

# CASE STUDY

Vicarious Liability

**Pro**  
GLOBAL



# Client: Global (re)insurers



Global (re)insurers assessing potential exposure to claims against relating to vicarious liability for an employee, or someone that might be “akin” to an employee (for instance a contractor), may be relevant.

Global (re)insurers facing disputes over such claims and seeking to navigate the evolving legal landscape around vicarious liability claims to achieve fair outcomes.

## The problem

- (Re)insurers recognise that it is critical that they are not only up-to-date with the latest legal developments, but have also conducted full audits to assess the extent of their potential exposure.
- Following a number of decisions our client’s vicarious liability was said to be “on the march” as the concept was extended to cover other categories of persons.e.g. Foster Carers.

**This potentially had a significant impact on those organisations carrying Employers’ Liability risks.**

**Not only did this create a renewed need to clarify when such a relationship might be “akin” to employment to satisfy the two tests of vicarious liability but also a need to stem the judicial tide and extension of this concept.**

## Pro Global's Solution

Having identified the risks these changes posed to our clients, Pro have led on recent legal challenges to stem the tide of the extension of the concept of vicarious liability.

Recent successful rulings have clarified how tests should be applied to various scenarios and how the concept of "creation of risk" should impact on the tests.

### WHAT WE DID

**In the three below cases, Pro Global acted on behalf of instructing insurers:**

- "Barclays Bank v Various Claimants" (2020) UKSC 13 – ("Barclays")
- "Blackpool F.C Ltd v DSN" (2021) EWCA Civ 1352 – ("Blackpool")
- "TRX & Others v Manchester City F.C" (2022) EWHC 7(QB) – ("MCFC")

## Thank you for reading

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