

Care Providers' Legal Solutions



Why you need Care Providers' Legal Solutions

Whatever the economic climate it's always a challenge running a business in the care industry, from keeping up with the latest employment and Health & Safety legislation, to resolving problems with suppliers or receiving an unexpected visit from the taxman.

What we cover

We can help you to overcome a range of common business problems, for example:

- you need expert legal advice quickly
- a dispute with an employee escalates and can't be resolved
- you receive notice of an enquiry into your tax or VAT returns
- the Care Quality Commission tells you they are about to alter, suspend, revoke or refuse to renew your licence following an inspection
- a Health & Safety inspection ends with a threat to prosecute your business
- you are required to attend a Coroner's Inquest or Fatal Accident Inquiry
- a neighbouring business restricts access to your premises
- legal representation at an interview by the police or other authority with the power to conduct a criminal investigation
- your business attracts adverse publicity which threatens to damage your reputation and you need PR advice
- you have a dispute with somebody in your care regarding fees



Why choose ARAG?

Our UK operation provides a nationwide service from our Bristol Head Office. We are part of ARAG SE, a global leader in legal expenses insurance which generates annual premium income in excess of €1.5 billion.

It has always been our vision to enable everyone, not just those that can afford it, to assert their legal rights. With this aim in mind we provide innovative and affordable products to companies and their directors and partners.

We are committed to providing our customers with legal advice and representation throughout a legal problem. We recognise that we will only grow by ensuring that we provide excellent products and an outstanding service to our customers.

Expertise when you need it most.



What is covered?



The summary table on pages 6 and 7 provides all the information that you need to consider before deciding whether to buy this cover but the information below will also help you. If you require full details of our policy terms and conditions please ask to see a policy wording.

Employment disputes & compensation

Employment law changes constantly and keeping on top of it can be a full-time job. You can keep up to date and download free employment-related documents from our online legal services website. Once you have registered to use the site we will keep in touch to let you know about forthcoming changes that may affect you.

If you have a dispute with an employee it can be stressful, time-consuming and very costly to both your finances and reputation. We will pay the legal costs of defending your business if an employee brings a claim against you provided that there is a reasonable prospect of your defence being successful. We will also pay any compensation awarded against you.

Employment restrictive covenants

You may have restrictive covenants in your employment contracts to protect your business interests should an employee or ex-employee attempt to trade in competition with (or work for a competitor of) your business. Alternatively you may need to defend a claim where one of your employees is alleged to have breached an ex-employer's restrictive covenant. Our cover will pay the costs involved in resolving legal disputes that arise from restrictive covenants.

An employment contract that includes a restrictive covenant is available to download for free on our legal services website, which also provides guidance notes.

Tax protection

No business welcomes an unexpected visit from the taxman and any investigation by HM Revenue & Customs can be lengthy and expensive. Our tax advisors will represent your business if a dispute arises following a compliance check by HMRC. They will also deal with HMRC if there is an enquiry into your business. Directors and partners of the business are also covered if there is an investigation into their personal tax affairs.

Property protection

Your premises are vital to the smooth running of your business. Nuisance, trespass or damage to your property by another party could put a substantial strain on your ability to operate effectively. We will pay legal costs to protect your rights and claim compensation if necessary.

Legal defence

All businesses operate within a complicated framework of legislation. Our legal services website can help you to remain compliant and we will also pay the legal costs to defend your business in the event of a criminal investigation or prosecution, including motoring offences. If you or your employee is asked to attend a police interview under caution to answer enquiries about a person who is has been under their care, we can arrange local legal support and representation.

Compliance & regulation

Businesses and their directors face ever-increasing burdens from regulatory and professional bodies. We can help if your business is investigated by a regulatory body or if you have to attend a professional or regulatory disciplinary hearing.

We will also appeal against the terms of statutory notices issued against you or defend your business against any civil action brought under the Data Protection Act.

Statutory licence appeals

We will represent you to appeal against the decision of a licensing or other authority, to change the terms of, suspend, or revoke your business licence or compulsory registration.

Employees' extra protection & Identity theft protection

We provide legal advice and representation for employees who are exposed to a civil action following an allegation of unlawful discrimination.

We can also help defend an employee who is a pension fund trustee if a civil claim is brought against them.

In addition, cover is in force to pursue compensation on behalf of employees and their family members who are injured as a result of the negligence of a third party, and to protect directors and partners from legal costs and expenses arising from identity theft.

Your **cover** (continued)

Crisis communication

In an increasingly media-orientated world, adverse publicity can have a devastating financial impact on your business. We will pay up to £25,000 in professional fees to provide expert advice to help you manage communication effectively in times of crisis. This can include drafting a media statement as well as preparing suitable communications for your staff, customers or suppliers.

Optional **cover**

Contract & debt recovery



Any kind of dispute or problem with a supplier or customer can really have a significant impact on your business. If this happens we will help you to resolve the situation as quickly as possible and pay any legal costs involved.

Problems with cashflow are very common and making sure your customers, including people under your care, pay promptly is essential. If you have a late payment issue, we will negotiate to resolve the situation as quickly as possible.



Examples of when we **can help**

Employment protection



After following the correct procedure our insured dismissed an employee on the grounds of gross misconduct. Our insured was subsequently notified that the former employee was claiming for unfair dismissal and we appointed a specialist solicitor to defend the claim. The matter proceeded to an Employment Tribunal hearing where our insured was successful and the claim was dismissed. We paid the solicitor's fees of £2,500.

Tax protection

Our insured received a letter from HM Revenue & Customs confirming that they intended to make a formal enquiry into the insured's tax return for the previous year. The insured contacted us and we passed the claim on to a tax advisor. After extensive investigation, HMRC confirmed that the tax return was in order with appropriate tax paid. We settled the advisor's invoice for £6,750.

Property protection

Our insured contacted us because they were experiencing problems with a neighbouring property. The problem related to the fact that their neighbour had planted trees which were overhanging into our insured's property. They had also built a wall that interfered with our insured's right of way.

We appointed a solicitor to act on our insured's behalf and a mediated settlement was reached whereby the neighbour agreed to make significant changes to their property boundary. Our insured was happy with the outcome and the legal costs of £5,400 were paid by us.

It has always been our vision to enable everyone, not just those who can afford it, to assert their legal rights.

Important information

Helplines



You can call our legal advice line and get immediate advice on all legal problems affecting your business 24 hours a day, 365 days a year. You can also call this advice line if an insured has been asked to attend a police interview and requires urgent legal representation because it is alleged that a criminal act covered by this policy may have been committed. You can also obtain tax-related advice from our tax helpline or use our counselling line which is available to your employees and their families.

Legal services website



With your policy you get free access to our legal services website, which allows you to create many online documents and guides which can help your business with everything from employment contracts and settlement agreements to leases and Health & Safety statements. For a small additional charge you can have complex documents checked by a solicitor.

Important conditions

You must always contact us first before appointing a solicitor or accountant to act for you. If you fail to do this you may prejudice your position and the insurer will not pay costs you have already incurred.

When we receive your claim we will have it assessed for reasonable prospects of success. Provided that the event is covered by the policy and your claim is more likely than not to succeed, we will help you under the terms of your policy.

We will recommend mediation to resolve your dispute where appropriate or we will appoint a solicitor or an accountant to act for you from our nationwide panel of specialist firms. The members of our panel are carefully selected based on their expertise and work under strict service standards. They are also audited regularly to ensure they provide the best possible service to our customers.

What happens if I change my mind after taking out the policy?

The policy provides you with a 14-day reflection period in which to decide whether you wish to continue. Cancellation is fully explained in Condition 9 of the policy wording.

The tables on the next page show a summary of cover. For full terms and conditions of the policy, please read the policy wording.

Claims procedure

If you need to make a claim you must notify us as soon as possible.

1. Under no circumstances should you instruct your own solicitor or accountant as the insurer will not pay any costs incurred without our agreement.
2. You can download a claim form by visiting www.arag.co.uk/newclaims or you can request one by telephoning us on **0117 917 1698** between 9am and 5pm Monday to Friday (except bank holidays).
3. Your completed claim form and supporting documentation can be submitted to ARAG by email, post or fax. Further details are set out in the claim form itself. We will send you a written acknowledgment by the end of the next working day after the claim is received.
4. Within five working days of receiving all the information needed to assess the availability of cover under the policy, we will write to you either:
 - a) confirming cover under the terms of your policy and advising you of the next steps to progress your claim; or
 - b) if the claim is not covered, explaining in full the reason why and advising whether we can assist in another way.
5. When a representative is appointed they will try to resolve your dispute without delay, arranging mediation whenever appropriate. Matters cannot always be resolved quickly, particularly if the other side is slow to cooperate or a legal timetable is decided by the courts.

What happens if the insurer cannot meet its liabilities?

We have an agreement with Brit Syndicate 2987 at Lloyd's to provide the insurance under Care Providers' Legal Solutions. They are covered by the Financial Services Compensation Scheme (FSCS). You may be entitled to compensation of up to 90% of the cost of your claim in the unlikely event that the insurer cannot meet its obligations.

Further information about compensation scheme arrangements is available at www.fscs.org.uk.

Summary table

Significant features & benefits	Significant exclusions or limitations
<p>The insurer will pay legal costs & expenses and employment compensation awards up to the sum shown in your policy schedule including the cost of appeals for the following:</p>	<ul style="list-style-type: none"> • It must always be more likely than not that your claim will be successful. • You must report your claim during the period of insurance and as soon as you become aware of the circumstances that could lead to a claim. • Unless there is a conflict of interest we will choose an appointed advisor until proceedings need to be issued or in any claim dealt with by an Employment Tribunal or the small claims court. • Legal costs, expenses or compensation awards incurred before we accept a claim. • Costs in excess of what would have been paid to a solicitor on our panel if the insured chooses to use their own representative.
<p>1. Employment A dispute with a past, present, or prospective employee, arising from a contract of service and/or alleged breach of employment laws. A dispute with a volunteer worker that arises from an alleged act of unlawful discrimination.</p>	<ul style="list-style-type: none"> • Pursuing an action other than an appeal. • Any redundancy-related claim within 180 days of you taking out this policy. • Internal grievances or disciplinary matters.
<p>2. Employment compensation awards Where we have accepted your claim under 1. Employment, the insurer will pay a basic and compensatory award made against you by a tribunal, or an amount agreed by us to settle a dispute.</p>	<ul style="list-style-type: none"> • Money due to an employee under a contract.
<p>3. Employment restrictive covenants A dispute with</p> <ul style="list-style-type: none"> • your employee or ex-employee which arises from a restrictive covenant in a contract of service with you • another party who alleges that you have breached their legal rights protected by a restrictive covenant. 	<p>The restrictive covenant must not</p> <ul style="list-style-type: none"> • extend further than is reasonably necessary to protect your business interests or • contain restrictions in excess of 12 months.
<p>4. Tax disputes A formal tax enquiry by HMRC, where a dispute arises following a compliance check by HMRC in relation to your business tax affairs, or where a dispute arises about VAT.</p>	<ul style="list-style-type: none"> • Any claim where you have been careless or have not met legal timescales. • An investigation by the Fraud Investigation Service of HMRC. • Tax avoidance.
<p>5. Property An event which causes damage to your property, a public or private nuisance or trespass, and recovery or repossession of property from an employee or ex-employee.</p>	<ul style="list-style-type: none"> • Any claim where a contract exists between you and the other party (apart from the recovery or repossession of property from an employee or ex-employee).
<p>6. Legal defence 24/7 access to legal representation at an interview under caution. We will defend the insured</p> <ul style="list-style-type: none"> • in an investigation that could lead to prosecution • if criminal proceedings are brought. <p>Cover for motor-related investigations and prosecutions is included. Directors and/or partners are covered to defend motor prosecutions whether or not they relate to the business.</p>	<ul style="list-style-type: none"> • Parking offences.
<p>7. Compliance & regulation An appeal against the terms of a Statutory Notice issued to your business, or defence of a civil action brought under the Data Protection Act.</p>	<ul style="list-style-type: none"> • Pursuing an action other than an appeal. • A Health and Safety Fee for Intervention.
<p>8. Statutory registration appeals An appeal against a decision to alter, suspend, revoke or refuse to renew a statutory licence, including the Care Quality Commission (CQC) and equivalent authorities in Scotland and Northern Ireland, or registration.</p>	
<p>9. Coroner's inquest or fatal accident inquiries A coroner's inquest or fatal accident inquiry following the sudden death of a cared for person while in the insured's care.</p>	<ul style="list-style-type: none"> • The maximum the insurer will pay is £25,000.

Significant features & benefits	Significant exclusions or limitations
<p>10. Loss of earnings The insurer will pay loss of earnings if an employee has to attend court or tribunal for a claim under this policy or because they are called for jury service.</p>	<ul style="list-style-type: none"> Any sum which can be recovered from the court or tribunal.
<p>11. Employees' extra protection Cover to:</p> <ol style="list-style-type: none"> a) defend <ol style="list-style-type: none"> i) an employee or volunteer worker in civil proceedings brought for unlawful discrimination, or ii) a trustee of the company pension fund; b) pursue a personal injury claim on behalf of an employee or a member of their family, or c) represent your directors and/or partners who have fallen victim of identity theft. 	<ul style="list-style-type: none"> In respect of 10.b: A condition illness or disease that gradually develops over time.
<p>12. Crisis communication Access to professional public relations support and crisis communication services to manage adverse media publicity and reputational exposure.</p>	<ul style="list-style-type: none"> Matters that should be dealt with through your normal complaints procedures. A matter that has not actually resulted in adverse publicity appearing online, in print or broadcast. The maximum the insurer will pay is £25,000.
<p>13. Contract & debt recovery (optional cover) Contract disputes and debt recovery actions relating to the purchase, hire, lease, servicing, maintenance, sale or provision of goods or services. Cover for motor-related disputes is included.</p>	<ul style="list-style-type: none"> The amount in dispute must exceed £200. Disputes with tenants. The sale or purchase of any land or buildings. Computer systems which have been supplied by you or tailored to your requirements. Breach of professional duty by an insured. Arbitration or adjudication.
<p>Legal & tax advice helpline Access by telephone to legal and tax experts for UK and EU-wide legal advice and UK tax advice.</p>	<ul style="list-style-type: none"> Advice will not be put in writing. Advice is restricted to business legal matters. Advice on UK tax law is available Monday to Friday between 9am and 5pm (except bank holidays). We cannot advise on financial planning or financial services products. Services are subject to fair and reasonable use.
<p>Crisis communication helpline The insured can use this helpline at any time for advice about negative publicity or media attention.</p>	<ul style="list-style-type: none"> Where your circumstances require professional work to be carried out in advance of any adverse publicity, such services are available subject to payment of a fee.
<p>Counselling assistance helpline Employees and their families can use this telephone service 24 hours a day, 365 days a year.</p>	<ul style="list-style-type: none"> Services are subject to fair and reasonable use.
<p>Redundancy approval We can arrange for specialist advice if you are planning redundancies.</p>	<ul style="list-style-type: none"> You have to pay the cost of this service. This service is available between 9am and 5pm on weekdays (except bank holidays).
<p>Business Legal Services website</p> <ul style="list-style-type: none"> Go to www.araglegal.co.uk and register using your voucher code to download legal documents that can assist with day-to-day issues that affect your business. Many documents offer legal review services. You can access our online law guide. 	<ul style="list-style-type: none"> Documents are restricted to business laws. Some documents only apply for England & Wales. Many documents are free while others attract a modest charge. Legal review services are subject to a fee.
	<p>Territorial limit The UK, Channel Islands and the Isle of Man, except for Legal defence, Compliance & regulation and Contract & debt recovery where cover extends to EU countries, Norway and Switzerland.</p> <p>Period of insurance Unless otherwise agreed the period of insurance shall be for 12 months.</p> <p>Legal costs & expenses</p> <ul style="list-style-type: none"> Reasonable costs incurred by the appointed advisor. The other side's legal costs. Employment compensation awards and employee settlements agreed with us. Basic wages and salary in respect of Loss of Earnings cover. Crisis communication costs.

How we handle complaints

Step 1

ARAG is committed to providing a first class service at all times. However, if a complaint arises, this should be addressed to our Customer Relations Department who will arrange to have it reviewed at the appropriate level. We can be reached in the following ways:



0117 917 1561 (hours of operation are 9am-5pm, Mondays to Fridays excluding bank holidays. For our mutual protection and training purposes, calls may be recorded).



customerrelations@arag.co.uk



ARAG plc, 9 Whiteladies Road, Clifton, Bristol, BS8 1NN.

Step 2

Should you remain dissatisfied you can pursue your complaint further with Lloyd's. They can be reached in the following ways:



0207 327 5693, Fax: 0207 327 5225



complaints@lloyds.com, Website: www.lloyds.com/complaints



Lloyd's, One Lime Street, London EC3M 7HA.

Step 3

If Lloyd's is not able to resolve the complaint to your satisfaction then you can refer it to the Financial Ombudsman Service (FOS) provided that it falls within their jurisdiction. The FOS can normally deal with complaints from small business with annual turnover of less than €2 million. They can be contacted at



0800 023 4567 or 0300 1239 123



complaint.info@financial-ombudsman.org.uk



Financial Ombudsman Service, Exchange Tower, London, E14 9SR.

The FOS is an independent service in the UK for settling disputes between consumers and businesses providing financial services. You can find more information on the Financial Ombudsman Service at www.financial-ombudsman.org.uk

The FOS's decision is binding upon the insurer, but you are free to reject it without affecting your legal rights.

ARAG plc registered in England number 02585818. Registered address: 9 Whiteladies Road, Clifton, Bristol BS8 1NN.

ARAG is authorised and regulated by the Financial Conduct Authority firm registration number 452369.

ARAG plc is authorised under a Binding Authority Agreement with the Insurer Brit Syndicate 2987 at Lloyd's to administer this insurance (written under unique market reference B0356KA233D12A000 or replacement thereof). Brit Syndicates Limited, the managing agent for Brit Syndicate 2987 at Lloyd's, is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and Prudential Regulation Authority. This can be checked by visiting the FCA website at www.fca.org.uk/register or by contacting the FCA on 0300 500 0597.

ARAG plc and Brit Syndicate 2987 at Lloyd's are covered by the Financial Ombudsman Service.

www.arag.co.uk