

Life, A&H and Contingency

Approaching 30 years' experience in advising the life, protection and A&H / specialty (re)insurance markets on contentious and non-contentious matters.

What we do

- Bodily injury/accidental cause issues
- Bancassurance
- Broking issues
- Child Cover
- Communicable disease
- Contingency insurance
- Corporate governance
- Critical illness
- Data protection / Freedom of Information
- Employment related issues
- Event cancellation
- Fraud prevention and detection
- Health insurance
- Income protection
- Life assurance
- Loss of licence
- Mediation
- Mental Capacity
- Non-Appearance
- Ombudsman referrals
- Part VII Transfers and run-off
- Permanent Total Disablement
- Personal Accident / Accident & Sickness
- Policy drafting and interpretation
- Registration and authorisation
- Regulatory and compliance
- Reinsurance disputes
- Sports / career ending injuries
- Terminal illness
- Travel coverage issues including legal expenses and personal liability
- Treaty drafting and interpretation
- Trusts
- Waiver of Contributions
- Waiver of Premium

Our Experience

Reinsurance:

- Represented reinsurers on allocation and aggregation issues arising from the 9/11 terrorist attacks in USA.
- Advised on disagreements between insurers and reinsurers including fatal helicopter crash in Ecuador and pattern of early child Critical Illness claims.

Life:

- Advised reinsurer regarding Euro 7m life assurance claim after the apparent sudden cardiac death of a business man who died in suspicious circumstances during an overseas business meeting.
- Represented insurer in High Court life assurance claim involving an alleged Bollywood actor, who was believed to be a fictitious character created by the Claimant for the purposes of fraud.
- Advised several insurers in relation to Freezing Orders regarding the life policy proceeds over £1M in the context of embezzlement proceeds against the life assured's Estate. The life assured had disappeared in his light aircraft, having a pattern of building up business debts across several continents.
- Life claims and attempted murder claims involving consideration of the effects of biological agents/poisons or suspicion of conventional medicines being administered with fatal consequences.
- Advised several life and PA insurers regarding fraudulent fake disappearance/ death claim arising from the 2004 Boxing Day Tsunami which was suspected of being pursued to raise funds for an activist group.
- Advised on liability to pay any proceeds of policy monies and the validity of trust arrangements in the context of the suspected murder of a wife by her husband.

Critical Illness:

- Represented insurer in respect of Critical Illness (Permanent Total Disablement benefit) claim for £750,000 regarding a dentist who stated that he developed fibromyalgia after a stationery rear shunt RTA at 5mph.
- Advise on consultations of the wording of minimum standards of best practice regarding Critical Illness cover, taking into account medical advancements.
- Advise in connection with claims regarding Child Critical Illness cover.

Income Protection:

- Advised income protection (and life insurers) regarding mental capacity issues relating to cancellation of cover or failure to pay premiums (including scenarios where the person has subsequently committed suicide) and a person with affordability issues who has subsequently been diagnosed with a brain tumour.
- Experienced in advising on Group and Individual income protection claims in relation to a wide range of occupations and psychological/physical illnesses and injuries, with particular expertise in relation to dentists, solicitors and pilots.

Personal Accident (including Sport):

- Advised on “courting of risk” principles in respect of a Personal Accident policy sailing fatality.
- Represented the Personal Accident insurers in respect of a £1M PTD claim by a Formula 1 racing driver based in Monaco.
- Advised on coverage issues in respect of a claim involving a sporting injury to an international basketball player.
- Experienced in handling Personal Accident (mainly traumatic head injury, musculoskeletal and non-freezing cold injury) and suicide claims in relation to current and former armed forces personnel and security/ close protection officers.
- Advised PA insurer regarding PTD claim of security manager injured during terrorist bomb blast in Mali that involved cardiac symptoms, PTSD and loss of hearing.
- Advise on coverage and causation issues in the context of claims that may involve clinical negligence e.g. fatalities due to the rare fleshing eating disease (Necrotizing Fasciitis), fatalities due to DVT or shortly after endoscopic surgery and disability following cauda equina syndrome.

Travel Coverage:

- Provide coverage advice and a monitoring service of overseas lawyers in respect of legal expenses and personal liability claims relating to group and individual travel policies, including in particular skiing incidents and education related cover (teachers and students).
- Travel insurance coverage issues arising from increased security risk and emergency evacuation.

Financial Ombudsman Service:

- Experienced in advising on Ombudsman referrals and liaising with the adjudicators and Ombudsmen at various stages of the complaint resolution process.
- Represented Friendly Society in the first successful High Court case to proactively set aside an Ombudsman decision (as an alternative to applying for Judicial Review) and obtained a finding that both the Society and the FOS had been defrauded by the insured person in respect of the income protection claim.

Fraud:

- Helen Tilley is the firm's Single Point of Contact for the Insurance Fraud Investigators Group (IFIG) and a member of the Fraud Advisory Panel (FAP).
- 30 years' experience of preparing and referring cases to the police (IFED and Action Fraud) in respect of suspected fraudulent insurance claims (both UK and global events).
- Advised on many overseas death claims where misrepresentation of health and/or residency at the time of the application as well as intentions to travel to higher risk countries is investigated. The circumstances of these suspicious deaths often appear to involve family and overseas financial disputes regarding property and business dealings and sometimes involve suspected contract killing.
- Represented a Private Medical Insurer regarding a bespoke Scheme for UK based staff/families of a Middle Eastern area Embassy when a medical consultant was taken off their list of approved service providers. Resolved highly sensitive dispute involving concerns about fraudulent over-charging for services, and counter allegations of discrimination, defamation and associated loss of income.

Medical Conditions, range of:

- Frequently asked to advise on causation, insurance policy interpretation and claims management in the context of the particular cover, regarding complex conditions such as fibromyalgia, complex regional pain syndrome, chronic fatigue syndrome, functional neurological disorder (FND), traumatic brain injury (TBI) and cardiac conditions.

Financial Adviser related:

- Advised on disputes between insurers and financial advisers including claw-back issues.
- Advised insurer in respect of a Critical Illness claim by a HNW individual who alleged negligence against his IFA when his CI cover had automatically reduced in value on his 65th birthday and he was then diagnosed with a qualifying Critical Illness shortly after the change in the sum assured. Advised on market norms for such cover at the time of the original sale and clarity of communications with the customer about the upcoming change in the sum assured.

Non contentious

Regulatory:

- Advised Bermudian Reinsurer on permitted activities from the UK branch relating to new business proposals involving pandemic issues.
- Obtained advice from a US lawyer regarding a suspected licensing breach in respect of life assurance for US expatriates by a Lloyd's Syndicate and assisted with communications with the Lloyd's Compliance Office.
- Advised on FCA registration.
- Advised on Part VII Transfers.
- Advised on the setting up of a Friendly Society, its insurance contract and reinsurance protections.

- Advised on regulatory implications of the provision of life assurance by an unincorporated military association to its members.

Drafting/ interpretation:

- Advised on drafting and interpretation of Sports related A&H cover.
- Advised on interpretation of Waiver of Contribution cover relating to a rugby player.
- Drafted individual life and critical illness policy and Flexible Trust Deed for bancassurer starting UK business under passported authorisation rights. Sourced and coordinated advice from Scottish lawyers and tax specialist.
- Drafted Group Life (Approved and FURBS – as known at the time), Income Protection and Critical Illness policies and related application and claim forms, including coordinating Definitive Trust Deed updating advice from specialist Trusts counsel.
- Advised on drafting and interpretation of reinsurance treaty.
- Advised on and drafted a Terms of Business Agreement between a new life insurer and intermediaries doing direct business through its website portal.

Data Protection:

- Advised on drafting of a Friendly Society's privacy notice, claim form and application forms to ensure compliance with GDPR/ Data Protection Act 2018, and coordinated related advice from a Dublin lawyer.
- Part of global GDPR compliance project, which included drafting Special Category data protection impact assessment (DPIA) in respect of processing within the UK.
- Advised insurer on the provision of a compliant response to a data erasure request by a recent applicant for income protection insurance cover.
- Advise on the compliant handling of data subject access requests (and Freedom of Information requests) in relation to a range of contexts and types of insurance cover.

Key Contacts



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