



CLAIMS

RESOLUTION

Experience to help you resolve
a complex insurance claim



Mactavish

Setting the standard for insurance
placement and claims outcomes

EXPERIENCE to help you resolve a complex insurance claim

Mactavish launched its claims resolution service in 2016. This pioneered a revolutionary approach to helping clients resolve complex insurance claims – and three years on it is still delivering results to consistently deliver a fair claims outcome on behalf of our clients.

In recent years there have been a string of major successes, with Mactavish clients having had their claims settled quickly and fairly, involving work from Mactavish across a number of different industry sectors.

Why are we different?

Mactavish's claims resolution business is built on three key principles: independence, expertise and flexibility.

Independence

Mactavish prides itself on offering independent advice to clients. Unlike brokers and many specialized insurance lawyers, Mactavish doesn't take commissions or fees from insurers, brokers or broker schemes, nor does it add a surcharge to any third-party fees it has arranged, be it for barristers, loss adjusters or forensic accountants, nor does it rely on brokers for claims referrals.

Rather than basing a business model around these referrals, our revenue is generated entirely from clients and we have invested heavily in developing direct relationships with insurance buyers. The fees we earn are based solely on the time we spend helping policyholders resolve their claims.

This enables us to act purely in our clients' best interests and ensures we explore all avenues to resolution.

Expertise

Mactavish has been involved in claims resolution for three years, but we have a long history of working with clients to arrange insurance. This experience is critical when it comes to resolving clients' claims, ensuring a fair outcome and holding insurers to account for the critical role they play in supporting businesses.

All too often insurers will argue one policy interpretation when selling a policy, but quite a different one when the client puts in a claim. Our in-depth knowledge of this sector can challenge such assertions.

We also have legal expertise, and operate under a Licenced Access model, regulated by the Bar Council. This assures cost effective and efficient access to the highest quality independent legal advice throughout the process.

Flexibility

From the outset we take a flexible and multi-disciplinary approach to claims resolution.

Mactavish isn't linked to any particular firms of lawyers, accountants or technical specialist, but we have experience working across these different specialities, so can hire the most appropriate experts, depending on the circumstances of a client's claim.

In short, we combine the very best legal and technical analysis from the start, while maximising commercial leverage to get the right result.

The secrets of our success: key learnings from the past three years

It remains the case that many large and complex insurance claims take far too long to resolve. This is not helped by the fact that 45 per cent of these cases are disputed by the insurer. Such disputes inevitably lead to lengthy delays and, in many cases, an excessive reduction in the final settlement paid.

Research by Mactavish indicates that the average large commercial claim takes around three years to resolve, with policyholders paid an average of just 60 per cent of the amount claimed.

At Mactavish we aim to do things differently. In order to avoid protracted disputes Mactavish completes a high-quality detailed forensic factual and legal analysis of the claim at the earliest possible opportunity.

This, we believe, is the single most important factor in our positive claims record. Using our panel of experts to fully understand the claim and any potential hurdles can help pre-empt dispute, avoid costly mis-steps, speed up settlement and reduce costs to achieve a fair result.

Once these foundations have been put in place, it is then important to be as flexible as possible. There is no magic formula that will be appropriate for every claim. However for each claim the following factors have to be taken into account:

- legal position
- technical analysis
- commercial leverage
- broker influence
- media relations

Mactavish will work with clients to develop an individual strategy that brings these factors into the mix, depending on the particular circumstances of the claim.

Mactavish is not subject to the conflicts, partnerships, regulatory or market "protocol" limitations that can restrict some brokers and legal advisers working in this sector. This means we are able to explore all avenues towards resolution.

How can we help?

Mactavish offers a number of different claims resolution services, depending on the client's needs. These include:

- Pre-loss: pre-emptive engagement to plan for dealing with a large loss in advance. This aims to avoid uncertainty by analysing relevant policy detail and common claims pitfalls to establish a clear, pragmatic compliance regime.
- Early Intervention: here the company can be engaged immediately following a loss to establish a robust technical view of the claim and ensure the most effective presentation to insurers.
- Active Dispute Resolution: engagement at any stage during a potential or actual dispute with insurers, to review or redefine strategy and progress to resolution, using the most appropriate mix of technical, legal and commercial input. This service is a comprehensive alternative to formal litigation or arbitration.

Getting claims paid promptly: five key dos and don'ts

- 1 Plan in advance. It makes sense to have a 'pre-loss protocol', which establishes the ground rules for your business and takes into account the critical terms and conditions on all relevant insurance policies.**
- 2 Manage communications from day one. Establish a single channel of communication and don't allow staff or advisers to speculate on causation, coverage or anything else that might prejudice a claim**
- 3 Bring in the experts. Don't delay when it comes to hiring technical advisers or specialists. Getting the right advice from the outset can help reduce costs in the long run and sidestep many claims delays and objections.**
- 4 Get to grips with the policy wording. Review all relevant policy documents and obligations at an early stage. Many claims go wrong where terms and conditions are breached after the loss, not before.**
- 5 Think carefully about how the claim is presented at the point of submission. Clients should aim for clear, evidenced presentation of each loss component, mapping how the policy applies to the claim. This reduces the chance of the claim being disputed or rejected.**

DON'T take our word for it...

case studies and testimonials

CASE STUDY ONE: Major engineering claim (Active Dispute Resolution)

Client A had been in dispute with its insurer for over three years. The claim had been rejected and the client faced paying both the original loss and subsequent legal costs.

The client's legal team were looking for a fresh approach as progress had stalled, and appointed Mactavish to review the case and advise on a resolution strategy.

This work led to a total reshaping of the legal argument for coverage under the policy. Mactavish worked hand-in-hand with the broker to individually challenge the position of key markets. In particular the case focused on where insurers' repudiation arguments ran contrary to how the policy had been sold.

This approach succeeded in persuading the insurer to drop their more controversial legal objections and engage seriously in settlement negotiations leading to rapid resolution.

CASE STUDY TWO: Complex business interruption claim (Early Intervention)

Client B had suffered a complex contingent business interruption claim, following a natural catastrophe that damaged more than 30 customer locations, causing severe disruption to its regional business.

Early appointment enabled Mactavish to confirm the legal coverage position, pin down all the potential policy risks and ambiguities, and appoint both Counsel and a leading forensic

accountant experienced in this type of loss, all from day one.

Rapid early progress convinced the insurer to accept the client's own financial model of the loss, sidestepping the most contentious area of many business interruption negotiations. Mactavish provided tailored analytical and legal support through every step of the negotiations, and this led to the claim being paid in full within

a few months of submission — at a fraction of the fees that would have been involved in any disputed claim or normal protracted negotiation.

WHAT clients have to say about Mactavish claims support

Head of insurance, multinational company

"We appointed Mactavish on a large and complex claim dispute which had ground to a halt after more than two years. After spending an awful lot of money on premiums over the years we felt insurers had treated us disrespectfully by refusing to engage with the detailed legal and technical submissions we had made, instead sticking to a cursory explanation for rejecting the claim which we felt fundamentally misunderstood the situation.

"We appointed Mactavish as we wanted independent unconflicted advice from a team with a robust grasp of the legal and technical detail, but who also knew how to apply that to insurance market reality.

"Mactavish was able to communicate an extremely complex claim and equally tricky legal argument very clearly to our broker and to the insurers, unlocking the impasse and opening up the negotiations that led to a fair settlement.

"Mactavish has a unique approach to claims advocacy that draws on their extensive market contacts and a wide range of technical expertise, but above all they are creative, pragmatic and relentless. We found the Mactavish approach refreshing in that they are not in thrall to market protocols and left no stone unturned to get us a fair result".

General Counsel, FTSE 250

"When faced with a potentially large and complex insurance claim, there are many questions which the board and senior management want addressed quickly, efficiently — and practically.

"At a time when there was considerable uncertainty impacting our local business following the destruction caused by Hurricane Maria, Mactavish's role was extremely valuable in helping us resolve an intricate business interruption claim, despite a very complex policy wording.

"Working with insurers can be challenging during the claims process, particularly when it is not always obvious why they are asking particular questions or seeking particular information.

Mactavish helped us to prepare for these negotiations so we were able to handle the meeting with confidence.

"It was comforting to have Mactavish on the end of the phone, with their considerable experience of this industry. They offered calm, pragmatic advice when new issues or concerns arose. This helped us to establish the right expectations for the management of the claim and to communicate this internally in a clear and concise manner.

"Working with Mactavish to control the claim from an early stage enabled us to line up the right mix of legal and forensic accounting input. This reassured the board that the claim was being handled effectively and avoided over-complicating negotiations.

"When a claim suddenly happens, it can be a steep real-time learning curve and it's not always obvious who best to turn to, but Mactavish helped us to navigate the process and get to a fair settlement quickly."

To find our more, please contact:

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