



**Mactavish**  
Expert insurance buyers



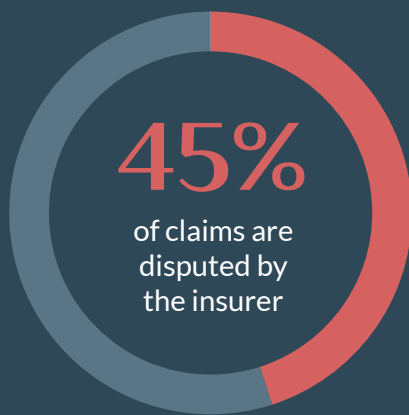
# Resolving Complex Claims

Technical excellence. Changing outcomes.

Building corporate resilience.



A unique insurance and legal expertise devoted to tackle the most challenging claim disputes and drive fairer claim settlements.



Average  
**3 Years** to resolve large  
commercial claim



Average of just **60%** of claim payout

Unlike lawyers, consultants or brokers, we work across the entire spectrum of risk transfer activity. From risk analysis, through drafting and programme design, to placement and claims, we oversee every aspect of the process of buying and drawing on insurance.

Our roots are in deep analysis of risk and insurance contracts and we played an instrumental role in designing key legislation such as the Insurance Act 2015. Building on that heritage, we have developed a unique skill-set and approach markedly different to the standard insurance and claim management model.

This gives us a unique viewpoint and ensures that the learnings we take from a complex claims dispute are then applied to our next set of wording placements. Similarly, because we design and arrange cover, we understand how insurers view their policies, and how they are likely to react should a loss event occur. Our work with leading barristers means that we understand the likely arguments that will be made against a claim and can put in place effective rebuttals. We benefit from this constant feedback cycle, and so do our clients.

Our expertise, operating structure and corporate mentality are dedicated to achieve fairer and faster claim settlements and resolve the most complex disputes for our clients.

## **Faster resolution. Fairer settlement.**

### **The two most common insurers' arguments to rejecting claims are lack of coverage and non-compliance\***

#### **Getting you on your best foot to recover your losses**

Mactavish know how hectic and stressful a major loss can be for any business, and understand that there are a multitude of challenges to navigate whilst trying to minimise the immediate impact on your business. We are here to help make the process easier, cheaper and more importantly fairer for you. As independent experts in supporting commercial policyholders, we are here to advocate for your interests only throughout the claims process.

Every decision made, from notification through to allocation of costs, has an extremely important impact on your insurance outcome. There are many nuances to managing and successfully progressing an insurance claim that many businesses are not aware of. Mactavish have the legal, technical and commercial expertise to ensure that your claim has the best chance of success from the very beginning.

Our expertise in policy placement and policy wording analysis, enables us to see your circumstances through a specialist lens and ensure that every decision made after your loss is with the very best interests of the claim outcome at the centre.

#### **Putting you on an equal footing with the market**

Inevitably, the claims process is a volatile one and involves managing delicate relationships and situations.

Our long-standing experience in insurance placement and claim advocacy allows us to effectively control the narrative surrounding your loss from the beginning, removing any unnecessary or inappropriate requests from insurers and facilitating a faster resolution and higher success of securing the compensation you deserve.

Our long-standing relationships and prominent commercial reputation within the industry, matched with our legal backing from our Bar Council licence, provides you with a well-equipped skillset that can work in harmony with your own experts to ensure a fair outcome is reached.

#### **Ensuring a smooth claim process with minimal disruption to your business**

We know that for many businesses insurance is not at the forefront of day-to-day operations. Dealing with a large or complex loss and the significant impact this has on your business, whilst simultaneously having to navigate an extremely technical and nuanced environment, is a difficult situation to confront. By allowing Mactavish to be your expert claim adviser, you remove the additional stress of having to rapidly learn how to operate within the insurance industry, allowing you to focus on what is really important - getting your business back to normal.

\*Mactavish Insurance Claim Litigation Index: <https://www.mactavishgroup.com/claim-litigation>

# Recovering major and complex losses is what we do. So you don't have to.

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

## Independence

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We pride ourselves on offering independent advice to clients. Unlike brokers and many specialized insurance lawyers, we do not 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

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Our unrivalled dual expertise in claim resolution and insurance analysis and placement 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

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From the outset, we take a flexible and multi-disciplinary approach to claims resolution. Mactavish is not linked to any particular firms of lawyers, accountants or technical specialists, but we have thorough experience working across all disciplines, meaning we can access the most appropriate experts, depending on the circumstances of a client's claim.

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

## These are some of the reasons why our clients seek our expert support

- Appropriately and effectively navigate a confusing, volatile, complex and challenging environment
- Maximise your chance of success with a well-trodden, rigorous approach
- Compile the most robust argument possible to increase your chance of payout
- Manage privilege and information supplied in the most favourable way
- Manage the market to prevent delays and practices that may prejudice settlement
- Understand the interaction of the claim and the underlying dispute and how this can impact other areas of your business
- Secure interim payments, protecting your cash flow and minimising business disruptions
- Feeding lessons learnt into your insurance renewal and improve your wider risk placement programmes moving forward
- Apply the same rigour to the management of your claim portfolio to secure considerable savings to your business and preserve its reputation

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## Always going the extra mile to protect your interests and achieve the best outcome

- Independent support, working closely with and in the policyholder's interests only
- Conducting thorough investigation, looking at everything within the context of the policy wording
- Bringing in the wider insurance market context
- Understanding everything from the disclosure and placement of the policy and the intention behind it in the context of the claim circumstances
- Controlling the narrative early to protect your interests
- Appointing the right experts based on your unique circumstances
- Managing correspondence with third parties on your behalf, leveraging our market stature
- Relationship and reputation management, utilising our expertise in insurance law alongside our commercial and forensic experience
- Going to the right person and routes that aren't accessible to law firms and policy holders
- Knowing when to escalate
- Utilising insurance case law and our longstanding relationships with brokers and loss adjusters to defend your interests
- Managing legal parties to reach the best outcome during the mediation/arbitration process
- Management of claims from start to finish or of one aspect only, e.g. pre or post declinature
- Preventative and reactive management depending on your circumstance

# Highly personalised approach. Only settling for the best outcome.

Mactavish offers a completely bespoke and tailored service, entirely dependent on each specific client's needs.

Our portfolio covers a range of scenarios including involvement post-declinature, as well as from the initial loss. Given the complexity and ever-evolving nature of a dispute, Mactavish will act as your independent insurance expert. Regardless of the point at which we join the dispute process, we are able to get involved and complete the most robust argument possible.



## Claim evaluation

If you think your claim has been unfairly denied, we can assess your claim and the rejection arguments against your policy wording to advise you on your actual entitlements. And we can help you formulate a timely response around the identified loopholes and put you on an equal footing to appeal the decision.



## 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

Immediate intervention following a loss to establish a robust technical view of the claim and ensure the most effective presentation to insurers. Dependent on the level of involvement, this may involve notification, investigation, appointment of experts, policy analysis, correspondence/advocacy, claim preparation and cost allocation, relationship and reputation management, rebuttal, preparing for litigation, settlement negotiation, escalation, mediation, and arbitration.



## 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.



## Claim portfolio management

We also offer a retainer service for businesses operating in more high-risk industries, which may be subject to multiple claims due to the nature of work being undertaken. This enables us to be involved from the genesis of any claims dispute and hit the ground running. This is tailored entirely based on your needs, and reviewed regularly to ensure that the service being offered is servicing the needs of your business.

## Business stories

Working closely with our clients to achieve high-standard claim settlements. Real-life business claim cases:

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

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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)**

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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 to do next

## Contact the Mactavish team

Email: [mail@mactavishgroup.com](mailto:mail@mactavishgroup.com)

Tel: 0203 4796 875

A member of our technical team will be delighted to talk you through any of the issues we have mentioned here or any other concerns you may have about your insurance programme.

If you'd like to find out more about our mission to create a fairer market for policyholders, visit [www.mactavishgroup.com](http://www.mactavishgroup.com). In times of uncertainties and change, planning for the future and building resilient risk transfer is more important than ever.



**Building corporate resilience.**

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