



## **Professional Indemnity Insurance for Members of the Institute of Professional Willwriters And Institute of Scottish Professional Willwriters**

If you need any assistance completing the form please call the Excel team at Johnston Park Mc Andrew.

For all General Underwriting queries 0121 585 5725

Fax: 0121 550 1333

General email enquiries: [enterprise@jpm-insurance.co.uk](mailto:enterprise@jpm-insurance.co.uk)

Technical queries contact:

Karen Blount, Dianne Richardson, Louise Ball,

Donna McMahon or Trish Parr

Telephone: 0121 585 5725

Email the completed form to: [enterprise@jpm-insurance.co.uk](mailto:enterprise@jpm-insurance.co.uk)

or

alternatively fax to: 0121 550 1333

or

Post to: Johnston Park McAndrew

Excel Team

5<sup>th</sup> Floor Trinity Point, New Road, Halesowen, B63 3HY



## **Important Information**

This proposal form must be completed in ink and signed by a Principal, Partner or Director of the Proposer. The person completing and signing the form should be authorised by the Proposer to do so and should make all necessary enquiries of his fellow Partners, Directors and Employees to enable all the questions to be answered.

You MUST complete all sections of this Proposal Form.

If the firm has not been trading for at least 2 years in this profession - please enclose CV's of all Principals. Failure to provide Insurers with information in an appropriate manner may adversely influence the ability of Insurers to offer terms.

## **Claims and/or Claims Circumstances**

The insurance to be arranged provides cover on a 'claims made' basis, which means that cover must be in force at the time you first become aware of a claim or circumstances which could lead to a claim. Notification to us must be given at that time.

Please note that we will communicate with you preferably by email so please provide a valid regularly used email address.



3. Sub Contractors

a) Does the firm engage or use independent specialist consultants or sub contractors?  
YES/NO

b) Does the client pay the subcontractors directly?  
YES/NO

If No please describe the nature of the work conducted by these specialist consultants/sub contractors

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c) Is cover under this proposal required for work conducted by the specialist consultants/sub contractors?  
YES/NO

d) If Yes is all work completed by specialist consultants/sub contractors checked and signed off by you?  
YES/NO

e) Do you ensure that any specialist consultants/sub contractors you engage carry their own Professional Indemnity Insurance?  
YES/NO

f) If yes is this insurance provided under the IPW / ISPW scheme?  
YES/NO

g) What percentage of the fees declared in the last two years have been paid to all specialist consultants/sub contractors:

Percentage
%

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4. Has the name of the Firm or its ownership changed in the past five years? YES/NO

If yes, please provide full details:

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5. Please provide names and IPW membership numbers of **ALL** people involved in giving advice to clients, including self employed, (continue on a separate sheet if required).

**All persons giving advice and or approving wills should be noted on this section.**

Name	Membership Category	Membership No	Employed or Self Employed	Start Date

6. a) Please state the gross earnings for the last financial year and an estimate for the current financial year:

**NB\* Gross Fees to be declared should be the total invoiced to clients (ex VAT) and not the fees charged to instruction takers.**

	Previous complete Financial Year	Last complete Financial Year	Est. Current Financial Year
Willwriting including Inheritance Tax Planning	£	£	£
Willwriting inc Life Interest/Discretionary Trusts	£	£	£
Willwriting exc Life Interest/Discretionary Trusts	£	£	£
Probate & Estate Administration	£	£	£
Document Storage	£	£	£
Lasting Power of Attorney & Continuing Powers of Attorney	£	£	£
Tenancy in Common	£	£	£
Advice on Lifetime Trusts (excludes Drafting)	£	£	£
Other	£	£	£

**NB\* If Fees are declared in respect of Lifetime Trusts, please complete the attached Supplementary Questionnaire.**

- b) What is the date of your financial year end?  
 c)  
 d) Do you operate outside England and Wales?

If so, please divide Gross Fees (Last Year) between:

England/Wales           £  
 Scotland                 £  
 Northern Ireland       £  
 Other EU                 £  
 Rest of World           £

7. Please complete the attached list to note the activities/services provided by you.

Tick Box A – if the firm offers this service

Tick Box B – if the person who signs off this work has received training from the IPW / ISPW in respect of the service

Tick Box C – if the person who signs off this work has received training from a provider, other than the IPW / ISPW in respect of the service.

**Please provide details of non IPW training.**

Tick Box D if the person who signs off this work has not received any training in respect of this service but has expertise in the service.

**Please provide details of expertise.**

Should you provide any other activities/services for which you require insurance cover which are not noted on the list, please provide full details.

Please indicate activities / services provided by your firm which require Indemnity insurance by ticking the boxes:

A	B	C	D
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**Willwriting (Including)**

- Wills and other testamentary dispositions
- Wills including Trusts for Minors and/or Disabled Persons
- Statutory Wills
- Codicils

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**Will Inheritance Tax (Including)**

- Nil Rate Band Discretionary Will Trusts with Debit Charge Scheme
- Will Trusts for Business/Agricultural Assets

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**Advice on Lifetime Inheritance Tax (Including)**

- Advice on Pilot Trusts
- Solicitor Controlled PET Trusts (SPETS)
- Gift and Loan Trust
- Discounted Gift Trust
- Other Lifetime Tax Planning

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**Will Asset Protection (Including)**

- Life Interest Will Trusts (including 'Property Trusts' and 'Flexible Life Interest Trusts')
- Discretionary Will Trusts

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**Advice on Lifetime Asset Protection (Including)**

- Discretionary and/or Life Interest (Family Protection) LIFETIME Trusts
- **Lifetime** Bare Trusts
- Trusts of Life Insurance Policies

**Severance of Joint Tenancies**

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**Powers of Attorney (Including)**

- Drafting Living Wills (advance decision/advance directives)
- Drafting General Power of Attorney
- Drafting Lasting Powers of Attorney (PWLPA and PFA LPA)
- Drafting Continuing Powers of Attorney
- Registering Enduring and/or Lasting Powers of Attorney
- Acting as an attorney

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**Court of Protection Matters (Including)**

- Application for the Appointment of Deputies
- Interim Orders for the sale of property and investments to pay care home fees

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**Elderly Care Advice (Including)**

- Care Home Contracts
- Funding Long-Term Care / Care Home Fees Plans
- Funeral Planning

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**Probate and Estate Administration**

- Deeds of Variation – **NB\*Advice Only excludes preparation for Fees**
- Deeds of Appointment of Property out of Trust **NB\*Advice Only excludes preparation for Fees**
- Deeds of Appointment of new Trustees and the Retirement of Trustees **NB\*Advice Only excludes preparation for Fees**
- Applications for Grant of Representation – **NB\* Excludes Drafting of an Oath**
- Completion of HMRC Inheritance Tax Accounts
- Collecting estate funds/paying estate debts/paying beneficiaries
- Holding client money

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**Acting as a trustee**

**Document Storage**

8. Please provide the following information:

<b>Activity</b>	<b>Before 31<sup>st</sup> March 2010</b>	<b>Since 1<sup>st</sup> April 2010</b>
Total Number of Wills drafted for new clients which attestation not supervised (and it is not known that the client(s) have died)		
Total Number of Wills drafted for new clients which attestation was supervised (and it is not known that the client(s) have died)		
Total Number of Wills re-drafted since 1 <sup>st</sup> April 2010 for existing clients (and it is not known that the client(s) have died)		
Total Number of EPA's drafted before 1 <sup>st</sup> October 2007 (and it is not known that the client(s) have died)		
Total Number of Financial LPA's (or CPA's) drafted and not registered (and it is not known that the client(s) have died)		
Total Number of estates administered		

9. Do you record instructions on the IPW Model Instruction sheet or an alternative instruction sheet which records all the same information? Yes / No

10. When engaging with customers, does your firm issue standard terms of business, form of contract or engagement agreement approved by the IPW/ISPW in every case? Yes / No

11. Does your firm offer to provide draft documents to clients in advance of signing? Yes / No

12. Does your firm always obtain written references when engaging new partners, directors, employees or agents? Yes / No

13. Does your firm ensure that all cash/cheques received by employees in the course of their duties are paid in daily or held secure until such time they can be? Yes / No

14. Does your firm ensure that all cheques issued by the firm in respect of the business or client accounts are signed by at least one partner or director? Yes / No

If No to any question above please provide details:



19. The IPW standard policy provides cover for a limit of indemnity of £2 million each claim.

Does the Firm require a quotation for an increased limit? YES/NO

If yes, what limit? £

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20. Public Liability for a Limit of Indemnity of £5 million is available as an extension to this policy for members working from home at a minimum cost of £35 (plus IPT) per practice.

Do you have Public Liability Insurance? YES/NO

**NB\* If yes, you must submit a copy of your insurance schedule, confirming your company name and policy limit.**

If no, this will be added to your policy.

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21. The IPW standard policy provides cover up to a limit of £2million for loss of documents.

Does the Firm require quotations for an increased limit? YES/NO

If yes, what limit? £

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22. Has any Insurer in respect to the risks to which this proposal relates ever:

a) Declined to offer Insurance for this Firm or any Partner, Director or Principal? YES/NO

b) Imposed any special terms for this Firm or any Partner, Director or Principal? YES/NO

c) Cancelled or voided an Insurance for this Firm or any Partner, Director or Principal? YES/NO

d) Have you or your business Partners, Employees or Advisors ever been convicted of a criminal offence other than a motoring offence? YES/NO

e) Have you or your business Partners, Employees or Advisors ever been declared bankrupt, entered a creditors voluntary arrangement or been involved with a company that has gone into liquidation? YES/NO

If yes, to any of the above, please provide full details:

**Claims:** Please note it is imperative to answer Question 23 correctly.  
Failure to do so could prejudice your rights.

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23. CLAIMS HISTORY

- a) Has any claim, whether successful or not, ever been made against the Firm(s) YES/NO or its predecessors in business or any past or present Partner, Director, Principal or Employee?

If yes, please provide FULL details (it is important that a full answer is given to this question, i.e. year, amount, brief details of the nature of the claim and whether it has been paid or is still outstanding).

- b) Are any of the Partners, Directors, Principals or Employees AFTER FULL ENQUIRY, aware of any circumstances which may give rise to a claim against the Firm, its predecessors in business or any past or present Partner, Director, Principal or Employee? YES/NO

If yes, please provide full details.

- c) Have you been subject to any complaints or disciplinary proceedings by IPW or any other Professional Organisation? YES/NO

If yes, please provide full details.

## Important notice concerning disclosure

I/We declare that the Proposer does not carry out any work other than as described in page five and as indicated in the services and activity list completed in page seven of the proposal.

It is your duty to disclose all material facts to underwriters. A material fact is one which may influence an Underwriter's judgement in his consideration of your proposal. If your proposal is a renewal, it is likely that any change in facts previously advised to Underwriters will be material and such changes should therefore be notified. If you are in any doubt whether a fact is material, you should disclose it.

FAILURE TO DISCLOSE could prejudice your rights to recover in the event of a claim or allow Underwriters to void the policy.

I/We declare that the statements and particulars in this proposal are true and complete and that I/We have not misstated or suppressed any material facts. I/We agree that this proposal together with any other information supplied by me/us shall form the basis of any contract of insurance effected thereon. I/We undertake to inform Underwriters of any material alteration to these facts occurring before completion of the contract of insurance.

I/We understand that details of my/our Professional Indemnity Insurance may be released to the Institute of Professional Willwriters as part of our advisory role to the Institute and to monitor compliance with the rules of membership.

**I/We understand that the policy does not meet the requirements of the Law Society and the Solicitors Regulation Authority and does not provide cover to for work transacted as a solicitor.**

Name:

Position within the company:

Signature:

Date:

Signature of Partner or Director:

A copy of this proposal should be retained for your own records.

Completed proposal forms should be returned to:

Johnston Park McAndrew 5th Floor Trinity Point, Halesowen, West Midlands B63 3HY

Tel: 0121 585 5725

Fax: 0121 550 1333

Email: Excel@jpm-insurance.co.uk

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### Data Protection Act 1998

The information provided on this form along with any other related data will be held by JPM (Insurance Management) Ltd and/or its agents and used to administer your enquiry. The details which you provide may also be used to update our records and those of companies associated to JPM (Insurance Management) Ltd, or carefully selected third parties so that we may provide you from time to time with information or details of events, services or products which we may think may be of interest to you. Please tick the relevant place(s) if you would prefer not to be kept informed of such information relating to:

by mail [ ] by telephone [ ] by fax [ ]

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**Any Additional Information**

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No.	Detail

