

# PROFESSIONAL INDEMNITY COVER FOR SOLICITORS 2019 PROPOSAL FORM



**ALL FIELDS ARE MANDATORY. 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? Yes  No

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? Yes  No

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? Yes  No

## 2. Prior Practices (Please complete this section if you are deemed to be a Successor Practice - please see definitions at the back of the form)

Please list the names of all prior practices of which this practice is deemed a successor practice 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)

a) Have any of the listed practices reported any circumstances or claims in the last six years? Yes  No

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? Yes  No

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? Yes  No

**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
2016				
2017				
2018				
2019*				
2020 (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? Yes  No

If yes, please provide full details on a separate sheet of the client(s) 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? Yes  No

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? Yes  No
- b) been granted a conditional practising certificate? Yes  No
- c) been reprimanded, fined or otherwise sanctioned by the Disciplinary Tribunal? Yes  No
- d) practised in a firm subject to an investigation or an intervention by the Law Society or SRA? Yes  No
- e) had an award made for inadequate professional service by the Legal Ombudsman, LCS, CCS or OSS? Yes  No
- f) entered into any regulatory settlement agreement with the SRA? Yes  No
- g) had a civil or criminal judgment against him/her? Yes  No
- h) been investigated by any other regulatory body other than the Law Society or SRA (e.g. FSA, ILEX)? Yes  No
- i) acted as an intervening agent or taken over an intervened firm? Yes  No

Has the Practice:

- j) at any time in the last three years been the subject of a monitoring visit from the SRA Yes  No
- 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? Yes  No

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. General Data Protection Regulation (GDPR) and Network Security

### a) GDPR

- i. Does your firm collect, store or process more than 250,000 personal data records, including 10,000 payment card details? Yes  No
- ii. Does your firm hold medical records? Yes  No
- iii. Do you ensure the confidentiality of personal data through encryption of all portable media devices and monitor access to data on your network? Yes  No   
*If yes, please provide details of what you do on page 16 (additional information)*
- iv. Has your firm reviewed all relevant policies & procedures and are they updated at suitable intervals to ensure continuing compliance with GDPR in line with developing knowledge and issues? Yes  No
- v. Do the above procedures include strict controls on release of data to third parties including any claims service provider employed by a current or previous Professional Indemnity Insurer? Yes  No
- vi. Is training on data protection and confidentiality provided at key points including induction, regular refreshers and in response to issues seen internally and externally? Yes  No   
*If yes, please provide details of what you do on page 16 (additional information)*

### b) Network Security

- i. Does your firm ensure antivirus protection and firewalls on all your IT systems & implement software updates when recommended? Yes  No
- ii. Does your firm plan to upgrade or replace any unsupported software or systems (e.g. Windows XP/7) that are currently used? Yes  No
- iii. Are the firms mission critical systems backed-up and tested for recovery on a regular basis? Yes  No
- iv. Has your firm had any cyber or data breach incidents? Yes  No   
*If yes, please provide details of all such incidents on page 16 (additional information)*
- v. Does your firm purchase separate Cyber-crime insurance? Yes  No

## 9. Claims and Circumstances

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

Insurance Year 2013-2014?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Insurance Year 2016-2017?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Insurance Year 2014-2015?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Insurance Year 2017-2018?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Insurance Year 2015-2016?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Insurance Year 2018-2019 and to date?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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.

- a) 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? Yes  No   
*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.*
- b) 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)? Yes  No   
*If yes, please provide full details on a separate sheet.*
- 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 been notified to your current or prior insurers but have not been accepted by insurers as a valid or effective notification? Yes  No   
*If yes, please provide full details on a separate sheet.*
- d) 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.

- m) 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.

**10. 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? Yes  No
- b) Have you or any solicitor referred to above ever been the subject of an IVA or other arrangement? Yes  No
- 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? Yes  No

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

**11. Current Insurance**

- a) Premium (excluding Insurance Premium Tax) £
- b) Limit of Indemnity £
- c) Excess £
- d) Current Insurer
- e) Renewal Date

**12. Insurance Requirements**

- |                       | Option 1   | Option 2   | Option 3   |
|-----------------------|--|--|--|
| a) Limit of Indemnity | £ <input style="width: 150px; height: 20px;" type="text"/> | £ <input style="width: 150px; height: 20px;" type="text"/> | £ <input style="width: 150px; height: 20px;" type="text"/> |
| b) Excess             | £ <input style="width: 150px; height: 20px;" type="text"/> | £ <input style="width: 150px; height: 20px;" type="text"/> | £ <input style="width: 150px; height: 20px;" type="text"/> |

**13. Other Insurances**

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

Insurance	Purchased?	Renewal Date
Directors' & Officers' Insurance	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Cyber Liability Insurance	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Office Insurance	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Public Liability	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Employers' Liability	Yes <input type="checkbox"/> No <input type="checkbox"/>	

**14. 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 SRA	%	%	%
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 below</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	%	%	%
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.			
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? Yes  No
- 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? Yes  No
- e) Has the practice or any prior practice ever accepted instructions for class actions or any other group litigation? Yes  No

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

## 15. Personal Injury

- a) Has your practice or any prior practice ever accepted referrals from personal injury claims companies and/or their agents? Yes  No

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
£	£	£

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

## 16. Conveyancing

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

- a) Please complete the following

RESIDENTIAL CONVEYANCING		2014	2015	2016	2017	2018	201-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		2014	2015	2016	2017	2018	2019- 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? Yes  No

If Yes please complete the table below:

Right to Buy	2014	2015	2016	2017	2018	2019 -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? Yes  No
- e) In the last six years has the practice or any prior practice undertaken any back to back transactions? Yes  No
- f) Has the practice or any prior practice ever acted in any transactions involving overseas properties or developments? Yes  No
- g) Has the practice or any prior practice ever undertaken legal work on any Home Income Plans or Equity Release Plans? Yes  No
- h) Has the practice or any prior practice ever provided financial advice on any Home Income Plans or Equity Release Plans? Yes  No
- i) Are all clients met in person and appropriate checks performed to ensure the identity of your client? Yes  No
- j) Is training provided on identifying mortgage fraud to Partners/Directors/Members/Employees who undertake conveyancing work? Yes  No

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? Yes  No

If no, please provide full details below

l) In the last five years have you been suspended or removed from any lender panel? Yes  No

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? Yes  No

*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? Yes  No

### 17. Significant Changes & Material Information

a) Do you expect there to be any significant change to or in your practice in the coming year? Yes  No

b) Is there any other material information which may be relevant to this form? Yes  No

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

### 18. 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? Yes  No
- d) Do you hold separate bank accounts for client monies and office monies? Yes  No
- e) Do you back up your data at least once a week in an offsite location? Yes  No

*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? Yes  No

*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? Yes  No

*If yes, please complete the following table:*

Name	Position	Limit £

### 19. Wrongful Funds Transfer and Quality Standards

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. Yes  No
- 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. Yes  No
- 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. Yes  No
- d) Payments from client account(s) must be set up by one person and independently verified/authorised by another before funds are transferred. Yes  No

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

- e) Is your Firm currently accredited with any of the following?

<b>Lexcel</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date first granted	<input type="text"/>	<b>CQS</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date first registered	<input type="text"/>
<b>ISO 9001</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date first granted	<input type="text"/>	<b>Cyber essentials</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Level	<input type="text"/>
<b>ISO2 7001</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date first granted	<input type="text"/>					

- f) Do you employ any other independent means of reviewing your operations?

Regular File Reviews & Advice? Yes  No  Frequency

Provider

Document review and update? Yes  No

Provider  Last Update

Other independent advice or scrutiny? Yes  No

Details

## Critical Management Controls – 2019 Proposal Form

The following questions are the first step in a comprehensive assessment and support service designed to assist Konsileo (Trading) Ltd clients with managing their business. By completing this form you will be able to demonstrate to insurers your willingness to engage in managing key risk exposures. The questions in this form apply to all Firms including Sole Practitioners. Where we use the term Risk Manager or Supervisor, this is interchangeable with Sole Practitioner. **Please note that you do not need to complete this form if you currently have Lexcel accreditation.**

Please answer “Yes” if you currently meet a requirement, “WT” if you are working towards meeting a requirement and “No” if you do not meet the requirement. For your assistance, guidance notes are shown in blue.

Firm name:

a) Yes  WT  No

Is one or more of the Partners, or the Sole Practitioner, qualified to ‘supervise’ (including self-supervision for Sole Practitioners) as defined by the SRA’s/LSC’s supervision qualification requirements?

*Guidance: The SRA’s qualification is that the person must have been entitled to practice as a lawyer for 36 months within the last 10 years and have completed 12 hours of management training. The LSC’s requirements vary depending upon the Category of Work performed. Suitability for the role in terms of fitness and propriety should also be considered as this will also be checked independently by the SRA for the COLP, COFA and other managers and owners of the Firm.*

b) Yes  WT  No   
 i) Does the Firm have a risk management strategy and:

- Is there a structure for reporting risks either within or outside the life cycle of a matter; Yes  WT  No
- Has it nominated a person responsible for the implementation and operation of this strategy? Yes  WT  No

*Guidance: Larger organisations should appoint a Risk Manager who is responsible for implementing the Firm’s risk management strategy. Sole Practitioners are responsible for risk management in their Firms.*

ii) Has the Firm established what services it will or will not offer at both a generic and detailed level, and communicated this to all fee earning and support staff? Yes  WT  No

*Guidance: Generic means an overall work category, detailed means specific types of work within that category. For example, you might ‘generally’ offer Personal Injury work but, at a specific level, may exclude Road Traffic Accident work. The Firm’s procedures for signposting or referral to other sources of help should be followed if work is refused on this basis.*

iii) Prior to acceptance, are new matters subjected to a risk review by the Sole Practitioner, Partner or Supervisor that will establish if the matter is within the Firm’s capability and capacity, and if the matter has unusual or higher risk factors than normal? Yes  WT  No

*Guidance: High/unusual risk factors should be defined for each work-type. These might include, for example, unusually high transaction values, tight limitation/key dates, inward transfers from other Firms, complexity and/or a higher number of parties involved than normal.*

iv) If a matter that displays unusual/high risk factors is accepted, are additional control measures put in place prior to the commencement of work? Yes  WT  No

*Guidance: Whereas this might be a matter only of closer supervision or taking greater care, a case plan should be produced that highlights any additional precautions to be taken.*

v) Are all matters proactively monitored during their progress to determine if the case’s risk profile has changed? Yes  WT  No

*Guidance: Whereas monitoring should be inherent within the Firm’s case management processes, the case plan should be reviewed in the event that a change in the risk profile is identified.*

vi) At the end of a matter, is a concluding risk review undertaken to test initial assumptions of risk, a concluding checklist completed and passed to the nominated Risk or Quality Partner, with whom any new control measures should be devised where appropriate? Yes  WT  No

*Guidance: This review should consider if the client’s objectives were achieved, if there has been a complaint or grounds for a complaint and, if so, if a claim is likely. A report by the COLP to the SRA might also be appropriate so this too should be considered in all cases.*

c) Yes  WT  No

i) Is there a trained and competent nominated person and an appointed deputy with overall responsibility for the prevention of financial crime?

*Guidance: Previously this person most probably would have been referred to as the Money Laundering Reporting Officer (MLRO). A deputy should also be considered for when the Nominated Officer is absent. In the case of a Sole Practitioner, this could be a competent person available within the Firm or a locum.*

<p>ii) Does the Firm have Customer Due Diligence procedures that establish the client's identity, any beneficial owner and sources of funds (as appropriate) in accordance with the latest legislative requirements and authoritative guidance before any critical points in the transaction, and are the proofs of identity checks kept on file?</p>	N/A <input type="checkbox"/>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>
<p><i>Guidance: Typically, proofs of identity will include copies of passports, driving licences and utility bills. CDD procedures should be risk-based in accordance with money laundering regulations. Specific controls should be defined for reduced, normal and enhanced CDD. The Law Society's latest guidance should be readily available within the Firm and followed.</i>  <i>You may only answer N/A if you do not operate a Client Account.</i></p>				
<p>iii) Does the Firm re-run Customer Due Diligence checks on repeat business clients by checking current proofs of identity against those already held on file?</p>	N/A <input type="checkbox"/>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>
<p><i>You may only answer N/A if you do not operate a Client Account.</i></p>				
<p>iv) If the Firm provides services to clients in relation to property transactions, do you have procedures for the avoidance of mortgage fraud, which includes:</p>	N/A <input type="checkbox"/>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Nominating a person responsible for these procedures;</li> <li>• The provision of training;</li> <li>• Undertaking a documented annual review of these procedures?</li> </ul> <p><i>You may only answer N/A if you do not provide property transaction services.</i></p>				
<p>v) If the Firm undertakes property transactions, does it have documented procedures for reporting matters of concern to lenders?</p>	N/A <input type="checkbox"/>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>
<p><i>You may only answer N/A if you do not undertake property transactions.</i></p>				
<p>vi) Has the Firm established a cash limit above which it will not accept cash payments?</p>	N/A <input type="checkbox"/>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>
<p><i>You may only answer N/A if you do not accept cash payments for any transactions.</i></p>				
<p>d) Does the Firm have Accountants' Reports produced for any Client Account(s) that the Firm might operate?</p>	N/A <input type="checkbox"/>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>
<p><i>Guidance: Whilst traditional partnerships without client accounts may not be required to have audited accounts, having these is recognised as best practice.</i>  <i>You may only answer N/A if the Firm does not operate a Client Account.</i></p>				
<p>e) i) Has the Firm developed a structure for supervision ensuring that all fee earning staff in all areas of law are included such that a competent service can be assured to your clients?</p>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>	
<p><i>Guidance: This must include Partners, fee earners, consultants, para-legals and Locums. It is expected that Sole Practitioners will specify how work should be supervised in their absence. It must also take account of Branch Offices, homeworkers and those working offsite such as at Police Stations.</i></p>				
<p>ii) Does the Firm have a named Supervisor (or a self-supervising Sole Practitioner) for each category of work it undertakes who is qualified to supervise based on technical competence, experience and ability?</p>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>	
<p><i>Guidance: External standards for supervisors might apply (e.g. those set by the regulator or public funded body). One Supervisor may be responsible for more than one area of work and need not be of any particular status.</i></p>				
<p>iii) Are supervisors proactive in their responsibility for the allocation of new work and/or the review of new work soon after receipt.</p>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>	
<p><i>Guidance: As a means of ensuring that cases are only accepted, allocated and continued with where there is adequate knowledge, qualifications, expertise, time support (from the advisor, supervisor and any third party, if needed).</i></p>				
<p>iv) Does the Firm's regime of supervision (self-supervision for Sole Practitioners) include:</p>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>	
<ul style="list-style-type: none"> <li>• Checking incoming and outgoing correspondence, including email, faxes and letters;</li> <li>• Supervisory meetings;</li> <li>• One-to-one review meetings;</li> <li>• Allocation of and/or review of new work;</li> <li>• Reviewing matter lists (to consider workload, progress, variety, technical issues, and financial control);</li> <li>• Ensuring appropriate alternative funding options are being considered?</li> </ul>				
<p><i>Guidance: Alternative means of funding might include, for example, devolved powers, CFAs, the Legal Services Commission, Trade Unions or insurers.</i></p>				
<p>v) Has the Firm established a risk-based process for file reviews covering all personnel and work types, which includes:</p>	Yes <input type="checkbox"/>	WT <input type="checkbox"/>	No <input type="checkbox"/>	
<ul style="list-style-type: none"> <li>• The selection criteria to be used;</li> <li>• The number and frequency of reviews;</li> </ul>				

- An established review criterion documented in a review checklist?

*Guidance: Reviews should take account of procedural as well as substantive legal issues.*

f)

i) At the outset of a matter, does the Firm provide written client care information, unless an alternative form of communication is deemed more acceptable, which includes:

Yes  WT  No

- The name and status of the person dealing with the matter;
- The name of the Supervisor;
- Information on the client's right to cancel;
- The name of the person to whom they should complain in the event of dissatisfaction;
- Information to comply with the provision of services regulations;
- Details of complaint resolution procedures including the role of the LeO in resolving disputes, and the timeframe and details for contacting the LeO;
- Details of who regulates the Firm, if relevant, which parts are regulated, and how to find the professional rules that apply to your business;
- Details of your compulsory Professional Indemnity Insurance including contact details for your insurer(s), the territorial coverage of your insurance and any liability caps that apply (generically or specifically);
- Details of any fee sharing or financial arrangements relevant to their matter and any implications as to your ability to work in the client's best interests as a result;
- Details and relationship with separate business (where relevant);
- Your VAT number;
- Confirmation of the client's instructions?

(In the case of a Sole Practitioner, all roles may be performed by the same person).

*Guidance: If there is a team of people likely to be working on the case, all names and statuses should be advised. The information required for compliance with the Provision of Services Regulations should be provided in a document in which you give a detailed description of the service (such as a client care letter).*

ii) During the progress of a matter, does the Firm provide written costs update information at least every six months, or more frequently if events dictate, that:

N/A  Yes  WT  No

- Highlight any financial risks associated with the case including advice upon adverse costs orders;
- Provide advance warning of fee rate changes to existing work?

*You may only answer N/A if the Firm always quotes fixed fees.*

iii) Does the Firm provide written information concerning any fee sharing or referral incentives the Firm benefits from and how this will be accounted for?

N/A  Yes  WT  No

*Guidance: This might be by payment to the client, offsetting against their bill, or possibly retaining the monies or donating to charity if the amount is made known to the client and they have agreed that the Firm can keep it. Firms should check that, where appropriate, any introducer of claims work is authorised or exempt under the regulatory regime applicable to claims management companies.*

*You may only answer N/A if the Firm does not operate a fee sharing or referral incentive.*

iv) Is the Sole Practitioner responsible, or has the Firm nominated a Partner to be responsible, for the compilation and effective use of the complaints handling procedure, including:

Yes  WT  No

- Provision of training for those responsible for handling and resolving complaints;
- Reviewing and analysing the complaints register;
- Deciding upon remedial action;
- Reporting claims and potential claims to insurers;
- Offering redress that is prompt and proportionate;
- Implementing preventative actions to stop complaints reoccurring?

*Guidance: In larger Firms, it is acceptable to have a Manager or other senior person to deal with complaints in the first instance, providing they report (and escalate matters as appropriate), to the Partner with ultimate responsibility for monitoring and resolving complaints. Training should be provided (as relevant) on how to identify, handle, investigate and communicate on complaints.*

g) Yes  WT  No

i) Does the Firm have the means to ensure that the status of any given file, including key dates, risks, undertakings etc., is readily apparent to someone else as well as the fee earner concerned and that the file is kept up-to-date and in an orderly fashion with file transfer notes being made when appropriate?

*Guidance: This might include file summary sheets, case management systems and guidelines for the clip arrangement of files.*

ii) Does the Firm systematically check for conflicts of interest prior to accepting instructions in relation to conflicts between clients and between clients and the Firm?

Yes  WT  No

*Guidance: This might be a combination of systematic checking the client database for key words on other parties and assets/liabilities involved, adversaries, funders or other stakeholders, and also your Firm's register of interests of the Partners/staff, involvement of gifts/donations, existing knowledge and consultation with other departments, branches, Partners/fee-earners via e-mail. Database checks will only be as reliable as the data held so it is essential that these details are kept up to date. The latest Law Society*

*guidance on Conflicts should be taken into account alongside that on Confidentiality & Disclosure. Specific training on the subject of conflicts is recommended and is required for Lexcel.*

iii) Does the Firm ensure that legible attendance notes confirming verbal instructions and/or written client instructions are held on the file, instructions confirmed to the client in writing and that they include:

- Requirements and objectives;
- Issues raised and advice given;
- Options and associated risks;
- Action the Firm will and will not take (i.e. both scope and limitations of the work);
- Timescales to complete action;
- Any action the client should take;
- Any concerns about the clients capacity to understand and co-operate with their matter?

Yes  WT  No

*Guidance: This also applies to free and fixed fee interviews.*

iv) Has the Firm identified the limitation periods that apply to each type of work it undertakes and does it ensure that key dates are researched and identified as soon as possible at the outset of a matter and noted on the file?

Yes  WT  No

*Guidance: Identifying key dates by work types should be done as part of generic risk assessments.*

v) Does the Firm note key dates prominently on file and, in addition:

- Enter them into a back-up system, which identifies the client, matter number and activity;
- Inform the client in writing of key dates applicable to their case and any responsibilities they have in helping to achieve these;
- Use countdown dates to remind fee earners of imminent key dates;
- Operate a key date reminder system?

Yes  WT  No

vi) If other parties are introduced during the course of a case, or other factors that might impact on your ability to act in the client's best interests arise, does the Firm undertake further conflict of interest checks?

N/A  Yes  WT  No

*Guidance: A record of any such changes and checks should be made on the file including a note of the considerations when deciding whether to continue or cease to act.*

*You may only answer N/A if the work-type(s) undertaken by the Firm do not, and are never likely to, involve such changes.*

vii) Does the Firm ensure that any fee earners (including Sole Practitioners) regularly review their cases for inactivity and respond accordingly?

Yes  WT  No

*Guidance: Fee earners should review their matter lists in order to achieve this.*

viii) Does the Firm ensure that clients are kept informed of progress and are given reasons for any delays?

Yes  WT  No

ix) Does the Firm have established and published procedures for the control of undertakings, which include:

- A definition of what an undertaking is;
- The authority required for giving undertakings;
- How undertakings should be worded including the use of SMART objectives;
- Where they should be recorded, i.e. on the case file and in a central register;
- Timescales for confirming oral undertakings in writing and for querying disputed content?

N/A  Yes  WT  No

*Guidance: A central register of non-routine/litigation undertakings should be used for recording undertakings given. Training is necessary to ensure that unintentional undertakings are not given and should cover issues such as conditional undertakings, express conditions and holding to order.*

*You may only answer N/A if the Firm only offers services where undertakings are not and never likely to be given.*

x) Does the Firm have a concluding checklist which ensures that:

- There is evidence of the return and receipt of client and third-party property;
- File storage, retrieval and associated costs have been advised to the client in writing;
- The file has been checked for outstanding undertakings, charges and ledger balances?

Yes  WT  No

*Guidance: The object of the concluding checklist is to ensure that claims do not arise from loose ends being left unattended.*

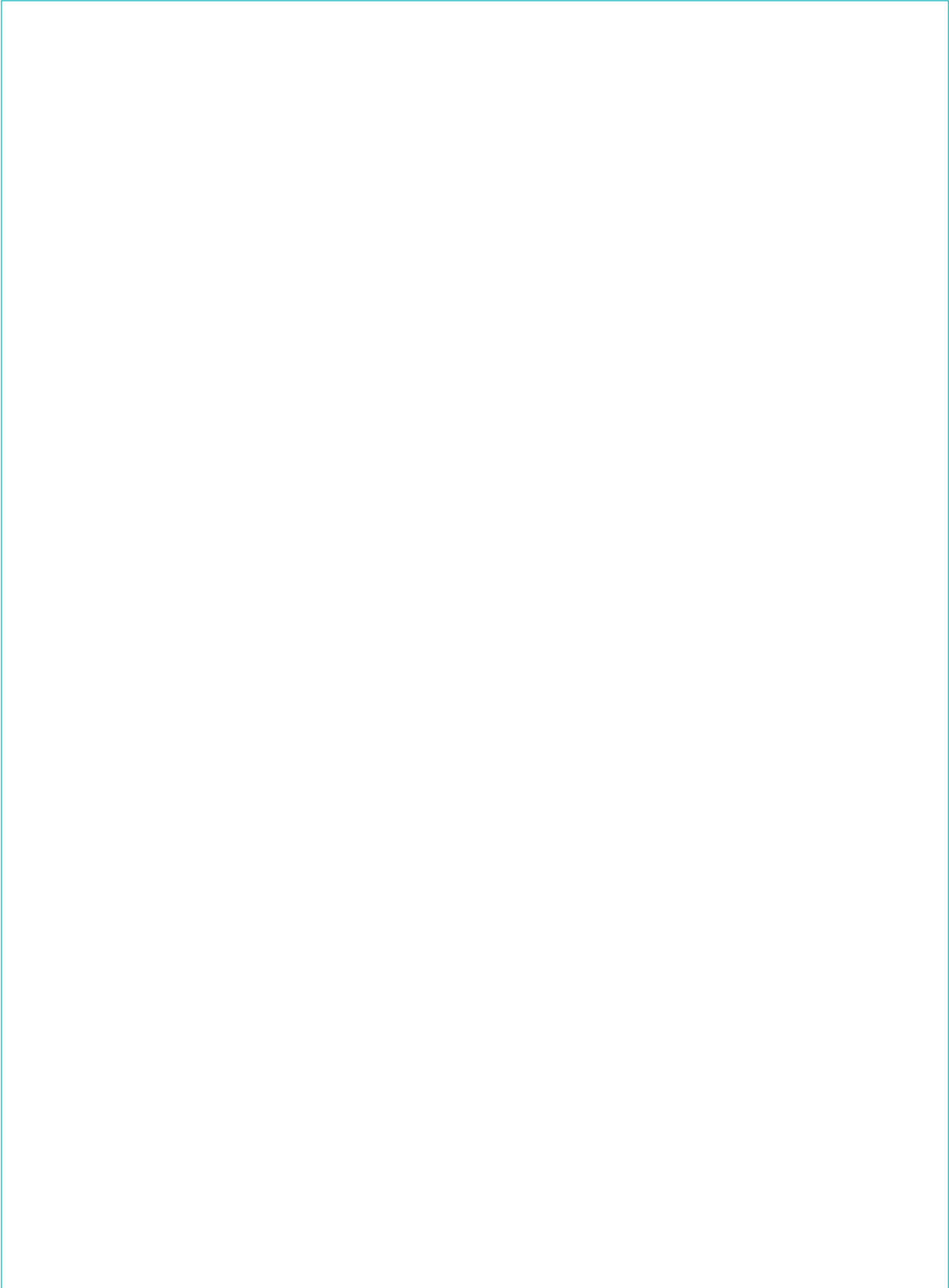
xi) Does the Firm always give Third Parties written instructions which describe:

- The background to the matter;
- Terms of reference and objectives;
- Specific issues that require research?

N/A  Yes  WT  No

*Guidance: Precedent Third-Party instructions might be used for this purpose. You may only answer N/A if the Firm never directly instructs a Third Party.*

For additional information





### Duty to make a fair presentation of the risk

Material information is information that would influence an Insurer in deciding whether a risk is acceptable and, if so, the premium, terms and conditions to be applied. Insurers cannot avoid or repudiate claims for the cover required under the Minimum Terms, but if they later find you have not disclosed something material, they may charge an additional premium (if provided for in the policy) or, in the event of prejudice, seek recovery for the claim from you. For claims above the statutory limit, failing to disclose such information could result in the policy being rendered void so that claims would not be paid.

In addition, the Insurance Act 2015 sets out whose knowledge of material information you must disclose. As an organisation you will be deemed to know all material information that is known to your senior management and those responsible for arranging your insurance, and which should reasonably have been revealed by a reasonable search. Your search will need to include information which is held by other persons such as your agents, outside advisers (including lawyers and consultants), suppliers/service providers etc.

There are clearly limits to the search you, and we, can carry out. Please talk to your usual Konsileo (Trading) Ltd adviser if you are in any doubt about what information needs to be disclosed.

### Declaration

I/We declare the following:

- 1 I/We understand that I/we have a legal duty to make a fair presentation of the risk to be insured and that failure in this duty could result in the policy being invalidated and/or any claims not being paid or not being paid in full.
- 2 All facts, provided within this proposal form, or provided separately as part of this application for insurance, are true or substantially true and any representations as to matters of expectation or belief are made in good faith.
- 3 I/We understand that any fraudulent suppression or fraudulent mis-statements of any material facts will be reported by Insurers to the Solicitors Regulation Authority.
- 4 I/We authorise any prior insurers of the Firm to release to Konsileo (Trading) Ltd any information that they may require including all claims information which may be requested by insurers pursuant to this Proposal for Insurance.
- 5 I/We understand that by submitting this proposal form I/we consent to the information being used by Konsileo (Trading) Ltd and Insurers (including Underwriting Managers acting on Insurers behalf) for the purpose of providing insurance, underwriting, processing, claims handling and preventing fraud.
- 6 I/We acknowledge that, by submitting this Proposal, I/we hereby consent to insurers carrying out any enquiries into my/our financial standing (including, but not limited to, a credit search with one or more licensed credit reference or fraud prevention agencies) to check my/our indemnity and credit status. Such enquires may be made either before or during the existence of the Contract of Insurance.
- 7 I/We acknowledge and agree that, by submitting this proposal, I/we hereby consent, in the event of the legal Firm carried on by me/us ceasing during or on expiry of any period of insurance provided by insurers, to Konsileo (Trading) Ltd or insurers requesting and obtaining any information or data (including but not limited to personal data) from relevant regulatory bodies (including but not limited to the Solicitors Regulation Authority, the Law Society, Solicitors Indemnity Fund and Solicitors Compensation Fund) and to Konsileo (Trading) Ltd or insurers processing such data for purposes in connection with this insurance (including but not limited to providing run off cover in accordance with the Insurance Policy conditions and/or regulatory requirements on such cessation).
- 8 I/We understand that completion of this proposal form does not bind the Insurer to a contract of insurance.
- 9 If any information provided as part of this application for insurance materially changes before a contract of insurance is concluded, I/we will immediately advise Konsileo (Trading) Ltd or the Insurer.
- 10 I/We declare that by signing my/our name below I/we have the authority of all partners, members, directors, officers, board members and shareholders of the legal Firm to bind and commit each of them individually to comply with the terms of this policy of insurance.
- 11 Is any Partner, Director or Member aware, after enquiry, of any loss or claim or circumstance which may give rise to a loss being sustained or claim being made against or involving any person or persons to be included in this insurance, their predecessors in practice or any past Partners, Directors or Members, where such has not been previously notified to past or present insurers?

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

Yes  No

- 12 I/We understand that the information I/we provide will be passed to or used by Konsileo (Trading) Ltd UK Limited, Konsileo (Trading) Ltd Group Members or other third parties (for example suppliers, underwriters or (re)insurers and other entities within their group of companies) located in the UK or any other country (which may not have equivalent data protection laws) for the purposes of providing our services to you, verifying credit information, developing our products and services, and to better understand our customers' requirements (including the marketing of products and services which may include those of a third party), analytics and compiling statistical information.

Print name

Signature of principal/partner

Date

(not required if submitting electronically)

Konsileo (Trading) Ltd UK Limited and other Konsileo (Trading) Ltd group companies will use your personal information to contact you from time to time about other products, services and events that we feel may be of interest to you. All personal information is collected and used in accordance with our privacy statement at [www.konsileo.com](http://www.konsileo.com).

If you do not wish to receive these communications, please tick here

Please save or print a copy for your records. Click the 'Submit' button to return the completed form.

**SUBMIT**

## Proposal Form Definitions

### Adjudication work

Acting as a neutral third party engaged by disputing parties to provide a non-judicial resolution of their dispute which is, subject to the terms of any contract between the disputing parties, binding upon them, but excluding arbitration work.

### Agency advocacy work

All civil advocacy work, including attendance at a Court or Tribunal for the purpose of such advocacy, done on behalf of another insured Firm, but excluding any work done as a Solicitor working as agent or locum tenens in another Firm.

### Arbitration work

Any work done in the discharge or the purported discharge of the functions of an arbitrator in relation to an arbitration to which the Arbitrations Acts 1950-1996 apply.

### Children work

Applications made in relation to family proceedings as defined by section 8(3) of the Children Act 1989 and including Parts III and V of the Children Act 1989.

### Commercial/corporate work including work for public companies

This covers all work relating to Public Limited Companies, including mergers and acquisitions, corporate insolvency, corporate trusts and taxation.

### Commercial/corporate work excluding work for public companies

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

### Debt collection – small

The collection of judgment debts not exceeding £10,000 or debts without dispute as to liability not exceeding £10,000, and the collection of rents not exceeding £7,500 per property per annum.

### Employment work

All non-litigious work that excludes Tribunal work in connection with employment, termination, dismissal, redundancy, discrimination at work and pension rights affected thereby.

### Estate agency, property valuation and property management

Property selling whether or not through an estate agency and informal valuations undertaken by the Firm.

### Expert witness work

Work done in the capacity as an expert witness.

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

This covers all financial advice and services provided to private individuals, unincorporated bodies and companies where such work is regulated by the Solicitors' Regulation Authority as a designated professional body under The Financial Services and Markets Act 2000. This does not include Commercial Work including All Company Work (securities related).

### Financial advice and services where your Firm has opted into regulation by the Financial Conduct Authority

This covers financial advice and services provided to private individuals, unincorporated bodies and companies where such work is directly regulated by Financial Conduct Authority under the Financial Services and Markets Act 2000. This does not include Commercial Work including All Company Work (securities related).

### Immigration work

Advice and assistance on UK immigration and nationality law, including preparation for and representation before Immigration Adjudicators, Special Adjudicators, and any Tribunals or Courts of Justice up to but not including the Divisional Court, the Court of Justice of the European Union, the Commission on Human Rights of the Council of Europe, or the European Court of Human Rights.

### Lecturing and related activity work

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, including the provision of written material for publication.

### Mediation work

Acting as a neutral third party engaged by disputing parties to assist them to resolve their dispute by negotiated agreement without resort to adjudication.

### Mental health tribunal work

Representation of patients detained under the Mental Health Act 1983 at hearings of the Mental Health Tribunal.

### 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; Company Secretaries.

### Overseas work

Gross fees derived from work done overseas and/or work done in the UK but relating to instructions received from and/or fees paid by clients overseas.

### Parliamentary agency

All work done in the promotion of or opposition to primary or subordinate legislation.

### PSU

Practice Standards Unit

### SRA

Solicitors Regulation Authority

### Successor practice

The definition of a Successor Practice in the Solicitors Regulation Authority Minimum Terms is complicated. You may be a Successor Practice even though you did not intend to take on the liabilities of another Firm when taking it over or merging with it, and even if you specifically agreed that those liabilities would remain elsewhere.

Whenever a Firm ceases "being carried on as a discreet business", there is potential for the Successor Practice to take effect.

You may become a Successor by holding out your Firm "expressly or by implication" as being the successor of or by incorporating the other Firm(s), by taking on the majority of the principals in the other Firm 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 Firm, 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 31st 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.

### Town and Country Planning

Includes compulsory purchase, listed buildings and conservation areas work.

### UK work

Gross fees derived from work done in the UK for clients based in the UK including overseas contracts involving occasional trips abroad.

### Welfare work

Advice and assistance about assessment of a client's entitlement to welfare benefits and for verifying an assessment by the Department of Social Security or other benefit granting bodies such as Local Authorities.