

COVID Update on Life Cover:

Legal Aspects

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10 September 2020

Agenda

1. Recap on legal aspects of death claim procedures
2. Direct effects - COVID impacts on process/procedure
3. Indirect effects - impact of Covid on employment
4. Other current topics:
 - Changing normal retirement age
 - Interaction with PHI

Recap of legal issues with Death Claim Procedure

- Confirm provisions in the Trust Deed and Rules
- Confirm responsibility for fact-finding (scheme administrator, scheme secretary, sub-committee)
- Identify the class of “beneficiaries” – usually wider than “dependants”
- Identify those in each class - assessing financial inter-dependence
- Carrying out reasonable enquiries
- Meeting (virtually) to determine the benefits payable
- Dealing with any documentation required (establish Trust for Minors, trustee minutes)

Image from Irish Times

Lawyer's probes pose a brain teaser for doctor

■ The *Margin* liked the following, from the “we swear it really happened in court” department.

Q: Doctor, before you performed the autopsy, did you check for a pulse?

A: No.

Q: Did you check for blood pressure?

A: No.

Q: Did you check for breathing?

A: No.

Q: So, then it is possible that the patient was alive when you began the autopsy?

A: No.

Q: How can you be so sure, doctor?

A: Because his brain was sitting on my desk in a jar.

Q: But could the patient have still been alive nevertheless?

A: It is possible that he could have been alive and practising law somewhere.

Covid - direct impacts on processes

Process	Issues	Considerations
Trust Deed and Rules	Who has a soft copy? Is it in the shared remote drive/trustee section of the board pack e-portal? Do all trustees have sufficient home broadband to access it?	Do Trustee on-line resources need to be upgraded. Are email addresses sufficiently secure for private information.
Investigation role	Who has the capacity, resources and access to the relevant individuals to undertake the investigation?	Ability to travel, access to phone/email printing.
Confirming eligibility, dependence	Less straightforward to contact work and family colleagues.	Consider relying on letters from financial institutions, solicitors, employer
Carrying out reasonable enquiries	Challenges with visiting family members to verify information. Social distancing. Challenge of "zoom" calls with inexperienced users.	Use the obligation as a guide - "reasonable" enquiries. Work within the constraints of the particular case.
Dealing with documentation	Execution of deeds or statutory declarations	Ensure meetings are quorate and that all participants can participate. Law Society protocols on witnessing

Indirect impacts from Covid

- Have there been changes to the level of benefit (insured) due to COVID? Causes might include:
 - changes to salaries/premiums returned to insurer;
 - changes to salaries/status under the pension scheme arising from employment changes such as reduced working hours, temporary layoffs or the temporary wage supplement;
- Handling redundancy programmes – NB possibility of continued cover for set time limit (or until re-employed) while seeking new employment.

Topical (non COVID) issues

- Extending life cover beyond 67?
 - Some employers aligning with State pension age (currently up to 68)
 - Some in/around the public sector with the ability to work until 70
 - Ensure the employment contract/scheme does not (unintentionally) promise unfunded benefits
- Extending PHI cover beyond 65? Not as straightforward? In which case beware the link between PHI/pension scheme/employment contract and ill-health retirement.

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Thank you

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