

# PROFESSIONAL INDEMNITY COVER FOR SOLICITORS 2018 PROPOSAL FORM



Please provide a full answer to every question. The definitions at the end of this form should be read in conjunction with the form. This form must be signed by a Principal/Member/Director of the practice.

## 1. Name and Address

Practice Name:

Solicitors Regulation Number:  Date Established:

Please include all names under which you practice and any other entities for which you are seeking cover, including Trustee and/or Nominee Companies. **Please provide a sheet of your headed notepaper.**

Main Address:

Post Code:  Website:

DX Number:  Contact:

Telephone No:  Contact Email:

Fax Number:

Do you have any other offices, other than the main office listed above for which you are seeking cover?

If yes, please provide details on a separate sheet. If there is no resident Partner/Member/Director at any of these offices, please identify the office concerned and explain how the office is supervised.

Is your practice an LLP or company registered at Companies House or are you seeking to incorporate within the next 12 months?

Is your practice registered as an Alternative Business Structure or are you seeking to register as an Alternative Business Structure within the next 12 months?

## 2. Prior Practices

a) Please list the names of all prior practices of which this practice is deemed a successor practice (please see definitions at the back of the form) in the last 10 years. If necessary, list further details on a separate sheet.

Name of Practice	Date Established	Date of Succession	Run Off Cover Purchased? (Y/N)

Have any of the listed practices reported any circumstances or claims in the last six years?

If yes, please refer to Question 8 below.

**3. Company Ownership / Directorships**

- a) Is the practice or any Principal/Member/Director of the practice, connected financially, or otherwise, with any other practice, company or business for which it renders professional services?

*If yes, please provide details on a separate sheet.*

**4. Solicitor Details**

- a) Please provide all information requested for every Principal, Member, Director, assistant and consultant who will be employed by your practice as at the policy inception. **If any person listed is a Registered Foreign Lawyer or a Registered European Lawyer, please note RFL or REL alongside solicitor status. Please enclose Curriculum Vitae for every Principal/Member/Director in your practice who has not held this position in the Firm for at least three years.**

*Please list additional solicitors on a separate sheet.*

Surname	Forename(s)	Age	Solicitor status (Principal, Member, Director, Consultant, Assistant)	Full Time / Part Time	Date Qualified	SRA Roll No	RFL / REL

- b) Please provide all information requested for anyone who has previously been a Principal, Member or Director in the practice in the past 6 years or since inception of the practice, whichever is the later. **If any person listed is a Registered Foreign Lawyer or a Registered European Lawyer, please note RFL or REL alongside Roll No.**

Surname	Forename(s)	Age	Solicitor status (Principal, Member, Director, Consultant, Assistant)	Full Time / Part Time	Date Qualified	SRA Roll No	RFL / REL

- c) Does the practice always obtain satisfactory written references when engaging new Principals, Members or Directors and Employees, including procedures for verifying qualifications, previous experience, previous claims and/or circumstances?

**5. Other Staff (State if none)**

Number of non-solicitor fee earning staff:

Full Time:  Part Time:

Number of all other staff (inc secretarial):

Full Time:  Part Time:

## 6. Practice Fees

- a) The practice's accounting year end is:
- b) Please provide gross fee income for the last two accounting periods and an estimate of gross fee income for the next accounting period:

**PLEASE ATTACH COPIES OF AUDITED ACCOUNTS FOR THE LAST TWO COMPLETED YEARS. IF NOT AVAILABLE PLEASE PROVIDE COPIES OF SIGNED-OFF MANAGEMENT ACCOUNTS**

Year Ending	UK	USA/Canada	Elsewhere	Total for the Year
2015				
2016				
2017				
2018*				
2019 (estimate)				

\*If not available please give an estimate.

- c) Has any one client or group of clients generated 20% or more of your annual gross fee income in any of the last three years?

*If yes, please provide full details on a separate sheet of the client and the work undertaken.*

- d) If your practice is represented in the USA/Canada do you have; a local office or representative; anyone holding power of attorney on your behalf; a reciprocal referral agreement; bank accounts in the USA/Canada; or do you act as trustee for any trust which has any USA/Canadian operation?

*If yes, please provide full details on a separate sheet*

- e) Please provide full details (on a separate sheet) of any legal advice given in respect of foreign law, jurisdictions or contracts not subject to English Law and what experience your firm has in the different jurisdictions?

## 7. Practising Certificate and Regulatory Matters

In the last 10 years has any fee earner in the practice or any fee earner previously employed in the practice:

- a) ever been refused a practising certificate?
- b) been granted a conditional practising certificate?
- c) been reprimanded, fined or otherwise sanctioned by the Disciplinary Tribunal?
- d) practised in a firm subject to an investigation or an intervention by the Law Society or SRA?
- e) had an award made for inadequate professional service by the Legal Ombudsman, LCS, CCS or OSS?
- f) entered into any regulatory settlement agreement with the SRA?
- g) had a civil or criminal judgment against him/her?
- h) been investigated by any other regulatory body other than the Law Society or SRA (e.g. FSA, ILEX ...)?
- i) acted as an intervening agent or taken over an intervened firm?

Has the Practice:

- j) at any time in the last three years been the subject of a monitoring visit from the Solicitors Regulation Authority?
- k) ever been the subject of any visit from or enquiry by the Forensic Investigation Unit of the Law Society or SRA or received notice of a proposed visit?

If yes to any of these, please provide full details on a separate sheet **and include a copy of all reports issued by the SRA, LCS, CSS, OSS, LeO), Solicitors Disciplinary Tribunal and/or any other regulatory body.**

**8. Claims and Circumstances**

a) Has your practice, or any prior practice, reported any circumstances, incidents or claims to Qualifying Insurers or the Assigned Risk Pool in:

Insurance Year 2012-2013?	Yes / No	Insurance Year 2015-2016?
Insurance Year 2013-2014?	Yes / No	Insurance Year 2016-2017?
Insurance Year 2014-2015?	Yes / No	Insurance Year 2017-2018 and to date?

**Please provide claims information from Qualifying Insurers or the Assigned Risks Pool for all indemnity years since 1st October 2010 (or date of commencement of the practice if later) for your firm and any firm to which you are a successor practice.**

b) Have any circumstances, or claims reported by you or any prior practice in the past arisen as a result of the fraud or dishonesty of any Principal/Member/Director or employee of the practice?

*If yes, please provide full details on a separate sheet including how the matter was resolved and the procedures / processes in place to avoid re-occurrence.*

c) After making full enquiry of all Principals/Members/Directors and employees in your practice, are you aware of any circumstances, incidents or claims that have not been reported to your current or prior insurers (including any letters of complaint about your service or dispute as to outstanding fees)?

*If yes, please provide full details on a separate sheet.*

d) After making full enquiry of all Principals/Members/Directors and employees in your practice, are you aware of any circumstances, incidents or claims that have been notified to your current or prior insurers but have not been accepted by insurers as a valid or effective notification?

*If yes, please provide full details on a separate sheet.*

e) Please identify any claims or circumstances which are attributable to:

- (i) unauthorised access to your practice’s information or computer systems or to your practice’s bank accounts or
- (ii) transactions involving bogus or fraudulent practices purportedly acting for the counterparty in transactional matters.

f) What steps have you taken to prevent a recurrence of such claims or circumstances in the future?

**PLEASE NOTE THAT YOU HAVE AN OBLIGATION UNDER YOUR CURRENT PROFESSIONAL INDEMNITY POLICY TO NOTIFY ALL CIRCUMSTANCES AND CLAIMS AS SOON AS PRACTICABLY POSSIBLE. ALL SUCH NOTIFICATIONS OF WHICH YOU ARE AWARE THAT HAVE NOT BEEN REPORTED TO YOUR PREVIOUS INSURERS MUST BE DECLARED.**

**9. Previous Insurance**

- a) Have you ever failed to pay your premium (including run-off premium) or defaulted on a payment where the premium was financed?
- b) Have you or any solicitor referred to above ever been the subject of an IVA or other arrangement?
- c) Have you or any solicitor referred to above ever been convicted of (or charged but not yet tried for) any criminal offence involving fraud or dishonesty?

*If yes to any of the above please provide full details on a separate sheet.*

**10. Current Insurance**

- a) Premium (excluding insurance tax)
- b) Limit of Indemnity
- c) Excess
- d) Current Insurer
- e) Renewal Date

**11. Insurance Requirements**

- |                       | Option 1   | Option 2   | Option 3   |
|-----------------------|--|--|--|
| a) Limit of Indemnity | <input style="width: 100%; height: 20px; border: 1px solid black;" type="text" value="£"/> | <input style="width: 100%; height: 20px; border: 1px solid black;" type="text" value="£"/> | <input style="width: 100%; height: 20px; border: 1px solid black;" type="text" value="£"/> |
| b) Excess             | <input style="width: 100%; height: 20px; border: 1px solid black;" type="text" value="£"/> | <input style="width: 100%; height: 20px; border: 1px solid black;" type="text" value="£"/> | <input style="width: 100%; height: 20px; border: 1px solid black;" type="text" value="£"/> |

**12. Other Insurances**

Please confirm whether you have the following insurances and their renewal dates where applicable

Insurance	Purchased?	Renewal Date
Directors & Officers Insurance	Yes / No	
Cyber Liability Insurance	Yes / No	
Office Insurance	Yes / No	
Public Liability	Yes / No	
Employers Liability	Yes / No	

**13. Area of Practice**

a) Please provide the percentage of Gross Fees allocated to each Area of Practice during the last financial year and the two prior years. **Please round up to the nearest whole percentage.** (For guidance see definitions at the back of this form).

	Last Year	Prior Year	Prior Year2
Administering oaths, taking affidavits and Notary Public	%	%	%
Agency Advocacy	%	%	%
Acting as an Arbitrator, Adjudicator and Mediator	%	%	%
Children, Mental Health Tribunal and Welfare	%	%	%
Corporate/Commercial, (excluding work related to public companies)	%	%	%
Conveyancing - Commercial	%	%	%
Conveyancing - Residential	%	%	%
Criminal Law	%	%	%
Debt Collection	%	%	%
Defendant litigious work for Insurers	%	%	%
Employment	%	%	%
Financial Advice and Services regulated by the Solicitors Regulation Authority	%	%	%
Immigration	%	%	%
Landlord and Tenant	%	%	%
Lecturing and related activities and expert witness work	%	%	%
Litigation (Commercial)	%	%	%
Litigious work other than included in any other category. <b>Please specify</b>	%	%	%
Matrimonial / Family	%	%	%
Non-Litigious work other than included in any other category. <b>Please specify below</b>	%	%	%
Offices and Appointments	%	%	%
Parliamentary Agency	%	%	%

	Last Year	Prior Year	Prior Year2
Pension Trustee	%	%	%
Personal Injury (Claimant) - Fast Track	%	%	%
Personal Injury (Claimant) - Other	%	%	%
Personal Injury (Defendant)	%	%	%
Probate and Estate Administration	%	%	%
Property Selling / Valuations and Property Management	%	%	%
Tax Planning/Mitigation	%	%	%
Town & Country Planning	%	%	%
Trusts	%	%	%
Wills	%	%	%
<b>If you indicate a percentage in any of the areas below, please provide full details on a separate sheet including the highest deal values for these areas over the last 3 years.</b>			
<b>For FCA/ FSA work please request our Financial Services QUESTIONNAIRE</b>			
Corporate/Commercial work, including public companies	%	%	%
EC Competition Law and Human Rights Law	%	%	%
Financial Advice and Services where you opted into regulation by the FCA / FSA	%	%	%
Intellectual Property including Patent, Trademark and Copyright	%	%	%
Marine Litigation	%	%	%
Mergers & Acquisitions including Management	%	%	%
Total must equal 100%:	100	100	100

b) If you have specified Non Litigious work above please provide a breakdown of this work by percentage below

- c) Has the practice or any prior practice carried out any work in connection with the recovery of Payment Protection Insurance (PPI) monies, Bank Charges or Card Security Product fees?
- d) Has the practice or any prior practice carried out any work in connection with any tax planning or tax mitigation/avoidance schemes including but not limited to Stamp Duty Land Tax?
- e) Has the practice or any prior practice ever accepted instructions for class actions or any other group litigation?

If yes to any of the above, please provide full details on a separate sheet

#### 14. Personal Injury

- a) Has your practice or any prior practice ever accepted referrals from personal injury claims companies and/or their agents?

If yes, how many personal injury cases (from claims companies) have you undertaken in the last six years?

- b) Please advise the percentage of personal injury (claimant) work you have had in each of the following categories in the last 12 months

Fast Track

 %

Multi Track

 %

- c) Please advise your current areas of personal injury work by percentage:

Clinical Negligence

 %

Occupational Disease

 %

All other Personal Injury (RTA, EL/PL etc.)

 %

- d) How many open claimant personal injury cases does your firm currently have?

Please specify your average personal injury settlement size for:

2016	2017	2018 - to date
£	£	£

- e) What percentage of claimant personal injury claims have been funded by unions?

 %

#### 15. Conveyancing

Please only complete this section if you have undertaken conveyancing work in the last 6 years

- a) Please complete the following

RESIDENTIAL CONVEYANCING		2013	2014	2015	2016	2017	2018 - to date
A	% of Total Gross Fees	%	%	%	%	%	%
B	Approx. No. of transactions						
C	Highest Fee for a single conveyance						
D	Average Fee for conveyance transactions						
E	No. of transactions relating to re-mortgage/2 <sup>nd</sup> mortgage						
F	No. of referrals from a broker, developer or intermediary						
G	Highest property value	£	£	£	£	£	£
H	Average property value	£	£	£	£	£	£
I	Highest loan value	£	£	£	£	£	£
J	Percentage of transactions involving lenders who are not members of the Council of Mortgage Lenders	%	%	%	%	%	%

b) Please complete the following

COMMERCIAL CONVEYANCING		2013	2014	2015	2016	2017	2018 - to date
A	% of Total Gross Fees	%	%	%	%	%	%
B	Approx. No. of transactions						
C	Highest Fee for a single conveyance						
D	Average Fee for conveyance transactions						
E	No. of transactions relating to re-mortgage/2 <sup>nd</sup> mortgage						
F	No. of referrals from a broker, developer or intermediary						
G	Highest property value	£	£	£	£	£	£
H	Average property value	£	£	£	£	£	£
I	Highest loan value	£	£	£	£	£	£
J	Percentage of transactions involving lenders who are not members of the Council of Mortgage Lenders	%	%	%	%	%	%

c) In the last six years has your practice or any prior practice ever undertaken any Right to Buy transactions?

*If Yes please complete table below:*

Right to Buy	2013	2014	2015	2016	2017	2018 - to date
Total Number of Transactions						
Number from referrals e.g. Company/broker or agent						
Number of Direct Approaches						

d) Does the practice intend to undertake any Right to Buy/Right to Acquire transactions in the next 12 months?

e) In the last six years has the practice or any prior practice undertaken any back to back transactions?

f) Has the practice or any prior practice ever acted in any transactions involving overseas properties or developments?

g) Has the practice or any prior practice ever undertaken legal work on any Home Income Plans or Equity Release Plans?

h) Has the practice or any prior practice ever provided financial advice on any Home Income Plans or Equity Release Plans?

i) Are all clients met in person and appropriate checks performed to ensure the identity of your client?

j) Is training provided on identifying mortgage fraud to Partners/Directors/Members/Employees who undertake conveyancing work?

*If yes to any of the above please provide full details on a separate sheet*

k) Are only Partners/Directors/Members able to sign/issue certificates of title?

*If no, please provide full details below*



l) In the last five years have you been suspended or removed from any lender panel?

*If yes, please provide full details below*

m) During the last six years how many requests have you received for conveyancing files from lenders and/or solicitors?

*Please provide full details below and state whether all files which have been the subject of file requests have been reviewed*

n) Has the practice or any prior practice carried out any work in connection with escalating ground rents?

*If yes, please advise of the controls in place to ensure all leasehold properties with escalating ground rents are reported to lenders or buyers below.*

o) Are you a member of the Conveyancing Quality Scheme?

## 16. Significant Changes & Material Information

a) Do you expect there to be any significant change to or in your practice in the coming year?

b) Is there any other material information which may be relevant to this form?

*If yes to any of the above, please provide full details on a separate sheet*

## 17. Risk Management

a) Please provide the name and status of the person responsible for risk management in your practice.

b) (i) Please provide the name and status of the person nominated as the COLP.

Name:

Status:

(ii) Please provide the name and status of the person nominated as the COFA.

Name:

Status:

(iii) Please provide the name and status of the person nominated as the Money Laundering Reporting Officer (MLRO).

Name:

Status:

- c) Do you hold client money?
- d) Do you hold separate bank accounts for client monies and office monies?
- e) Do you back up your data at least once a week in an offsite location?

*If no, please provide full details on a separate sheet*

- f) Do you have antivirus software and firewalls in place and are these updated at least quarterly?

*If no, please provide full details on a separate sheet*

- g) Is any Principal, Member, Director or Employee allowed to sign cheques or authorise bank transfers on his/her signature alone?

*If yes, please complete the following table:*

Name	Position	Limit £

**18. Wrongful Funds Transfer**

Do you have procedures in place which mandate that:

- a) Personnel must never disclose to anyone their security details by any means regardless of the apparent authority of the person requesting the details.
- b) Exchange of bank details for payments to or from the firm must be made at the outset of a transaction, preferably when meeting the client.
- c) Changes to bank details must not be accepted by remote means (e.g. email or phone), apart from in exceptional circumstances and only when it has been validated that these changes have been made by your client.
- d) Payments from client account(s) must be set up by one person and independently verified/authorised by another before funds are transferred.

*If no to any of the above, please provide full details on a separate sheet*

# CONFIRMATION

Pen Underwriting Limited are the data controller of any personal information you provide to us or personal information that has been provided to us by a third party. We collect and process information about you in order to arrange insurance policies and to process claims. Your information is also used for business purposes such as fraud prevention and detection and financial management. This may involve sharing your information with third parties such as insurers, brokers, reinsurers, claims handlers, loss adjusters, credit reference agencies, service providers, professional advisors, our regulators, police and government agencies or fraud prevention agencies.

We may record telephone calls to help us monitor and improve the service we provide. For further information on how your information is used and your rights in relation to your information please see our Privacy Policy - <https://www.penunderwriting.co.uk/Privacy-and-Cookies>. If you are providing personal data of another individual to us, you must tell them you are providing their information to us and show them a copy of this notice.

Signing this form does not bind you to accept any quotation provided by Indemnity Pen Underwriting.

## **THIS PROPOSAL FORM MUST BE SIGNED BY A PRINCIPAL/ MEMBER/DIRECTOR OF THE FIRM**

Signature:	<input type="text"/>
Date:	<input type="text"/>
Print Name:	<input type="text"/>

## **CHECKLIST**

- Has a Principal/Member/Director signed and dated the form and answered all questions?
- Please provide a claims print from the Qualifying Insurer, Insurers or ARP for the last six years for your Practice and any Prior Practice.
- Copies of all reports and determinations issued by any Disciplinary Tribunal or any regulatory body.
- Copies of your last two years statutory/management accounts.
- How many additional sheets are there with this proposal form?

## **PLEASE RETURN THIS FORM TO:**

Pen Underwriting,  
Fourth Floor,  
67 Lombard Street,  
London EC3V 9LJ

Tel: 020 7264 1260

Email: [uk.solicitors@penunderwriting.com](mailto:uk.solicitors@penunderwriting.com)

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For full legal and regulatory information go to; [www.penunderwriting.co.uk/Pages/Legal-And-Regulatory-Information](http://www.penunderwriting.co.uk/Pages/Legal-And-Regulatory-Information)

# Definitions for Solicitors

This form is to be read in conjunction with our application and policy documentation.

## Area of practice

### Agency advocacy

Defined as all advocacy work, including attendance at a Court or Tribunal for the purpose of such advocacy, done on behalf of another insured practice.

### Commercial/corporate work – excluding work related to public companies

This covers all commercial and private company work including mergers and acquisitions, corporate trusts and taxation.

### Commercial/corporate work for public companies

This covers all work relating to public limited companies including mergers and acquisitions, corporate trusts and taxation. If you have indicated a percentage in this area, please provide full details on a separate sheet.

### Conveyancing – Commercial

Acting on the acquisition, sale or financing of freehold or leasehold property where the client is acting in the course of a business.

### Conveyancing – Residential

Acting on the acquisition, sale or financing of freehold or leasehold property where the client is not acting in the course of a business.

### Employment - Contentious

Advising and acting on disputes between employer and employee which arise from statute and/or contracts of employment.

### Employment - Non Contentious

General employment advice to employers, including corporate support on transfer of businesses; employee benefits and drafting of contracts of employment and staff handbooks.

### Financial advice and services regulated by the Solicitors Regulation Authority

This covers financial advice and services regulated by the Solicitors Regulation Authority as a designated professional body under the

### Financial Services and Markets Act 2000.

Financial advice and services where your firm has opted into regulation by the FSA/FCA

This covers financial advice and services directly regulated by the FSA/FCA under the Financial Services and Markets Act 2000. If you have indicated a percentage in this area, please provide full details on a separate sheet.

### Landlord and Tenant

Dealing with the exercise of contractual rights under a lease whether acting for a landlord or a tenant, including rights of enfranchisement, Landlord & Tenant Act 1954 claims, rent reviews, rights to manage, possession, and dilapidations.

### Lecturing and related activities and Expert Witness work

This includes work involving the preparation for, and the presentation of, lectures, seminars, training and tuition whether for the purposes of professional skills training, continuing education or otherwise, and including the provision of written material for publication.

### Offices and appointments

As clerks to City Livery Companies, Dean and Chapters, Drainage Boards, Local Councils, Charities or School Governing Bodies; Diocesan Registrars, Archdeacon's Registrars or Provincial Registrars of the Provinces of the Church of England in respect of work covered by an Ecclesiastical Fees Order, provided that any such offices and appointments are undertaken in the course of private legal practice.

### THIS DOES NOT INCLUDE APPOINTMENT AS AN OFFICER OR DIRECTOR OF A COMPANY.

### Parliamentary agency

Defined as all work done in the promotion of or opposition to primary or subordinate legislation.

### Property selling, valuation and property management

This covers property selling, valuations and property management carried out by the practice but does not include any separate business providing these services that is outside the regulation of the Solicitors Regulation Authority.

## Succession

### Successor practice/prior practice

The definition of successor practice in the Minimum Terms and Conditions is complicated. You may be a successor practice even though you did not intend to take on the liabilities of another practice when taking it over or merging with it and even if you specifically agreed that those liabilities would remain elsewhere. Whenever a practice ceases 'being carried on as a discrete business', there is potential for the successor practice clause to take effect. You may become a successor practice by holding out your practice 'expressly or by implication' as being the successor of or by incorporating the other practice(s), by taking on a majority of the principals in the other practice as principals in your firm, by taking on at least one such principal as a principal when the majority have not become principals in another practice, by taking a sole practitioner or Recognised Body into your firm as a principal, or by taking on a sole practitioner as an employee after 31 August 2000. If your firm has done any of these things, at any time or is planning to do so, you may be a successor practice and should provide full details.