

Stress and Harassment

We understand that stress & harassment claims are often technically complex, document-heavy, time-consuming and costly for our insurer clients. For our lay clients, we understand that, as well as cost, business and reputational impact are often key concerns.

At DWF, we stand out for our deep industry understanding and sensitive, yet commercial, approach. We work in partnership with brokers, insurers and the insured, to deal with stress and harassment claims economically and in a 'joined up', collaborative way.

How we do it:

Operating as part of one of the largest insurance claims teams in the UK, we have extensive experience in advising on all areas relating to stress & harassment claims, including claims relating to excessive workload and harassment.

Our approach is distinctively practical, recognising that claims can be time consuming and costly for insurers and sensitive in nature for policy holders. We work closely with our employment colleagues, offering a one-stop-shop approach to dealing with all of the issues that arise when claims are made. We work with both the insurer and the insured, to ensure that litigation is managed to keep the best interests of both firmly front of mind, as well as to balance both costs and challenging internal relationships. Most importantly, we are trusted by clients.

We have successfully defended stress claims for a wide range of clients including local authorities, schools & colleges, universities, charities, well-known PLCs and smaller companies. We remove the strain of dealing with these claims, leaving you to get on and do what you do best.

Our Stress & Harassment claims expertise includes:

- drafting stress and harassment policies and procedures
- dealing with the particular and often sensitive requirements of disclosure and witness evidence in stress cases, including advice on data protection issues
- on and off-line claimant profiling and research
- advising on complex issues of causation
- identifying and instructing expert witnesses
- we offer associated employment law advice relating stress & harassment claims, including for any Tribunal proceedings providing relevant training for our clients and their employees advising on risk management /how to avoid claims
- multi-jurisdictional claims

Joined up expertise across both claims and employment law

In our experience, where there are stress claims there are often related Employment Tribunal proceedings. Working with colleagues across the DWF offices, we are able to deliver practical, expert advice on all related employment law issues, including jurisdiction points and compromise agreements, as well as in relation to claims that relate to employment terminated as a result of stress or harassment.

We work closely with Insurer and Insured, with the aim of achieving the best outcome for both in civil and any Employment Tribunal proceedings.

A proven track record and understanding you can trust

We have acted in some of the leading reported cases in this area. We have demonstrated our understanding of the attention to detail and expertise required, as well as the need to work with management teams within organisations, where interests are conflicting.

We offer partner level expertise in claims handling as well as advice on avoiding claims in the first place. We take a pro-active approach in relation to points of law and aim to bring the matter to swift conclusion, if possible. One of the few firms able to maintain the same level of expert support and advice across multiple jurisdictions and associated areas of law, we draw on the wide and award-winning DWF network of offices and legal services to build a tailored team with genuine expertise in not only your immediate claims needs, but the commercial and jurisdictional factors that have an impact.

Examples of this work include:

- **Walker v Northumberland County Council** - This is the leading case on foreseeability, following a "second breakdown". Claim in negligence by social services officer against his employer for failing to take reasonable steps to avoid exposing him to a health-endangering workload where plaintiff had previously suffered a nervous breakdown through his duties as leader of a team investigating child abuse cases.
- **Conn v Sunderland City Council** - A decision of the Court of Appeal and the leading case on definition of statutory harassment. The Council successfully appealed a decision that two incidents of threatening behaviour by one employee against

another constituted a course of conduct amounting to harassment under the Protection from Harassment Act 1997 since one of the incidents was not serious enough to amount to harassment.

- **Dockett -v- Northumberland County Council** - This was a substantial occupational stress and harassment claim brought against the local authority. The claim was successfully defended on breach and causation. Following a five-day trial, at which the Court heard evidence from numerous lay and expert witnesses, the claim was dismissed with costs. Court of Appeal judgment in Conn -v- Sunderland City Council applied. The Defendant was awarded costs, resulting in a very large saving for the local authority
- **Taiwo v Community Links** - Claimant estopped from bringing stress claim by previous Employment Tribunal Claim. Full-scale trial avoided with associated significant time and cost saving.
- **Jones v Thornton** - Stress claim struck out at a preliminary issue trial on basis already compromised by previous Compromise Agreement settling an employment tribunal claim. As above, this resulted in a significant time and cost saving.
- **Gardner v Oxfam** - We acted for this charity in successfully defending a stress claim brought by a team leader at a distribution centre. Allegations of unreasonable demands, excessive workloads and lack of management support. The claim was defended, primarily on the basis the Hatton threshold criteria had not been met and in particular the Claimant did not bring her alleged problems to the attention of her employer. The matter went to trial but was discontinued on the first day, following cross-examination of the Claimant.
- **AA v. Birmingham City Council (2018)** - DWF acted on behalf of the Defendant in this stress case involving a former employee who had an extremely complex psychiatric history, which was not formerly known to her employers and which included longstanding anorexia nervosa, major depressive and post-traumatic stress disorders. She also allegedly suffered horrific physical and sexual abuse from a very early age right up until her teenage years. She alleged that her illness was caused by bullying at work by her manager. BCC could never have foreseen that allegedly poor management of her part-time working request would have resulted in such severe consequences. The allegations of bullying/harassment were not upheld at trial. AA's manager was completely exonerated. An

extremely challenging and interesting case involving highly contentious factual and medical causation issues.

Why DWF?

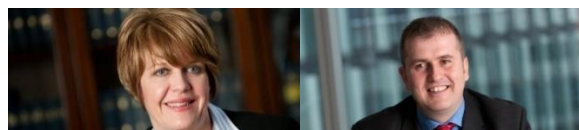
- Most notably, our commitment to reducing claims leakage and fraud can be seen through growth in this field. Fraud instructions have increased by 72% in 2017/18, with pre-litigation savings of £65k, in the first three months of implementation for one client alone. Another client has received fraud-related savings of around £390k over the last 18 months. Our bespoke strategy for handling farmed claims has led to 83% of claims being withdrawn, pre-litigation, for another client.
- We are committed to playing a significant role, leading the claims sector in Scotland. We have worked hard to influence the government on the new QOCS regime, in Scotland, persuading them to regulate Claims Management Companies, as a result.
- We are known for our position at the forefront of the insurance sector. DWF is a member of the Forum for Insurance Lawyers (FOIL) and a number of our team hold professional qualifications including Colin Hammond (Fellow of the Chartered Insurance Institute) and Paul Greaves (Associate of the Chartered Insurance Institute).
- With a strong supporting team working for the insurance sector, we offer tailored and unique software packages designed to give insight into claims trends, opportunities and risks. This includes MI surrounding claim litigation, settlement costs, injury types and length of time to settle.

Connected services

Connected Services is a division of DWF that contains a range of independent businesses that work alongside, support and deliver products and services to our legal teams and clients. Each of the businesses within the division has been set up to offer a complete service designed to help clients better manage risk, reputation, cost, time and resources. This offering is comprised of a range of consultative services, technology and products that complement our legal services, focused specifically on managing risk, cost, time, reputation and resource.

For more information about or connected service offerings, please visit us [online](#)

Contacts



Denise Brosnan

Partner

T +44 121 200 0415

M +44 7713 342048

E Denise.Brosnan@dwf.law

Patrick McBrien

Director

T +44 7827 950111

M +44 7827 950111

E Patrick.McBrien@dwf.law