

The logo for James Hallam Pro Med, featuring the name 'james hallam' in a white serif font on a dark blue rectangular background, with 'Pro Med' in a white sans-serif font on a teal rectangular background below it.

james hallam

Pro Med

A grayscale background image of a hospital corridor. In the foreground, there is a medical gurney. In the background, several people in white coats are standing near a counter or reception area.

Important Update Regarding Your Business Interruption Claim

Dear Valued Client

We write to update you on the outstanding COVID-19 business interruption claim under your Aviva Surgery policy via James Hallam (formally Graybrook Hallam).

As advised in March, Aviva declined evidence presented by James Hallam, The CSP and Physiofirst to support your previously rejected claims, following what was regarded as a positive Supreme Court judgement in January.

We then examined the viability of independent legal arbitration with Aviva whereby policyholders would act together in a class action against Aviva, which could result in an accelerated resolution. However, after numerous discussions between Aviva and our lawyers over a number of months, we were unable to agree a framework for the arbitration that was within the funding offered by Aviva.

The last remaining option was for individual policyholders who qualified following a Complaints process that could escalate ultimately to the Financial Ombudsman Service. This was an unattractive option for all parties.

As a consequence, Aviva has now reviewed their position on coverage and amended their stance.

From Friday 23rd July, you will start to receive letters from Aviva, one for claims previously submitted and a slightly different version if you have already raised a complaint with Aviva about the decline of your claim.

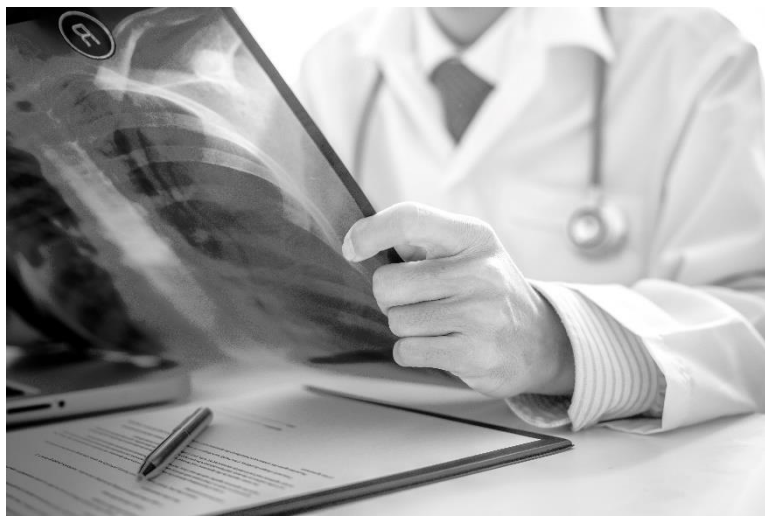
Aviva previously determined that cover would only be available in principle under the “Government or Local Authority Action” extension in your policy where the insured premises comprises a mixed use facility (for example, a fitness studio or gym, in addition to physiotherapy services), in respect of the business activities that had been required to close as a result of action or advice of the UK Government in response to the Covid-19 pandemic.

Aviva have now determined that if you were required to cease carrying out activities at your insured premises involving face-to-face consultations in respect of non-urgent services, in order to comply with guidance issued by the HCPC or CSP, they will accept cover to the extent you have incurred losses from an inability to carry out such activities. They will not be able to accept cover in respect of losses that relate to aspects of your business that were permitted to continue by the relevant HCPC and CSP guidance, or in respect of any period during which the guidance indicated that such face-to-face consultations could resume.

Claims under the “Government or Local Authority Action” extension are subject to an aggregate limit of liability of £25,000 for the period of insurance. The Aviva letter will confirm the next steps which may involve the resubmission of your claim but any documents previously submitted to Aviva will still be held on their claims files.

We appreciate that this has been a very challenging period for our clients but we have been working tirelessly behind the scenes to navigate a very complex legal argument with Aviva. We very much appreciate your patience, allowing us to reach this long awaited conclusion and our thanks also go to The CSP and Physiofirst for their assistance with the legal arguments to support the matter.

James Hallam Pro Med



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