

A close-up portrait of a middle-aged man with short, grey hair, smiling warmly. He is wearing a dark grey suit jacket over a white shirt and a dark tie. The background is a soft-focus view of a window with light coming through.

COMMERCIAL LEGAL PROTECTION

BUSINESS LEGAL PROTECTION & ADVICE

POLICY SUMMARY BROCHURE



FIRST FOR JUSTICE



WHY YOUR COMPANY NEEDS IT

INTRODUCTION

The cost of defending your company's legal rights is increasing, with few companies able to afford the luxury of an in-house solicitor. At the same time, there has been a huge rise in the amount of business legislation from both the UK and Europe. The potential cost of a claim is unknown, with even small claims running to thousands of pound in legal costs and expenses. This doesn't take into account the amount of management time and stress caused in having to deal with these matters.

The DAS Commercial Legal Protection Policy offers comprehensive cover for all the main areas where legal disputes may arise.

STANDARD COVER

- Attendance Expenses
- Business Assistance
- Personal Injury
- Contract Disputes
- Counselling
- Employment Disputes & Compensation Awards (including Jury Service)
- Eurolaw Commercial Legal Advice
- Debt Recovery
- Disciplinary Hearings
- Legal Defence
- Helplines
- Property Protection
- Statutory Licence
- Tax Advice
- Tax Protection





ROUND THE CLOCK LEGAL ADVICE

Every business needs professional legal advice at some point, but these days that doesn't come cheap, with solicitors charging in excess of £150 an hour. With DAS Commercial Legal Protection, you have unlimited access 24 hours a day to our advice service. This provides over the phone advice, on the laws of the EU, the Isle of Man, the Channel Islands, Switzerland and Norway. This includes advice on employment, contract disputes, bad debt, property protection and hundreds of other potential business or tax problems.

You can also use the DAS Business Assistance Service to locate a contractor if you have a problem affecting your premises. Any charges made for services are your responsibility.

Confidential counselling is available to all employees of your company and their immediate family who live with them.

DASBUSINESSLAW

At www.dasbusinesslaw.co.uk you'll find a free, online reference full of the sorts of letters, articles and forms that will help you run your business successfully. DASbusinesslaw users can also access interactive document builders, to help make composing common commercial documents as easy as possible.

From new legislation and employment issues to property law and taxation, you'll find the content provided by dasbusinesslaw is updated regularly by legal experts to help you keep your business one step ahead.

EMPLOYMENT ADVICE ON THE WEB

The DAS Employment Manual has been designed to provide you with a fully comprehensive guide to employment procedures under UK law. It is intended as a day to day guide to best employment practice in most aspects of human resources and personnel management. Information is given on matters such as drafting employment contracts, recruitment, redundancy, and setting up disciplinary and absence procedures. The manual also provides vital information on current employment legislation and guidance on subjects such as maternity and parental leave and the rights of part time workers. In order for us to provide an up-to-date service the Employment Manual is available to all policyholders via our website www.das.co.uk.



"I am ever so pleased with the way you have treated me all along and I am over the moon with the result. Thank you for all your assistance in this prolonged affair." DAS policyholder.

EMPLOYMENT DISPUTES & COMPENSATION AWARDS

Changes to legislation impact on all aspects of company life, but none has been more affected in recent years than employment. There were 187,296 employment tribunal applications in the period October 2012 to September 2013. The DAS Commercial policy will protect your company if you face court or tribunal proceedings from a past, existing or even prospective employee. We will pay the legal costs of your defence, including Unfair Dismissal claims where the compensation award limit is currently in excess of £74,000 with unlimited awards for sex, race, disability, sexual orientation and religious discrimination.

LEGAL DEFENCE

Your business is subject to any number of laws governing things like Health & Safety, Sex, Race and Disability Discrimination, Weights and Measures and Environmental and Data Protection, to name but a few. What you need is a cover that offers you wide ranging protection against existing and future legislation. Recent company related legislation has also put the emphasis on individual responsibility and this trend looks set to continue, leaving directors, officers and employees of your company facing potential prosecutions or civil actions connected to their work. Employees who are trustees of your company pension fund may also face criminal or civil action arising from their special duties.

We live in an increasingly information driven environment where, to be competitive, up- to-date relevant and detailed customer information is vital to success. However, individuals now have the right to know what information is held about them, for what purposes it is being used and to whom it is given. They may then claim compensation for any distress and damage caused and prevent further use of this data. A breach of any of the principles of the Data Protection Act could result in civil proceedings being brought by the data subject. Since 1998 this act has been extended to protect paper based records as well as computerised records.



ATTENDANCE EXPENSES

We will pay the attendance expenses of an insured person called to jury service.

PROPERTY PROTECTION

A company's premises, whether owned or leased, are essential to the smooth running of the business. Financial loss could result from someone else's negligence or a deliberate attempt to damage or trespass on your property. Legal Action to obtain compensation or an injunction can prove expensive and the outcome is often uncertain. So, it is important to feel you have access to the necessary expertise to protect your legal rights.

PERSONAL INJURY

Most employers are well aware that accidents at work can happen, no matter how careful you are. We will pursue the legal rights of any director, officer or employee of your company following an event which causes their death or bodily injury.

TAX PROTECTION

The complexities of the tax system can prove a minefield for any company, and the introduction of self-assessment has not helped the situation. Any kind of tax disputes can prove costly and can be enormously stressful. In addition, stricter enforcement of National Insurance contributions is also likely to see a rise in related problems.

The VAT system in this country is well established and yet many problems still arise following assessment by HM Revenue & Customs every year. If you disagree with a VAT assessment, we will pay the cost of representing your company in an appeal to a VAT Tribunal.

"From the very first telephone call I made to DAS, I have been very impressed with the efficiency of the service and the very proficient way in which it was carried out and can only say very well done." DAS policyholder.



CLAIMS EXAMPLES

EMPLOYMENT DISPUTES

One of our policyholders, a County Council, faced a claim for Race Discrimination. This followed an interview for a job within the organisation in which the applicant had been unsuccessful. Unforeseen circumstances had led to an interruption occurring during the interview. The candidate alleged racial discrimination and made a claim to an Employment Tribunal.

We took the case forward on the policyholder's behalf and after negotiation the claim was withdrawn.

PERSONAL INJURY

While returning to his vehicle after a ferry crossing, one of our policyholder's drivers slipped on a patch of oil and sustained a serious ankle fracture. The policyholder felt that the ferry company had been negligent and contacted DAS who appointed solicitors to act on their behalf.

The case was successfully presented at the County Court by the appointed solicitors, resulting in a settlement of £28,000.

LEGAL DEFENCE

After an employee had slipped and broken his arm while constructing a roof, our policyholder received notice that he was being prosecuted for failing to ensure that safe working practices were in place. The DAS appointed solicitor examined the case and concluded that there was no alternative but to plead guilty. The offence carried a maximum fine of some £20,000 which would have caused serious financial difficulties for the company and posed a threat to certain jobs.

A plea of mitigation was made and our policyholder was fined £2,500. The legal costs of £1,325 were paid by DAS.

PROPERTY PROTECTION

Our policyholder contacted DAS when his property was damaged during renovations to a neighbouring building. During the course of construction, water had penetrated our policyholder's property resulting in a claim for:

- Damage to the property and the cost of remedial work;
- Loss of revenue resulting from the need to postpone plans to let the property as flats.

Following lengthy negotiations, an offer of £45,000 was made and accepted by our policyholder. Legal costs incurred in this complex case amounted to £32,000.



TAX PROTECTION

Our policyholder received notification that he would be subject to a Tax Enquiry by HM Revenue & Customs into the tax affairs of his business. We contacted a Tax Consultant to assist his accountants in preparing for the investigations.

They highlighted the fact that there was no specific tax risk to our insured and it looked to establish whether there was an additional amount to be paid. An additional query was raised regarding their ability to live on the declared profits of their company. The case was concluded in our insured's favour, with HM Revenue & Customs accepting the accounts which were submitted.

The only matter where liability was conceded was in respect of some minor benefits in kind. Costs incurred came to £4,500 which were met by DAS.

CONTRACT DISPUTES

Our policyholder, a manufacturer of traffic sensors produced for installation in highways, contacted us following a dispute over goods which had been supplied to them. They had purchased a resin product used to fix the sensor to the channels within the highways. On several occasions, the resin supplied had cured too rapidly making the installation difficult or impossible. The supplier told our policyholder that there was little evidence that the resin could be defective since not all batches were affected by the problem. Our policyholder contacted DAS, and we took the case forward on their behalf.

Following discussions with the supplier, compensation for our insured was settled at £15,300. Costs and disbursements were paid by the supplier.

DEBT RECOVERY

Our insured, a firm of architects, contacted DAS after writing on several occasions to obtain an outstanding payment of £11,068 from a client. We appointed a solicitor who wrote to the client on their behalf. After several attempts to contact the client to negotiate a settlement the solicitor was forced to serve a writ.

The debt was then paid before court proceedings commenced. DAS paid the solicitor's fees of £889.

CLAIMS

To make sure you get the maximum benefit from your policy you should follow a few simple guidelines if you are faced with a potential legal dispute;

- If you think you may have a claim, do not ask a solicitor for advice unless we have given our permission. If you do we will not pay the costs involved.
- It is always a good idea to get legal advice from us as soon as possible.
- If you think that you might need to claim, contact DAS and a claim form and guidance notes will be sent to you – this can be emailed.
- If you call the Legal Advice Service to discuss a problem that might lead to a claim it is important to note that, due to the confidential nature of the service provided, a telephone call to the Legal Advice Service does not register a possible claim under the policy. You will still need to contact the DAS Claims department for a claim form.



POLICY SUMMARY

Some important facts about your Commercial Legal Protection insurance are summarised below. This summary does not describe all the terms and conditions of your policy, so please take time to read the policy document to make sure you understand the cover it provides. Your cover runs concurrently with the period shown in the schedule of your Professional Indemnity policy underwritten by Royal & Sun Alliance Insurance plc.

COMMERCIAL LEGAL PROTECTION COVER

The policy will pay legal costs up to £100,000 including solicitors' and barristers' fees, court costs, expenses for expert witnesses, attendance expenses and accountants' fees. DAS will also pay the costs of appealing or defending an appeal.

Features and benefits	Significant exclusions or limitations
EMPLOYMENT DISPUTES & EMPLOYMENT COMPENSATION AWARDS If your company faces an employment dispute, court or tribunal proceedings from a past, present or prospective employee DAS will pay legal costs incurred in defending your position. Should your company face the risk of losing a case and being ordered to pay awards of compensation at a tribunal, DAS will cover the company against costs.	Personal Injury claims are excluded. Loss/Damage to property is excluded. In respect of compensation awards, the advice of DAS must be sought and followed. Total awards payable shall not exceed £1,000,000 in any one period of insurance.
LEGAL DEFENCE DAS will pay the cost incurred in defending an insured person if: <ul style="list-style-type: none">■ It is alleged that a criminal offence has been committed; or■ A criminal prosecution is brought; or■ Civil action for compensation under section 13 of the Data Protection Act 1998 arises, including any resulting compensation award; or■ A civil action is brought against your company for wrongful arrest in respect of an accusation of theft; or■ A civil action is taken against the trustee of a pension fund set up for the benefit of the company's employees. This cover also extends to appeals against the refusal of the Information Commissioner to register your company's application for registration.	Prosecutions for motoring offences are excluded.
DISCIPLINARY HEARINGS DAS will represent you in a disciplinary case brought against you by the relevant authority.	

Features and benefits	Significant exclusions or limitations
<p>STATUTORY LICENCE PROTECTION</p> <p>DAS will represent your company in appealing to the relevant statutory or regulatory authority, court or tribunal following a decision by a licensing or regulatory authority to suspend, or alter the terms of, or refuse to renew, or cancel your company's licence, mandatory registration or British Standard Certificate of Registration.</p>	<p>An original application or application for renewal of a statutory licence, mandatory registration or British Standard Certificate of Registration.</p> <p>Any licence appeal relating to the ownership, driving or use of a motor vehicle.</p>
<p>CONTRACT DISPUTES</p> <p>DAS will pay legal costs to negotiate your legal rights in a contractual dispute arising from an agreement or alleged agreement for the purchase or hire or sale or provision of goods or services.</p>	<p>The amount in dispute must be more than £500 and less than £5,000.</p> <p>Contracts involving a motor vehicle are excluded.</p> <p>Disputes arising from a loan, mortgage, pension or investment are excluded.</p> <p>Letting and tenancy agreements are excluded.</p>
<p>DEBT RECOVERY</p> <p>Negotiating for your legal rights including enforcement of judgment to recover money and interest due from the sale or provision of goods or services.</p>	<p>The debt must exceed £500.</p> <p>A claim must be reported within 90 days of the money becoming due and payable.</p> <p>Debts due within the first 90 days of the start date of the policy are excluded if the agreement was entered into prior to the start date of the policy.</p>
<p>PROPERTY PROTECTION</p> <p>DAS will pay legal costs to negotiate on behalf of your company for their legal rights:</p> <ul style="list-style-type: none"> ■ Following any event causing actual or potential damage; ■ Following nuisance and trespass; ■ Relating to material property which is owned by your company or any for which the company is legally responsible. 	<p>Contracts entered into by you are excluded.</p> <p>Goods in transit, lent or hired out by you are excluded.</p> <p>Goods not at your premises unless you are using them are excluded.</p> <p>Damage to, or caused by, motor vehicles are excluded.</p>

Features and benefits	Significant exclusions or limitations
<p>PERSONAL INJURY</p> <p>At your company's request this cover will pay for the negotiation of an insured person's legal rights following an event which causes the death of, or bodily injury to, an insured person.</p>	<p>Incidents where a specific or sudden accident is not the cause are excluded.</p> <p>Any injury caused by a motor vehicle is excluded.</p>
<p>TAX PROTECTION</p> <p>This cover will pay the cost of negotiating for your company's rights or representation in appeal proceedings if any of the following tax problems arise:</p> <ol style="list-style-type: none"> 1 A tax enquiry. 2 An employer compliance dispute. 3 A VAT dispute. <p>Provided that:</p> <p><i>You have taken reasonable care to ensure that all returns are complete and correct and are submitted within the statutory time limits allowed.</i></p> <p><i>Please note we will only cover tax claims which arise in direct connection with the activities of the business shown in the schedule.</i></p>	<p>Tax avoidance schemes are excluded.</p>

In addition, the following 24 hour helplines are included. To contact these helplines please phone **0117 933 0606**. This contract is governed by English law.

EUROLAW COMMERCIAL LEGAL ADVICE	Provides legal advice on problems affecting your company under the laws of the majority of countries in Europe.
TAX ADVICE	Provides confidential advice on any UK tax matter affecting the insured business.
BUSINESS ASSISTANCE	In the event of an unforeseen emergency affecting the company premises which causes damage or potential danger, assistance will be arranged with a contractor. All costs are paid by the insured.

COUNSELLING	Confidential counselling is available to all employees of your company and their immediate family who live with them.
DASBUSINESSLAW	DASbusinesslaw provides an on-line business support system which allows free access to over 600 model business documents, specimen letters and business guides on a wide range of subjects from employing someone to writing a marketing plan. Regular information bulletins and daily business news is also available from the site.

MAKING A CLAIM

You must give DAS details of any claim as soon as possible and within 180 days of the insured incident happening. You can telephone us on **0117 933 0606**.

If you would prefer to report your claim in writing please send it to:

**Claims Department | DAS Legal Expenses Insurance Company Limited | DAS House
| Quay Side | Temple Back | Bristol BS1 6NH**

Alternatively you can email your claim to us at **newclaims@das.co.uk**

HOW TO MAKE A COMPLAINT

We will always try to give you a quality service. If you think we have let you down, please write to our Customer Relations Department at our Head Office address shown below. Or you can telephone us on **0344 893 9013** or email us at **customerrelations@das.co.uk**

Details of our internal complaint-handling procedures are available on request.

POLICY WORDING

This is only a summary of cover. A full policy wording is available on request from your insurance adviser.



Agent's address



FS 613477

EMS 613479

IS 613478

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