



## Care Legal Solutions

The Care Industry as a whole is faced with a number of litigation exposures. Legal disputes can arise from Employment Disputes, Tax Issues, Contract and Debt disputes all the way through to Care Provider Registration issues CQC appeals.

Aston Lark have worked with ARAG to deliver a comprehensive Legal Expenses product. Key covers and policy features include:

- **24/7/365 Legal Advice**
- **Stress Counselling helpline for staff**
- **Tax Advice Line**
- **Employment Disputes**
- **Contract and Debt Recovery**
- **Statutory Licence Appeals**
- **Tax Protection**
- **Specialist cover for Directors and Partners of the business for their own legal requirements**

With the average employment tribunal costing over £8000 and Statutory Licence claims incurring over £15,000 in legal expenses, can your business afford to take the risk?

Our insured was successful in an appeal against their CQC Registration cancellation, Working with ARAG's specialist solicitors saved them legal costs in excess of £19,500.

Our insured was successfully defended at an Employment Tribunal after a lengthy and complicated case around sexual discrimination. Legal fees were in excess of £12,000.

### Care Claims

#### **189222 – Respondent Employment Tribunal: Costs £55,182.20**

The claimant had been employed by the insured as a care worker. She was dismissed for gross misconduct on 27th September 2017, after a disciplinary process that had been ongoing since 27th June 2017. The gross misconduct related to the Claimant having falsified training & staff records. Solicitors placed prospects of successfully defending the various claims as follows:

- Unfair dismissal – 65%
- Disability discrimination: 55 - 65%
  - a) Discrimination arising from disability: 55 – 60%
  - b) Harassment: 55 – 60%
  - c) Failure to make reasonable adjustments: 55-60%
- Unlawful deductions from wages – sick pay: 60%
- Unlawful deductions from wages – holiday pay: 65%

After much negotiation, the case settled before trial for £38,000.

#### **196842 - Coroner's inquest: Costs £13,355.07**

The Inquest refers to an incident in which a resident at the insured's care home is alleged to have slipped out of a sling and fallen onto the floor thereby sustaining a head injury. Having been taken to hospital, the resident subsequently died on two days later.

This incident was the subject of a Police investigation during the course of which both care workers involved in hoisting the deceased at the material time, were interviewed under caution on suspicion of gross negligence manslaughter and the wilful neglect of a vulnerable person. The Police decided to take no action arising from their investigation and handed their file to HM Coroner for the purposes of an inquest. Having heard a significant amount of evidence from ARAG solicitors the Deputy Coroner returned a conclusion of, accident' and was persuaded not to issue a Regulation 28 Report to Prevent Future Deaths.