnity arrangements of various parties or involve scrutinising Underwriters' intentions when writing a risk and the information provided to them by the insured.

We have a good understanding of the implications of the Insurance Act 2015 when it comes to policy coverage and the decisions taken by the Courts on discreet points of construction, for example in relation to notification obligations.

Examples of instructions we have received are:

- advising on coverage for claims, inquests, criminal and non-criminal investigations and regulatory matters and the application of relevant conditions, exclusions and endorsements;
- advising on coverage for claims arising from clinical trials;
- advising on reinsurers' rights in circumstances of late notification and/or material non-disclosure.

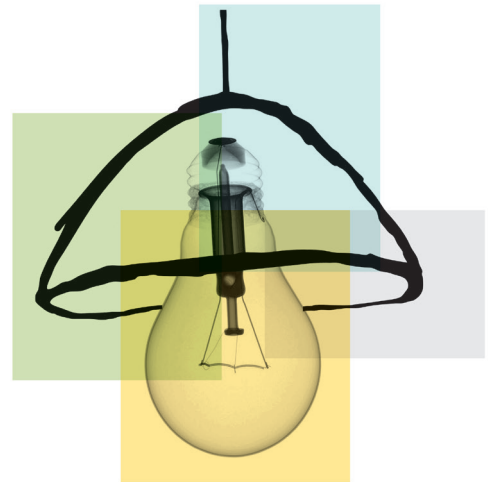


Policy disputes

The above experience makes us well placed to advise on disputes arising out of challenges to policy coverage decisions, which often involve high value claims. We have good relationships with specialist policy Counsel, who we regularly engage and we are able to give an early steer as to how the Courts are likely to interpret the policy terms and conditions. We give training on policy dispute case law and how we see emerging judicial decisions affecting potential future disputes (e.g. in relation to the definition of a circumstance / occurrence that requires notifying to insurers).

Examples of instructions we have received are:

- a dispute in relation to when an indemnity arises under a contingent policy;
- a dispute arising from notification where a loss has not yet arisen;
- a dispute arising from a delayed notification to reinsurers;
- general challenges by insureds to insurers' policy coverage decisions.



Our insurance policy specialists

Get in touch with one of our experts below:



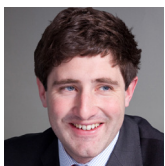
MAJID HASSAN
Partner
020 8780 4876
majid.hassan@capsticks.com



ANNA WALSH
Senior Solicitor
020 8780 4902
anna.walsh@capsticks.com



LUCY WHEELER
Solicitor
020 8780 4703
lucy.wheeler@capsticks.com



ED MELLOR
Senior Solicitor
020 8780 6970
ed.mellor@capsticks.com

Capsticks
www.capsticks.com
@capstickslp

London
1 St George's Road,
London SW19 4DR
T +44 (0)20 8780 2211
F +44 (0)20 8780 1141
DX 300118 - Wimbledon Central

Birmingham
35 Newhall Street,
Birmingham B3 3PU
T +44 (0)121 230 1500
F +44 (0)121 230 1515
DX 13003 - Birmingham

Leeds
Toronto Square, Toronto Street,
Leeds LS1 2HJ
T +44 (0)113 322 5560
F +44 (0)113 242 2722
DX 713112 - Leeds Park Square

Winchester
Staple House, Staple Gardens,
Winchester, SO23 8SR
T +44 (0)1962 678 300
F +44 (0)1962 678 311
DX 2532 - Winchester