

Fatal Claims

We believe that combining specialist understanding of this complex area, with a proven track record for success in delivering clear and concise advice, sets us apart from other fatal claims service providers.

What we do

Our fatal claims specialists are known for demonstrating a practical expertise in this field. Our innovative, proactive approach, coupled with award-winning Connected Services (and in particular our forensic accountants), delivers the very best results for our insurer clients.

We recognise the importance of identifying potentially high-value cases as quickly as possible, as well as the best ways to assist with inquests and regulatory matters, to liaise with institutions such as the police and the HSE, experts and counsel. Whether assessing whether the dependent is entitled to claim, when a head of loss is valid, the level of bereavement or 'lost years' award, or the subtle issues raised by cohabitation, different types of dependent or preceding accidents, we're recognized as being some of the very best at advising and managing catastrophic injury fatal claims for insurers.

Our expertise in this area includes advising insurers on

- Inquests.
- Bereavement awards and entitlement.
- PSLA where the deceased survived the accident for a period.
- Subrogated claims by insurers pursuant to an insurance policy or employment contract.
- Funeral expenses.
- Probate fees and Inquest Costs.
- State benefits.
- 'Lost years'.
- Dependents' claims, including co-habitants and children, and duration of dependency.
- Claims on behalf of the Estate.
- Inheritance tax.
- Insurance payments.
- Benefits arising.
- Loss of intangible benefits, such as special attention and affection.
- Loss of services, including care, child minding, domestic

chores, bookkeeping and finances, decorating, DIY, gardening.

- Loss of financial support from income and pension, including career progression and promotions, factoring in fringe benefits.
- Loss of expectation of future capital, e.g. capital held on trust for a deceased child who would have received the same at 18 years of age.
- Dependency on gifts or luxury items (eg. wedding gifts / money, birthday gifts / money, university or school tuition fees and Christmas presents)
- Preceding accidents.
- Effect on re-marriage.

Examples of our work include:

- Acting on a fatal case pleaded in excess of £12m, prior to the change in discount rate, where a number of the same family, who ran a successful farming business, were killed in a road traffic accident. A thorough analysis of the accountancy and business records was undertaken, and the claim settled for the sum of £850,000, which is substantially lower than that pleaded.
- Acting on a case in which the deceased had dementia and was killed when he walked out in front of the defendant's oncoming vehicle. Contributory negligence was agreed and damages limited to funeral expenses only, as the deceased's family, who brought several claims for dependency, were neither 'true' dependents but had also been instructed by medical practitioners that the deceased required round-the-clock supervision, yet had allowed him to continue accessing the community alone.
- Acting on a claim by a contractor successfully refuted for failing to follow on-site rules and training, thereby resulting in his own death.
- Various claims refuted in their entirety, as the deceased was the author of his own misfortune.

Why DWF?

– We understand the importance of data and reporting on the facts. DWF's Intelligence Services offers a wide range of tools and resources to save our insurer clients' money. That is why we collate MI for all of our clients, across all types of fatal cases. We use this to demonstrate the benefit of our specialist expertise in driving down the cost of the claim and in bringing forward fast and low cost settlement. We also use this to identify trends and areas of future risk, delivering a strategically relevant and valuable service even after the immediate claim has been resolved.

- Connected Services – given the inherent complications in many dependency claims calculations including tax implications and pensions related issues, our forensic team is invaluable in ensuring accuracy and precision in how the claims are calculated and value
- Liability is often difficult and sensitive in such cases – we have experienced criminal advocates who can attend the inquests and/or any prosecutions and thereby ensure that insurers' interests are protected.

Contacts



Claire Gribben

Partner

T 0117 244 4980

M +44 7921 709801

E Claire.Gribben@dwf.law



Fiona Matthews

Partner

T 44 151 907 3147

M +44 7525 906730

E Fiona.matthews@dwf.law



Rob McKee

Partner

T 44 151 907 3116

M 44(0)7748634872

E Rob.McKee@dwf.law