

## **Guidance on what you need to do if you are the subject of a claim or potential claim**

It can be a very personal and extremely daunting affair when you have never been the subject of a claim or potential claim under a Professional Indemnity policy. You simply may not know where to start and what is actually required of you in the claims process. Please remember that we are on your side and we are here to help and advise you. We will liaise between you and your Insurer especially at the early stages of a claim. Below we have highlighted a list of key things that you must do to help you and your Insurer when dealing with a new or potential claim circumstance:

1. Immediately forward to us, un-answered, any correspondence you receive in relation to a claim.
2. Prepare a suggested draft response ready for your Insurer to approve. They may wish to add or subtract from this depending on the circumstances.
3. Talk to us first. You must not enter into correspondence with a claimant or their representatives without the prior consent of your Insurer and you must not do anything that is likely to jeopardise your Insurers position or the defence of a claim.
4. Do not tell your client or their representatives that you are involving your Insurer. This can be counterproductive and excite a claimant unnecessarily at the early stages of a claim leading them to exacerbate their claim
5. Issue your formal complaints procedure in accordance with your professional body's requirements e.g. RICS, RIBA, CABE, CIOB etc.,
6. Complete and return to us the **Incident Notification Form** without delay, detailing what has happened along with a Chronology of events and full details of all parties involved.
7. Provide us with a copy of your terms of engagement, along with a copy of any relevant paperwork from your file that relates to the contract which is the subject of the claim.
8. In the event the claim relates to a Building Survey or Home Buyers Report, please forward a copy of your report.
9. Immediately pass to us any solicitors or legal proceedings on the same day you receive them or urgently thereafter. Legal Protocol can mean that time is critical so your Insurer may need to react very quickly.

### **Very Important**

You cannot and must not just send in correspondence you receive and expect your Insurer to simply sort it out. At this stage, your Insurer has no knowledge of the dispute between you and the claimant, therefore, the more information you can supply to your Insurer, the better prepared they will be to assist you in the defence of a claim.



Dealing with a claim is a joint effort between you and your Insurer and involves your time and input; ultimately, it is you who the claimant is pursuing, not your Insurer. You need to help your Insurer by supplying them as quickly as possible with everything that they request.

***Please contact us if you need any guidance on any matter involving the claims process.***