



# Key facts

## Housing association - aggregate (professional liability)

This is a claims made policy which provides cover for claims **which are made and notified to us during the Period of Insurance.**

### Cover

#### Executive and professional Liability

Covers:

- the legal liability of committee (or sub-committee) members, directors, council members, officers or trustees of the Association whilst acting as committee members etc of the Association

In addition their legal costs and expenses are covered in respect of:

- any investigations they are required to attend
- the defence of any legal action seeking their disqualification as a director
- the legal liability of the Association, committee members etc and employees for any civil liability\* arising from:
  - provision and management of domestic accommodation, sheltered housing etc
  - advice and design services relating to home improvements or repair to elderly or disabled homeowners/tenants
  - operation and management of community alarm schemes
  - specified professional activities
- loss of documents cover (up to £10,000 in total) is also included

*\*N.B. a civil liability is any liability you may incur other than a criminal one. It therefore includes, amongst others, negligence, breach of copyright, breach of intellectual property rights, defamation etc.*

#### Employment law protection (optional) (not available in Northern Ireland)

Covers the legal liability of the Association, its committee members, employees etc following an employment dispute.

In addition their legal costs and expenses are covered in respect of attendance at any employment or health and safety investigations.

#### Fidelity (optional)

This covers the Association for loss of money or goods arising from the dishonest or fraudulent acts of employees.

### Limit and excess

Each of the previous three sections has a separate limit of indemnity which is not eroded by claims made under another section.

Under each section the limit of indemnity applies to each claim and in total for the period of insurance.

An excess will apply to all claims with a minimum excess of £10,000 under Employment Law Protection in relation to TUPE

### Principal exclusions

#### All insuring clauses

- fines and penalties
- disputes with the provider of any finance or funds relating to the legal entitlement or procurement of such funds

#### Executive and professional liability

- certain dishonest and malicious acts
- pollution unless (in respect of professional liability) arising from negligent advice, design specification or formula
- bodily injury/property damage (other than loss of documents) unless (in respect of professional liability) arising from negligent advice, design, specification or formula
- acting as a trustee of a pension scheme

#### Executive liability

- employment disputes
- claims following the takeover or merger of the Association

#### Professional Liability

- claims resulting from your ownership possession or use of:
  - vehicles or craft etc
  - land, buildings, civil engineering structures other than when being used etc for your professional activities and duties for a customer or third party or where they form part of any permanent or temporary works for any contract in which you are involved
- penalties and liquidated damages
- collateral warranties etc
- responsibility for the acts of other parties in any consortia and joint ventures
- products liability
- trading losses incurred
- estimates by unqualified persons and/or deliberately uneconomic tenders
- claims made by anyone having a financial interest in your business
- arranging insurance or providing finance or financial advice
- surveys for sale or purchase



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- defective workmanship
- claim made against a governor, director, council member, officer or trustee by the Association

### Employment law protection

- dishonest or fraudulent conduct
- the wanton, willful, reckless or intentional disregard of any employment legislation
- the voluntary assumption of liability\*
- claims brought by volunteers
- disputes following the takeover, merger or liquidation of the Association
- failure to adapt premises or working methods to meet the needs of a disabled person
- remuneration, redundancy and benefits you have a legal obligation to pay
- cost of compliance with any injunctive or non-pecuniary relief
- disputes between assureds

*\* N.B. This does not refer to your obligations under the TUPE regulations as these are not voluntarily assumed*

### Fidelity

- unexplained shortages
- dishonest acts committed by anyone after you have reason to suspect them
- loss arising outside the United Kingdom
- claims following the takeover or merger of the Association

## Principal conditions

### All insuring clauses

- **immediate claims notification**
- **immediate notification of early conciliation**
- claims handling requirements
- subrogation rights
- severability (does not apply to Fidelity section)
- consequences of fraudulent claims
- contract of Insurance subject to English or Scottish law (as applicable)

### Executive liability

- cancellation instructions to be sanctioned by all committee (or sub-committee) members, directors, council members, officers or trustees.
- use of the Markel Employer Helpline in relation to TUPE

### Employment Law Protection

- cancellation rights
- use of the Markel Employer Helpline in relation to TUPE
- **immediate notification of early conciliation**

### Fidelity

- cancellation rights

This factsheet is not a policy document and contains only general descriptions.  
Policyholders must refer to the actual policy issued for the binding terms, conditions and exclusions of cover.

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