

COMPARE MY INSURANCE™

Covid-19 (Coronavirus) update

We understand the significant impact that the Covid-19 pandemic has, and continues to have, on all our customers. Since the pandemic began, we have been inundated with queries from customers asking if losses arising from Covid-19 could be claimed for. We thank you for your patience as we have continually sought clarity from the Insurers on our panel.

As a brief background to recent events, on the 1st June 2020 the Financial Conduct Authority (FCA), who regulate the insurance industry, announced its intention to seek clarity for policy holders on business interruption insurance by selecting a range of standard property non-damage business interruption policies across the UK insurance sector for Covid-19 related losses, and testing them in the High Court.

The High Court issued its judgment on 15th September 2020, and a number of defendants appealed parts of the judgment to the Supreme Court. The FCA also appealed aspects of the judgment to the Supreme Court.

The Supreme Court appeal hearing took place on 16th November 2020 and the judgment was handed down on 15th January 2021. Information about the Supreme Court decision and the judgment itself are available here:

<https://www.fca.org.uk/firms/business-interruption-insurance>

This judgment on the Financial Conduct Authority's business interruption test case substantially allowed the FCA's appeals and dismissed the insurers appeals.

Your Policy and Coverage – Accelerant Insurance

Since the judgment was announced, the team at Compare Insurance have sought clarity from Nationwide Broker Services as to how the judgment would affect our customers insured with Accelerant Insurance being able to claim for their losses due to Covid-19.

Nationwide Broker Services have confirmed that the Supreme Court judgment and the FCA test case does not affect your policy, as your policy contains the following exclusion which excludes any claim arising from losses due to Covid-19:

"15) Virus, Disease and Pandemic Exclusion

(not applicable to Employers Liability Section)

Notwithstanding any provision to the contrary within this policy, within any endorsement to this policy or within any extension to this policy, this policy and its endorsements (if any) and its extensions (if any) exclude any loss, damage, liability, claim, cost or expense (whether such loss, damage, liability, claim, cost or expense has been suffered by an insured or a third party) of whatsoever nature, directly or indirectly caused by, contributed to by, resulting from, arising out of, in connection with, or otherwise in any way directly or indirectly attributable to:

- a) Coronaviruses; and*
 - b) Coronavirus disease (COVID-19); and*
 - c) Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2); and*
 - d) any mutation of or variation of a), b) or c) above; and*
 - e) any infectious disease that is designated or treated as a pandemic by the World Health Organisation;*
- and*

f) any fear or anticipation of a), b), c), d) or e) above, regardless of any other cause or event contributing concurrently or in any other sequence thereto.”

Next Steps if you are not happy

We understand that this will be disappointing, particularly considering the exceptional challenges your business must be facing at this time.

If you believe that this coverage position is incorrect, and wish to complain about the decision, you may contact Nationwide Broker Services directly at the contact details provided below.

Email: info@nationwidebroker.co.uk

Phone: 01274 518383

In writing: 2 Aire Valley Business Park, Wagon Lane, Bingley, BD16 1WA

If you are not happy with the outcome of your complaint, you may be eligible to have your complaint reviewed by the Financial Ombudsman Service. Nationwide Broker Services will let you know if they believe the ombudsman service can consider your complaint when they provide you with their decision.

Please be assured that the team at Compare Insurance are always at hand to help our customers, particularly in these difficult and uncertain times.

If there is anything more we can do to assist you, please do not hesitate to contact us.