

2017 PROFESSIONAL INDEMNITY INSURANCE PROPOSAL FORM - SOLICITORS



APIL verification code:

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 Authority Registration 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 since 1st October 2011 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)	Date became Principal/Member/ Director	Date ceased to be Principal/Member/ Director	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 four 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
2014				
2015				
2016				
2017*				
2018 (estimate)				

**If not available please give an estimate.*

c) Has anyone 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 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?
- j) ever been convicted of (or charged but not yet tried for) any criminal offence involving fraud or dishonesty?
- k) ever been the subject of an IVA or other arrangement?

Has the Practice:

- l) at any time in the last three years been the subject of a monitoring visit from the SRA?
- m) 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?
- n) ever failed to pay a PII premium (including run-off premium) or defaulted on a finance payment

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 2011-2012?	Insurance Year 2014-2015?	<input type="text"/>
Insurance Year 2012-2013?	Insurance Year 2015-2016?	<input type="text"/>
Insurance Year 2013-2014?	Current insurance Year?	<input type="text"/>

Please provide claims information from Qualifying Insurers or the Assigned Risks Pool for all indemnity years since 1st October 2011 (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 NOTIFIED PRIOR TO RENEWAL.

9. 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 Year 2
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. Please specify	%	%	%
Matrimonial / Family	%	%	%
Non-Litigious work other than included in any other category. Please specify below	%	%	%
Offices and Appointments	%	%	%
Parliamentary Agency	%	%	%

	Last Year	Prior Year	Prior Year 2
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	%	%	%

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.

For FCA/ FSA work please request our Financial Services QUESTIONNAIRE

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 <u>must</u> equal 100%:	100	100	100

b) If you have specified other Litigious/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

10. 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:

2014/15	2015/16	2016/17
£	£	£

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

 %

11. CONVEYANCING

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

a) Please complete the following

RESIDENTIAL CONVEYANCING		2012/13	2013/14	2014/15	2015/16	2016/17
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 nd 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		2012/13	2013/14	2014/15	2015/16	2016/17
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 nd 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 five years has your practice or any prior practice ever undertaken any Right to Buy transactions?

If Yes please complete table below:

Indemnity Year	2012/13	2013/14	2014/15	2015/16	2016/17
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 five 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 five 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) Are you a member of the Conveyancing Quality Scheme?

12. 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

13. RISK MANAGEMENT

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

Name: Status:

- 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 £

14. WRONGFUL FUNDS TRANSFER & CYBERCRIME

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

- e) How much can an employee transfer via wire transfer without dual factor authentication?

f) Please confirm the maximum amount of funds held in the insured's bank/client account at any one time:

g) Please confirm the average number of wire transfers per week:

h) Please provide details of any training provided on wire fund transfer fraud to employees (including St Giles seminars):

CONFIRMATION

All personal data collected by St Giles Legal & Professional Risks Limited (ST GILES) will be held in accordance with the Data Protection Act 1998. ST GILES will disclose this information to our service providers and agents for administration purposes and for underwriting and claims handling purposes. In addition ST GILES may exchange information with other organisations such as the police, regulatory authorities and professional bodies by whose rules we are bound, through various databases to help us check information provided and to prevent fraud. By returning this form, you consent to the processing of personal data, including sensitive personal data, for these purposes and to ST GILES transferring such information outside the European Economic Area where necessary.

When you provide information about another person, you are confirming that they have appointed you to act for them. Such persons will have been made aware of the purposes for the data collection and processing set out above and have consented to such processing. You will receive on their behalf any data protection notices and keep them informed about how their data will be processed and where it may be disclosed.

ST GILES may share personal data with other companies with which we establish commercial links so we and they may contact you (by mail, email, telephone or other appropriate means) in order to keep you informed about carefully selected products, services or offers that we believe will be of interest to you. If you do not wish us to do this please tick the box.

I/We warrant and declare that I/We have made full enquiry of all staff and that the particulars and statements in this proposal are true and complete and any other documentation and information provided in connection with this proposal are true and complete. I/We agree and accept that this proposal and declaration and the documentation and information which are provided (or should be provided) will be the basis of contract with Insurers. I/We also warrant and declare that I/We have informed the Insurer of all facts which are likely to influence the Insurer in the assessment or acceptance of this proposal.

Under Section 4 of the Insurance Act 2015 you must disclose all material circumstances known to your senior management and those persons responsible for your insurance. (Senior management means those individuals who play significant roles in the making of decisions about how your activities are to be managed or organised).

You owe a duty of disclosure to the insurer which includes your duty to make a fair presentation of the risk. A fair presentation is one which clearly discloses all material circumstances which your senior management know or ought to know following a reasonable search or which is sufficient to make the insurer ask questions about the risk. Something is material if it would influence an insurer's judgment in determining whether to take the risk and, if so, on what terms. If you are in any doubt whether something is material we recommend that it should be disclosed. Failure to disclose a material circumstance may entitle an insurer to reserve their rights under the policy. I/We accept that all data collected by ST GILES will be held in accordance with the Data Protection Act 1998 and that ST GILES may disclose this information only in order to obtain quotations for my/our practice's professional indemnity insurance and HackerProtect policy.

By signing this form I/we authorise ST GILES to obtain on our behalf all relevant claims prints relating to my firm and its predecessors. *Signing this form does not bind you to accept any quotation provided by ST GILES.*

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

Signature (Principal/Member/Director)		Date	/ /2017
Print Name			

PLEASE RETURN THIS FORM TO: PLEASE RETURN THIS FORM TO:

**St Giles Legal & Professional Risks Limited
4 Theobald Court
Theobald Street
Borehamwood
Hertfordshire
WD6 4RN**

Tel: 020 8236 7420 Fax: 020 8236 7421

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Registered in England No. 07333884 Registered Office 105 Piccadilly London W1J 7NJ. St Giles Legal & Professional Risks Limited is authorised and regulated by the Financial Conduct Authority No. 583342.

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.