

Medical malpractice

Timely advice and guidance to the insured clinician or therapist is often vital, especially as many have limited experience of claims or disciplinary action.

Our claims team has extensive experience of advising on and defending clinical negligence, medical malpractice and disciplinary and regulatory complaints and claims.

What we do

We advise on and defend clinical negligence, medical malpractice and disciplinary and regulatory complaints and claims. We act in relation to a wide spectrum of clinical risks matters, ranging from claims made against hospitals arising out of surgical interventions, through to those against individuals arising out of non-surgical treatments. We have particular experience in claims arising out of surgical procedures (including cosmetic surgery), non-surgical cosmetic procedures, chiropractic treatment and complementary therapies.

Timely advice and guidance to the insured clinician or therapist is often vital, especially as many have limited experience of claims or disciplinary action. Because we are dedicated to serving the insurance industry, our specialists are ideally placed to provide advice on indemnity reserves and claim resolution to insurers. We also understand the importance of recommending realistic yet cost-effective defence costs reserves and then ensuring panel providers keep to those budgets.

In clinical settings there is the potential for some uncertainty over whether a particular incident should be covered by a clinical risks indemnity policy ('med mal' policy) or a Public Liability policy. Examples can include incidents and therefore claims arising out of the movement of patients around hospital, clinic or care-home premises.

Whether a claim is classified as a med mal or a Public Liability incident, our claims handlers have the expertise to investigate and defend the claim.

Understanding medical negligence cases

Following on from Montgomery, the law on consent makes it easier for claimants to succeed in claims by showing that the consent process was deficient. In cases involving allegations of failure to consent, claimants may also obtain a higher settlement payment. Having a claims team that understand this, as well as the pressures both insureds and insurers are under, is more important now than ever.

Medico-legal helpline

We have the ability to provide a medico-legal helpline (staffed by a combination of a medically-qualified claims handler, qualified lawyers and claims handlers). In our experience, most of the calls require us to assist in the very first step in investigating a Circumstance or Claim, and either proactively handled to resolution within our delegated authority, or reporting to insurers with a concise summary of the notification and with recommendations regarding immediate next steps. Other calls require us to assist with incidents such as suspension of practicing privileges, or early stage GMC investigations. We also produce regular written risk management material for insureds if required.

Our claims management technology

DWF is recognised as one of the most innovative law firms operating across the globe today. As part of our commitment to innovation and best practice, we have developed our own, proprietary claims management system, called Claimsview.

Claimsview enables us to help underwriters to monitor their exposure, not only in terms of reserves and payments on a claim by claim basis, but also the performance of the classes of business for underwriting purposes. Using Claimsview, underwriters can access reports and statistics on individual claims or entire portfolios, as well as several years of accounts.

In addition, a client dashboard available on the extranet provides instant graphical analysis on losses according to statistics such as location and loss code. Underwriters can use this to investigate varying data sets, such as year of account or period.

Clients can also access a full electronic file (incorporating incoming and outgoing correspondence, internal referrals and all policy documentation) as well as using Claimsview to produce in-depth Management Information, to easily capture SLA and KPI data and assess our claims team's conduct objectively. Post counts, response times, diary activity and file dormancy are all reportable and as a result easily controllable.

This immediately accessible live information is beyond that available to most underwriters, even in large corporate entities, and sets the service provided by DWF Claims apart.

About DWF Claims Management & Adjusting

We are a global claims management business specialising in the management and administration of all classes of commercial lines claims. We have particular expertise in matters concerning Professional Indemnity, General Liability, Healthcare, Legal Expenses, Motor and Property insurance.

Rather than delivering a standardised claims solution across all lines of business and client requirements, we approach each client relationship as a partnership. We understand the importance of providing claims management expertise in a way and at a cost that delivers the results you need and want.

Why instruct our claims team?

- We provide medico-legal helpline services, staffed by lawyers and medically-qualified personnel who provide on-demand 24/7 assistance. This covers risk management advice to clinicians on a wide range of topics.
- We believe our extensive and comprehensive experience delivers a sound grasp of just how challenging this heavily regulated and high risk environment can be for our healthcare clients and their insurers.
- Our specialist healthcare claims handlers offer high-quality outsourced solutions to our insurer clients, regularly under delegated authorities conferred by insurers.
- Our claims handlers use our bespoke, state of the art Claimsview software, guaranteeing Lloyd's and FCA compliance. It also enables us to provide real-time access to the entire claims history and tailored MI.

Contacts



Lisa Heathcote

Head of UK GL

T +44 117 428 9557

M +44 7920 756820

E lisa.heathcote@dwfclaims.com

Beyond borders, sectors and expectations

DWF is a global legal business, connecting expert services with innovative thinkers across diverse sectors. Like us, our clients recognise that the world is changing fast and the old rules no longer apply. That's why we're always finding agile ways to tackle new challenges together. But we don't simply claim to be different. We prove it through every detail of our work, across every level. We go beyond conventions and expectations.

Join us on the journey.

