



LOCKTON[®]

SOLICITORS PII

PROPOSAL FORM





Completing the form

Your Proposal Form is an important document. Not only does it form the basis of your fair presentation to Insurers it is your 'shop window' to attract insurers. It is therefore crucial that you take the time to complete the form as fully as possible taking care to provide comprehensive answers.

Who should complete it?

The Proposal Form must be completed by an authorised individual or Principal of the firm.

What sections need to be completed?

All applicable questions must be answered and where they are not relevant please mark as n/a.

If there is insufficient space to write answers, or you are prompted to provide additional information, we have an Appendix at the back of the form to allow for further details. Alternatively you can attach additional information on the firm's headed paper or as a separate standalone document.

A full guide to completing your Proposal Form and presenting the best possible renewal submission can be found on our dedicated Solicitors' website at www.locktonSolicitors.co.uk/resources.

Please Note

Changes to the Insurance Act will affect how you complete this form. Please read the Important Notes regarding the completion of this proposal form detailed overleaf. Please also note the additional requirement within the Declaration to include details of the parties identified within the Important Notes overleaf.

Submitting your Proposal Form

You can submit your completed Proposal Form, along with any supporting information, in the following ways:

UPLOAD



CLICK HERE
TO UPLOAD DOCUMENT

EMAIL



Direct to your usual
Account Executive

POST



Lockton Companies LLP
138 Houndsditch
London, EC3A 7AG
DX 306301 Houndsditch



Important notes regarding the completion of this proposal form.

1. New Duty to Make a Fair Presentation of the Risk/ Disclose Material information

From 12 August 2016 the duty of disclosure for commercial Insurance contracts changes with the implementation of the Insurance Act 2015 ("the Act").

For risks incepting or renewing on or after 12 August 2016 you will have a new duty to make "a fair presentation of the risk". To meet this duty you still need to disclose all material information to insurers which is known to you (or which ought to be known to you). Information is material if it would influence the judgement of a prudent insurer in establishing the premium or determining whether to underwrite the risk and, if so, on what terms. Material information does not necessarily have to actually increase the risk of the insurance under consideration.

Under the Act you will be deemed to know information if it is known to any individuals in the categories below:

- (a) anyone within your business in a senior management or decision making role, and
- (b) anyone responsible for arranging the insurances.

Furthermore, under the Act, you "ought to know" what should reasonably have been revealed by a reasonable search for information held internally or externally (including by any third parties to whom services are outsourced, consultants and agents). -

In order to be able to argue that you have satisfied the duty, should an insurer allege that you have not, you must now do the following:

1. Carefully consider who are the individuals who may fall into categories (a) or (b) above, record this in writing and explain your reasoning;
2. Make enquiries of those individuals as to whether they are aware of any material information (having explained to them what this means);
3. Record the results of these enquiries in writing; and
4. Consider whether any material information could be held anywhere other than with the individuals identified at (a) and (b). If so, you will need to carry out a reasonable search. This could mean making enquiries of individuals or may in some circumstances mean having to carry out an electronic and/or physical search of records.

It is important to bear in mind that if material information is held by third parties such as accountants, or internally by branch offices, even if it is not known to the individuals you have identified at paragraphs (a) and (b), it may need to be disclosed. Please note that you must not rely on information that may be held by us in relation to other policies that we may place on your behalf. You must ensure that all relevant information is provided to us for each and every policy that we place on your behalf. We accept no liability to you in this respect.



Your enquiries must cover all relevant group companies, branch offices etc. and the relevant personnel within them. You must ensure you make a full written record of the search made and the responses provided to ensure that you have evidence in the event of any claim being made.

In completing this proposal form for your insurer(s), the accuracy and completeness of all answers, statements and /or information is your responsibility and it is of paramount importance that all relevant information is provided and that it is accurate. If you become aware of any material information that you supplied before the contract of insurance is finalised is incorrect or has been omitted, you should inform us immediately. If you are unsure if information is material you should disclose it.

What are the consequences of not making a fair presentation of the risk?

Under the Act, in the event that there is a breach of duty to make a fair presentation of the risk, the remedies available to insurers will vary dependent on whether the breach is deliberate or reckless or otherwise. For deliberate or reckless breaches the insurer may avoid the contract, refuse all claims and retain the premium paid. Under the Minimum Terms and Conditions "MTCs" if there is a breach of the duty to make a fair presentation of risk, the Insurers do not have the right to avoid the insurance from its commencement. However this could cause you significant problems in the event of a claim and in sourcing insurance in the future.

For other, non-fraudulent or non-reckless, breaches the remedy will depend on what the insurer would have done had a fair presentation of the risk been made and what the MTCs state when published in July. Under the Act if the insurer would have accepted the risk on other terms the contract is to be treated as if those terms applied, in the event that a higher premium would have been charged any claims payments can be reduced proportionately. This latter provision is especially important because if insurers can show that they would have charged only a modest additional premium, the impact on a claim could be disproportionately large. This may mean that, whilst the claimant will continue to receive a full settlement, the insurers can seek to recover their additional outlay from the practice.

2. Presentation

This proposal form must be completed by an authorised individual or principal of the firm. **All applicable** questions must be answered. If there is insufficient space to provide answers, additional information should be provided on the firm's headed paper. Please answer all questions fully and avoid answers such as "As last year", or "As already provided to..." or similar. Where available brochures, standard contract conditions, agreements and letters of appointment should be provided. **Failure to present insurers with information in an appropriate manner may adversely influence the ability of insurers to offer terms and for you to evidence that a fair presentation of the risk has been made to insurers.**

3. Guidance

If in doubt as to the meaning of any question contained within this proposal form or the issues raised in (1) or (2) above, please contact a member of your Lockton servicing team.



Notes to assist in the completion of the Proposal form:

1. Identify who may hold information material to the insurance & document this, bearing in mind that this could include an external third party with whom you have a contract for services, branch offices.
2. Make enquiries of all relevant parties and record their responses before completing the proposal form.
3. In addition to your internal enquiries with senior management, those in a decision making role and/or arranging the Insurance the types of parties that may also be relevant could include: Accountant, third party suppliers, outsourced resources, HR, IT supplier, Branch Offices etc. This list is not exhaustive as each Practice will be different.
4. Make sure that you complete the declaration to include details of the parties involved in the search.

1 1:1 Practice Name (main entity for which you are seeking cover):

1:2 SRA Number (main entity):

Company Number:

1:3 Other entities including trading names and trustee and/or nominee companies and/or incorporated Principals for which you are seeking cover.

| Entity Name | SRA No (where applicable) | Post Code |
|-------------|---------------------------|-----------|
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1:4 **Practice status:** Sole Practitioner Partnership LLP Limited PLC ABS

1:5 Establishment Date:

1:6 Principal Office Address:

Post Code: Telephone: Email:

1:7 Website:

1:8 Primary Contact:

1:9 No. of other Offices:

Please provide a list of branch offices and their locations

CHANGES TO THE PRACTICE

2 2:1 Please provide details of any prior Practice(s) with which the Practice has merged/ which have been acquired **in the last 10 years** ⓘ

| Name of Practice(s) | Date established | Date of merger/ acquisition/ succession | Successor Practice? | Was Run-off cover purchased? | | Approximately how many solicitor fee-earners were added to the Practice in consequence |
|---------------------|------------------|---|---------------------------|------------------------------|--------------------------|--|
| | | | YES <input type="radio"/> | YES <input type="radio"/> | NO <input type="radio"/> | |
| | | | YES <input type="radio"/> | YES <input type="radio"/> | NO <input type="radio"/> | |
| | | | YES <input type="radio"/> | YES <input type="radio"/> | NO <input type="radio"/> | |
| | | | YES <input type="radio"/> | YES <input type="radio"/> | NO <input type="radio"/> | |
| | | | YES <input type="radio"/> | YES <input type="radio"/> | NO <input type="radio"/> | |
| | | | YES <input type="radio"/> | YES <input type="radio"/> | NO <input type="radio"/> | |
| | | | YES <input type="radio"/> | YES <input type="radio"/> | NO <input type="radio"/> | |

2:2 Since the last renewal, have there been any other significant changes within the Practice? YES NO

If 'YES', please provide details

2:3 **In the next 12 months:**
(i) Is your Practice considering converting to an Alternative Business Structure or Multi-disciplinary Practice? YES NO

(ii) Are you expecting any changes to the Practice including successions, mergers, acquisitions or disposal of all or part of the business? YES NO

If 'YES', please provide details, including a copy of any ABS application

(iii) Is your Practice intending to convert to LLP? YES NO

DETAILS OF PRINCIPALS AND STAFF

3 3:1 Please provide a breakdown of staff numbers in your firm, as follows:

Principals (including salaried Partners held out as principals):

All other qualified lawyers (including legally qualified consultants and Foreign Qualified Lawyers):

Non Solicitor fee earning staff (including all trainees and legal executives):

All other staff (including secretarial but excluding facilities, cleaning and catering staff):

TOTAL

3:2 Do any Principals or other fee earners also work for any other law firms or businesses? YES NO

If 'YES', please provide details

PRACTISING CERTIFICATES AND REGULATORY ISSUES

4 4:1

In the past 3 Years:

Has the Practice been the subject of a monitoring visit or enquiry from the Law Society, SRA or the Forensic Investigation Unit, or has notice been given of a visit?

YES NO

If 'YES' to any of the above, provide details and include a copy of all reports issued by the SDT, LeO, OSS or CCS and/or any other regulatory body

4:2

In the past 2 Years:

Has the Practice engaged with the SRA at any time regarding the financial stability of the Practice?

YES NO

If 'YES', please provide details including the outcome of the engagement

4:3

In the past Year:

Has the COLP/COFA reported any material breaches to the SRA?

YES NO

If 'YES', please provide details including any trends identified, and any corrective action undertaken / in progress

FINANCIAL INFORMATION AND FEES

5 5:1

Please provide details of your Gross Fee Income  arising from work undertaken:

| | Previous financial year 2 dd//mm/yyyy | Previous financial year 1 dd//mm/yyyy | Last completed financial year dd//mm/yyyy | Estimate for next financial year dd//mm/yyyy |
|---|--|--|--|---|
| In the UK for UK domiciled clients | | | | |
| In the UK but for persons, companies or organisations domiciled in the USA/Canada | | | | |
| In the UK but for persons, companies or organisations domiciled elsewhere | | | | |
| Offices outside England and Wales (Insert each country below) | | | | |
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| TOTAL | | | | |

For Offices outside of England and Wales - please complete additional overseas questionnaire

FINANCIAL INFORMATION AND FEES

5:2 Does any one client, group of clients or referral source generate 20% or more of your fees? YES NO

If 'YES', please provide details

5:3 Please provide the following information from your annual accounts for the last two complete Financial Years:

| | Previous financial year 1 | Last Complete financial year |
|---|---------------------------|------------------------------|
| Net Profit or Loss after tax and before principal drawings | | |
| Average Profit share per principal | | |
| Profit share of highest paid principal | | |
| Net Assets of the firm (Total Assets less Total Liabilities) | | |

5:4 Confirm the total fees outstanding to your Practice as at the date of this application:

5:5 Of these, what percentage of the amount was billed more than 90 days ago?

5:6 What is the total estimate of unbilled work in progress as at the date of this application?

5:7 Does the firm have an overdraft facility? YES NO

If 'YES', please confirm the current balance owing

5:8 **In the last 2 years**, has the Practice received or sought any advice or recommendations on the financial restructure of the firm, whether acted upon or not? YES NO

If 'YES', please provide details

5:9 **In the last 2 years**, has the firm borrowed money, other than by overdraft, to fund drawing by principals? YES NO


If 'YES', please provide details

5:10 **Please provide a copy of the Practice's audited annual accounts for the last two complete financial years**

DIVISION OF WORK

6 6:1 Please provide a breakdown of the fee income generated by the Practice for the last 3 financial years.

| | Previous financial Year 2 | Previous financial Year 1 | Last Completed financial Year |
|--|---------------------------|---------------------------|-------------------------------|
| Acting as Arbitrator ① /Adjudicator ① or Mediator ① | % | % | % |
| Agency advocacy ① | % | % | % |
| Children Work ①, Mental Health tribunal ① and other Welfare | % | % | % |
| Commercial/Corporate work (for PLCs) ① | % | % | % |
| Commercial/Corporate work (all other) ① | % | % | % |
| Commercial Litigation ① | % | % | % |
| Conveyancing – Commercial ① | % | % | % |
| Conveyancing – Residential ① | % | % | % |
| Criminal ① | % | % | % |
| Debt Collection ① | % | % | % |
| Defendant Work for Insurers ① | % | % | % |
| Employment (Contentious) ① | % | % | % |
| Employment (Non-Contentious) ① | % | % | % |
| Estate Agency, Property Valuation and Property Management ① | % | % | % |
| Financial Advice and Services Regulated by the FCA* ① | % | % | % |
| Financial Advice and Services Regulated by the SRA* ① | % | % | % |
| Immigration ① | % | % | % |
| Intellectual Property including Patent, Trademark and Copyright ① | % | % | % |
| Landlord/Tenant (Contentious) ① | % | % | % |
| Landlord/Tenant (Non-Contentious) ① | % | % | % |
| Marine Litigation ① | % | % | % |
| Matrimonial/Family ① | % | % | % |
| Offices & Appointments (Inc. Judicial & quasi-Judicial Appointments) ① | % | % | % |
| Personal Injury – Claimant ① | % | % | % |
| Personal Injury – Defendant ① | % | % | % |
| Probate and Estate Administration ① | % | % | % |
| Tax Planning (including tax mitigation) ① | % | % | % |
| Town & Country Planning ① | % | % | % |
| Trusts ① | % | % | % |
| Wills ① | % | % | % |
| All other Contentious work (please provide details below) | % | % | % |
| All other Non-Contentious work (please provide details below) | % | % | % |
| | | | |
| TOTAL (Please ensure each year totals 100%) | % | % | % |

 ***Financial Services Work – If your Practice or any Prior Practice since 2000 has ever given financial advice including selling or advising on mortgage endowment policies please also complete the “Financial Services Work” Questionnaire. [CLICK HERE TO DOWNLOAD](#)**

6:2 Do you give Foreign Law Advice? YES NO

If 'YES', please state under which jurisdictional law; details of the nature of the work; and gross fees in respect of the work for the last completed financial year

6:3 Do you undertake tax planning advice other than inheritance tax? YES NO

If 'YES' please state what percentage for:

Implementation of Schemes devised by others:

Devising tax mitigation schemes yourself:

7

Please complete this section if you have conducted any conveyancing work where the percentage of gross fees has been more than 20% in any of the last 6 years

7:1

Transaction Values:

Please detail your conveyancing work as follows:

| | Residential Conveyancing | | | Commercial Conveyancing | | |
|-----------------------------------|--------------------------|-----------------|------------------------------|-------------------------|-----------------|------------------------------|
| | Previous Year 2 | Previous Year 1 | Last Complete Financial Year | Previous Year 2 | Previous Year 1 | Last Complete Financial Year |
| No of Transactions | | | | | | |
| No of Transactions >£2m | | | | | | |
| Maximum Capital Value | | | | | | |
| Typical Capital Value | | | | | | |

7:2


In the last 10 years:

- a Have you acted for the purchase of property outside the UK? YES NO
- b Have you undertaken the conveyancing for land investment schemes or products? YES NO

If 'YES', to any of the above, please provide details

7:3

In any of the last 6 years:

- a Have more than 10% of your conveyancing fees originated from any one development or from any one client or referrer, e.g. Mortgage Broker, Developer, Financial Advisor or Estate Agent? YES NO
- b Have you acted for groups of buyers of property in the same development or in the same building? YES NO
- c Have you acted for vendors, purchasers or lenders in residential 'sale and rent back' transactions? YES NO
- d Have you acted for either borrowers or lenders in transactions involving sub-prime  loans/mortgages? YES NO
- e Have you identified or reported to lenders any information indicative of mortgage fraud or have you ceased to act for clients as a result of such information coming to light? YES NO

If 'YES', to any of the above, please provide details

7:4

In the past year:

On how many occasions have you received requests for conveyancing files from lenders?

If there have been any file requests, please detail the outcome

7:5

- Does the Practice use any conveyancing workflow, case management or completion programme software? YES NO

PERSONAL INJURY

8

Please complete this section if you currently undertake any Personal Injury Work where the percentage of gross fees is more than 20% in any of the last 6 years

8:1 How many of your current personal injury cases are:

Clinical Negligence:

Other Occupational Disease:

Work Induced Hearing Loss:

Other (including RTA and EL/PL):

8:2 How many open claimant Personal Injury cases does your Practice currently have?

Of these approximately how many will the expected settlement exceed £250,000?

8:3 **In the last Year** approximately what was:

Your typical average settlement:

Your highest settlement:

8:4 (i) What percentage of your current cases have ATE insurance?

Please provide a copy of any letter you provide to clients advising about the choice of ATE Insurer and the commissions and financial incentives that you receive from these Insurers.

(ii) Have any of your Personal Injury cases been externally funded by parties not named in the claim or litigation process?

YES NO

8:5 Have you used/accepted any alternative sources of litigation funding in the past three years?

YES NO

8:6 Please detail what changes the Practice has made to policies and procedures to ensure compliance with the Jackson Reforms, effective 1st April 2013:

8:7 Do you use any particular provider for expert or medical reports where a Principal or Employee of the Practice holds a financial interest, or where there is an incentive or commission payment received? If yes, how is this managed to avoid a conflict of interest?

YES NO

LITIGATION QUESTIONNAIRE (question set for all litigation work other than Personal Injury)

9 9:1 For litigation in the past year please list the 5 largest matters:

| Type of Litigation | Claim Value | Open/Closed | If Closed, was claim successful? |
|--------------------|-------------|-------------|--|
| 1 | | | YES <input type="radio"/> NO <input type="radio"/> |
| 2 | | | YES <input type="radio"/> NO <input type="radio"/> |
| 3 | | | YES <input type="radio"/> NO <input type="radio"/> |
| 4 | | | YES <input type="radio"/> NO <input type="radio"/> |
| 5 | | | YES <input type="radio"/> NO <input type="radio"/> |

9:2 **In the last year**, please confirm if you have been sanctioned or reprimanded for failing to adhere to the Civil Procedure Rules, Practice Directions and/or Court Orders and/or timetables. YES NO

If 'YES', please provide details

9:3 **In the last 6 years**, has your Practice ever accepted instructions for any class actions or other group litigation, either acting for the defendant or claimant? YES NO

9:4 **In the last 3 years**, has your Practice handled any Payment Protection Insurance (PPI) compensation claims? YES NO

If 'YES', please confirm how many files have been opened under this work type.

9:5 **In the last 3 years**, have you dealt with any matrimonial settlements where the amount secured for your client was above £3,000,000 or regular annual payments above £250,000? YES NO

If 'YES', please provide details

9:6 What procedures are in place to identify and account for future spousal pension rights when completing settlements?

9:7 Have any of your Litigation cases (excluding Personal Injury) been externally funded by parties not named in the claim or litigation process? YES NO

If 'YES', please provide details

COMMERCIAL/CORPORATE WORK

10 **Please complete this section if you have undertaken Commercial/Corporate work in the last 3 years**

10:1 Please list the five largest matters over the last three years and fees earned in each case.

| Transaction Type | Public or Non-Public company | Contract value | Gross Fees earned |
|------------------|------------------------------|----------------|-------------------|
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10:2 Please provide approximate % of Commercial/Corporate fees **in the last completed financial year** in these areas:

| | | | |
|----------------------|-------------------------------|----------------------|------------------------|
| <input type="text"/> | Debit Issuance/Securitisation | <input type="text"/> | Pension Schemes |
| <input type="text"/> | General Commercial | <input type="text"/> | Project Financing |
| <input type="text"/> | Insolvency | <input type="text"/> | Regulation/ Compliance |
| <input type="text"/> | Investment Schemes | <input type="text"/> | Tax |
| <input type="text"/> | Mergers & Acquisitions | <input type="text"/> | Other |

11

Responsibility for Information Security

11:1 Please confirm who is responsible in the Practice for information security?

IT Infrastructure

11:2 What firewall and malware protection systems do you have in place and how often are they reviewed and updated?

11:3 (i) What controls do you have in place to combat internal and external frauds and scams?

(ii) Do staff undergo information security and scam training? If so, please advise the type of training undertaken, i.e. Social Engineering ⓘ including Phishing ⓘ, Masquerading ⓘ, other scams etc. How often does this take place and are all staff included? If NO please explain why.

11:4 Please advise your processes for backing up data and confirm how frequently this is done.

11:5 Is the firm accredited with any of the following standards:

- | | | |
|--|---------------------------|--------------------------|
| (a) CREST Cyber Essentials | YES <input type="radio"/> | NO <input type="radio"/> |
| (b) CREST Cyber Essentials Plus | YES <input type="radio"/> | NO <input type="radio"/> |
| (c) ISO 270001 Information and Data Security | YES <input type="radio"/> | NO <input type="radio"/> |
| (d) ISO 9001 Quality Management | YES <input type="radio"/> | NO <input type="radio"/> |

Policy and Procedure

11:6 Do you have an Information Asset Classification Policy in place that allows you to rank information received in terms of both the sensitive nature and financial value? YES NO

If YES, please clarify how you control who has access to restrictive, confidential or sensitive information?

11:7 Do you terminate all computer access and user accounts as part of the exit process when a Partner or Employee leaves the Practice? YES NO

11:8 If a request is received to alter the payee details held by the Practice (including account information, invoice changes, telephone numbers, contact information or location), what additional checks are in place to verify the request?

11:9 Is there a Business Continuity Plan in place that addresses what happens in the event of a cyber-security incident? YES NO

(i) If yes, please provide details.

(ii) If no, please advise how you would deal with this type of incident.

Outsourcing

11:10 Do you outsource any services to a third party company? YES NO

If yes, please advise:

(i) Which services are outsourced and to whom?

(ii) If third parties handle confidential and sensitive information are they subject to contractual requirements, including privacy and information security obligations, indemnification for security breaches and audit rights? YES NO

(iii) Is there is a process in place to test the systems of the third party? YES NO

11:11 Do you use a third party to undertake Penetration Testing Services to identify potential weaknesses in your IT systems? YES NO

If yes, please advise who you use and where steps have been taken to improve your security.

RISK MANAGEMENT

12 12:1 Who is the designated person in your Practice with responsibility for risk management?

Name: Job Title:

12:2 Please provide details for the Practice's COLP & COFA

COLP Name: Job Title/ Position: Email:

COFA Name: Job Title/ Position: Email:

12:3 Which of the following standards is the Practice currently accredited with:
Please give details of the date of first accreditation in each case:

| Lexcel | ISO 9001 | CQS | Other (specify) | |
|----------------------|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

12:4 If the Practice provides professional services for any client in which any principal holds a Partnership/directorship or has any other financial interest, are these services always carried out by a solicitor other than the principal/director connected with the client? YES NO

If 'NO', please provide details

12:5 Does your Practice outsource any (i) risk and compliance functions; (ii) legal, secretarial or other work? YES NO

If 'YES', please provide details, including of any due diligence undertaken on the provider(s) and the approximate date of the last due diligence checks

12:6 Does your Practice provide 'unbundled' legal advice? YES NO

If 'YES', please provide details of how your engagement procedures manage additional risk that this may expose the Practice to

12:7 How many complaints were received against the Practice in the last year?

How many of these related to a complaint regarding fees?

12:8 Have any trends been identified in complaints or claims (e.g. fee earner, department, delay) YES NO

If 'YES', please provide details

RISK MANAGEMENT

12:9

Approximately what percentage of files are audited annually?

None 1-5% 6-10% 11-15% 16-20% more than 20%

- (i) How are files selected for audit, who audits the files (name and job title) and how are the results of the audit documented?

Please continue on separate sheet if required

- (ii) If there is no formal file audit procedure, please explain how files are reviewed for risk management purposes.

Please continue on separate sheet if required

12:10

Do any members / staff have outside directorships / officership positions held in connection with the firm?

YES NO

If 'YES', please provide details

You can also provide more detail on the firm's risk management by way of a Risk Management Submission.
You can download:



Template Report
(click here to download)



Associated Guidance
(click here to download)

13



Please attach a copy of the confirmed claims summaries from all participating insurers or the Assigned Risks Pool for the Practice and all Prior Practices for a 10 year period (since 1st October 2006).

Please complete the following questions, after full enquiry:

13:1 **In the last 10 years** has your Practice or any Prior Practice reported any circumstances, incidents or claims, to any Insurer including The Assigned Risks Pool? YES NO

13:2 **In the last 10 years** are there any matters notified by your Practice (or any Prior Practices) which have not been accepted as an effective notification? YES NO

13:3 Are you aware of any claim(s) having been made in the last 6 years in relation to work undertaken or supervised by any Principal whilst in a former Practice? YES NO

If 'YES' to any of 13.1, 13.2 or 13.3 please provide a summary of any high value cases, including a note on both liability and quantum, and any risk improvement action points identified and undertaken

13:4 Are you aware of any circumstances, incidents or claims reported by the Practice or any Prior Practice in the past 6 years as a result of the dishonesty or alleged dishonesty of any Principal or employee of the Practice or any Prior Practice(s)? YES NO

If 'YES', provide details including how the matter was resolved and the procedures/processes in place to avoid re-occurrence

13:5 Are you aware, after full enquiry of all principals and employees of your Practice, of any claims and/ or circumstances that you have not notified to your previous and/ or current insurers? YES NO

If 'YES', please provide details

13:6 Please provide a brief synopsis of any high value claims (paid or reserved); including any measures implemented to reduce the risk of a re-occurrence.

PLEASE NOTE: you are obliged to notify all circumstances which may give rise to claims and claims to your existing insurer by the end of the current indemnity period. Failure to do so may entitle insurers to seek reimbursement from you if there is a claim.

YOUR PROFESSIONAL INDEMNITY REQUIREMENTS

If you currently hold a professional indemnity insurance policy with Lockton you do not need to complete this question

14

Has your Practice or Prior Practice ever been in the Assigned Risks Pool or Extended Indemnity Period and/or has any participating Insurer refused to offer your Practice or prior Practice terms for your Professional Indemnity Insurance?

YES NO

If 'YES', please provide details

Have you ever been late in paying or failed to pay either a professional indemnity premium or policy excess?

YES NO

Total cover required* Or Or

Self-insured excess required Or Or

NEW CLIENTS ONLY. EXISTING CLIENTS ARE NOT REQUIRED TO COMPLETE THIS SECTION.

| | Premium | Limit of Indemnity | Current Insurer |
|------------------------|---------|--------------------|-----------------|
| Primary insurance | | | |
| Excess layer insurance | | | |

Data Protection

By signing this Proposal Form you consent to Lockton Companies LLP using the information we may hold about you for the purpose of providing insurance and handling claims, if any, and to process sensitive personal data about you where this is necessary (for example criminal convictions). This may mean we have to give some details to third parties involved in providing insurance cover. These may include insurance carriers, third-party claims adjusters, fraud detection and prevention services, reinsurance companies and insurance regulatory authorities. In the course of performing our obligation to you, this information may be disclosed to agents and service providers appointed by us and insurers (which includes their re-insurers, legal advisers, loss adjusters or agents). Where such sensitive personal information relates to anyone other than you, you must obtain the explicit consent of the person to whom the information relates both to the disclosure of such information to us and its use by us as set out above. The information provided will be treated in confidence and, where appropriate, in compliance with the relevant Data Protection legislation. You have the right to apply for a copy of your information (for which we may charge a small fee) and to have any inaccuracies corrected.

From time to time, we may disclose personal information (other than sensitive personal data) to other Lockton Companies. We or they may use that information to advise you of our services which may be of interest to you.

If you would prefer not to receive information, please tick this box

Proposer's Declaration

I/ We declare that the answers to the questions in this Proposal Form are true and accurate having consulted with all Partners of the Practice / Directors of the Company.

I / We confirm that we have also undertaken a reasonable search of information available to me/us which has included the following (Please refer back to the Important Notes and list those parties that were involved in the search):

- i
- ii
- iii
- iv
- v

(If there isn't enough room in the this section please use the appendix at the back of the form.)

It is important that you consider who may hold information that may be relevant to insurers and should be included in the reasonable search of information unless confirmed otherwise. By signing this form insurers do not automatically accept that a reasonable search has been undertaken.

I/We understand that the information I/We provide will be used in deciding the price charged by the Insurer for the risk and whether the Insurer will accept the application and the terms of any policy provided.

I/We hereby consent to the use and disclosure of information including personal data for the purposes of and as set out in the above paragraph entitled "Data Protection".

I/We hereby consent to receive by email details on other products and services including newsletters where Lockton consider that the information may be relevant and useful to us.

I/We agree to prevent and detect fraud, the insurers/underwriters may at any time:

- **Share information about me/us with other organisations including the police**
- **Undertake credit searches**
- **Check and/or share my/our details with fraud prevention and detection agencies.**

I/We are duly authorised to sign this Proposal Form by all Principals/Members/Directors of the firm

Print Name:

Signature:

(an authorised individual/Principal)

On behalf of:

Date:

Please note, if you wish to submit your form via email, an indication of terms and conditions may be provided on the basis of this proposal questionnaire. An original signature is required before a contract of insurance can be made. Encrypted signatures are not acceptable. Signing this form does not bind the Practice to complete the insurance. We recommend that you keep a record of all information supplied to us, including copies of letters and this proposal form, for the purpose of entering into this contract.

DEFINITIONS

AGENCY ADVOCACY

All civil advocacy work (including attendance at a court or tribunal) undertaken on behalf of another Practice but **excluding** any work as an agent or locum in another Practice.

ARBITRATOR, ADJUDICATOR OR MEDIATOR WORK

Adjudicator work: acting as a neutral third party engaged by disputing parties to provide a non-judicial resolution of their dispute (but excluding Arbitrator work) which is binding on them, subject to the terms of any contract between the parties.

Arbitrator work: any work undertaken in the discharge of the functions of an arbitrator, in relation to an arbitration under the relevant arbitration legislation in force at the time.

Mediator work: acting as a neutral third party engaged by disputing parties to assist them resolve a dispute by negotiation, without resort to adjudication or arbitration.

CHILDREN WORK, MENTAL HEALTH TRIBUNAL & OTHER WELFARE

Children work: applications made in relation to family proceedings under the Childrens Act 1989 (such as High Court proceedings relating to children; court orders relating to payments in favour of children etc).

Mental health tribunal: representation at Mental Health Tribunal hearings of patients detained under the Mental Health Act 1983.

Other Welfare: other welfare related work such as representation at benefits tribunals, employment tribunals, but excluding **Immigration Work** and **Criminal Work**.

COMMERCIAL/CORPORATE WORK – OTHER

This covers all commercial work and private company work, including mergers and acquisitions, corporate trusts, corporate insolvency and taxation (but excluding **Financial Advice and Services**).

COMMERCIAL/CORPORATE – PLCs

This covers all work relating to public limited companies only, including mergers and acquisitions, corporate trusts, corporate insolvency and taxation (but excluding **Financial Advice and Services**).

COMMERCIAL LITIGATION

All work relating to business or corporate disputes (as between businesses or a business and one or more individuals or another entity), such as:

- Accounting disputes
- Breach of Contract
- Breach of Fiduciary Duty
- Copyright Infringement
- Fraud
- Trademark Infringement
- Unfair Competition

but excluding **Arbitration or Adjudication, Marine Litigation, Contentious Landlord & Tenant** disputes and **Contentious Employment work**.

CONVEYANCING – COMMERCIAL

Acting on the acquisition, sale or financing of freehold or leasehold property (including the development of multiple residential properties) where the client is acting in the course of a business. This includes the drafting of leases and related documentation, but excludes **Landlord & Tenant** work.

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. This includes sale and purchase of individual buy-to-let properties, or small residential development plots, but excludes **Landlord & Tenant** work, and **Estate Agency, Property Valuation and Property Management** work.

CRIMINAL

Acting on behalf of a client in relation to potential or actual criminal charges or proceedings.

DEBT COLLECTION

Collection of undisputed or undefended debts including rents. Debt recovery work that involves a dispute, including the defence of a debt action, should be classified as **Other Contentious** work.

DEFENDANT WORK FOR INSURERS

All work undertaken on behalf of insurance companies relating to the defence of claims or circumstances.

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 and employees, including corporate support on transfer of businesses, employee benefits and drafting of contracts of employment and staff handbooks.

ESTATE AGENCY, PROPERTY VALUATION & PROPERTY MANAGEMENT

Non-reserved activities relating to the valuation, management and sale of properties. This does not include any work undertaken by a separate business not regulated by the Solicitors Regulation Authority.

FINANCIAL ADVICE AND SERVICES REGULATED BY THE SOLICITORS REGULATION AUTHORITY

Financial advice and services regulated by the Solicitors Regulation Authority as a designated professional body under the Financial Services and Markets Act 2000 (as amended by the Financial Services Act 2012).

FINANCIAL ADVICE AND SERVICES WHERE YOUR FIRM HAS OPTED INTO REGULATION BY THE FINANCIAL CONDUCT AUTHORITY

Financial advice and services directly regulated by the Financial Conduct Authority under the Financial Services and Markets Act 2000 (as amended by the Financial Services Act 2012). If you have indicated a percentage in this area, please provide full details on our separate financial services questionnaire.

GROSS FEE INCOME

Gross fee income includes all professional fees including remuneration, retained commissions and any other income from private legal Practice including notarial fees. It does not include Work In Progress, reimbursement of disbursements, VAT, interest or dividends, rents or investment profit.

IMMIGRATION

Advice and assistance on UK immigration and asylum applications including representing clients at Tribunals or Courts of Justice (**excluding** the Divisional Court and European court of Justice, Commission on Human Rights and European Court of Human Rights).

INFORMATION ASSET CLASSIFICATION

Is the classification of Information based on its level of sensitivity and the impact to the Firm should that Information be disclosed, altered, or destroyed without authorisation. The classification of Information helps determine what baseline Security Controls are appropriate for safeguarding that Information. All Information should be classified into one of three sensitivity tiers, or classifications Tier 1: Public Information, Tier 2: Internal Information, Tier 3: Restricted Information

INTELLECTUAL PROPERTY

Including patent, trademark and copyright.

LANDLORD AND TENANT CONTENTIOUS

Pursuing or defending tenants/lessees in claims for loss/damage to property, repairs, or for recovery of rent (**excluding Debt Recovery** for uncontended rent arrears). Litigation of rent reviews, rent tribunals, proceedings under the Landlord & Tenant Act 1954 and Leasehold Reform Act. Disputes over the terms of a lease or contract.

LANDLORD & TENANT NON-CONTENTIOUS

Dealing with the exercise of contractual rights under a lease whether acting for a landlord or a tenant, including rights of enfranchisement, Landlord and Tenant Act 1954 claims, rent reviews, rights to manage, possession, and dilapidations. Does not include the creation/drafting of contractual rights.

MARINE LITIGATION

Work undertaken and advice given relating to disputes primarily concerning maritime jurisdiction, maritime law or shipping contracts.

MASQUERADING

A masquerade is a type of attack where the attacker pretends to be an authorised user of a system in order to gain access to it or to gain greater privileges than they are authorized for. A masquerade may be attempted through the use of stolen logon IDs and passwords, through finding security gaps in programs, or through bypassing the authentication mechanism. The attempt may come from within an organisation, for example, from an employee; or from an outside user through some connection to the public network.

MATRIMONIAL/FAMILY

Work and advice relating to family law, separation and divorce, and financial settlements, but excluding **Children Work, Financial Advice and Services**, and **Residential Conveyancing** work undertaken subsequent to a matrimonial settlement.

OFFICES AND APPOINTMENTS

Offices and appointments undertaken in the course of private legal Practice. This includes Judicial & quasi-Judicial appointments, acting as a clerk 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. It excludes appointment as an Officer or Director of a company.

PERSONAL INJURY CLAIMANT

Acting for claimants in a personal injury claim.

PERSONAL INJURY DEFENDANT

Acting for defendants in a personal injury claim.

PHISHING

A scam by which an e-mail user is duped into revealing financial, personal or confidential information which the scammer can use illicitly. This is usually by way of a website link or a document attachment in an email that looks as if it's from a legitimate organisation. These are increasingly sophisticated, and can be very convincing. [For more information on how to protect against the risk, contact us or watch our Information Security webinar]

PRINCIPAL

A sole practitioner, a partner in a partnership, a member of a Limited Liability Partnership, and/or a director of a limited company.

PROBATE AND ESTATE ADMINISTRATION

All work relating to the administration of a deceased's estate, including its distribution. Does not include **Will Drafting or Tax Planning**.

REGULATORY BODY

The SRA, SDT, Leo, former LCS, OSS, PSU, Forensic Investigation Unit, Solicitors Disciplinary Tribunal, Information Commissioner and or any other regulatory body.

RELEVANT RECOGNISED BODY

Relevant Recognised Body means a Recognised Body other than: (a) an unlimited company, or an overseas company whose members' liability for the company's debts is not limited by its constitution or by the law of its country of incorporation; or (b) a nominee company only, holding assets for clients of another Practice; and (i) it can act only as an agent for the other Practice; and (ii) all the individuals who are Principals of the recognised body are also Principals of the other Practice; and (iii) any fee or other income arising out of the recognised body accrues to the benefit of the other Practice.

SOCIAL ENGINEERING

Refers to psychological manipulation of people into performing actions or divulging confidential information. A type of confidence trick for the purpose of information gathering, fraud, or system access. It differs from a traditional "con" in that it is often one of many steps in a more complex fraud scheme.

SUB-PRIME

Sub-Prime is an industry term to describe a mortgage granted to a borrower with a poor credit report. Examples of lenders who acted for sub-prime clients, included: Birmingham Midshires, Mortgage Express, Northern Rock. [See more.](#)

SUCCESSOR PRACTICE

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 discreet business," there is potential for the successor Practice clause to take effect.

You may become a Successor by holding out your Practice "expressly or by implication" as being the successor of or by incorporating the other Practice(s), by taking on the majority of the Principals in the other Practice as Principals in your Practice, 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 Practice as a Principal, or by taking on a sole practitioner as an employee after 31st August 2000.

If your Practice 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.

TAX PLANNING

Any tax advice given other than in relation to Wills and Trusts.

TOWN & COUNTRY PLANNING

Specialist advice on planning matters (other than incidental advice given as part of a [residential property](#) or [commercial property](#) transaction) including advice on planning applications and representation at planning hearings and appeals. Includes compulsory purchase, listed buildings and conservation areas work.

TRUSTS

Advice on trust law, setting up and administration of trusts.

THE LAST YEAR

Means the last Complete Financial Year.

WILLS

Will drafting, storage and advice given in relation to the creation and revision of Wills including advice on the tax implications of testamentary provisions.

APPENDIX

Where you have answered yes, please write question number followed by answer:

SUPPLEMENTARY INFORMATION

Please provide additional information if required in the section below.
Please reference the question number.



LOCKTON[®]

Need assistance?

Check out our Guidance at www.locktonsolicitors.co.uk/resources

Call us on 0845 0501 471

Lockton Companies LLP is authorised and regulated by the Financial Conduct Authority.
