

# Professional Indemnity

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## Proposal Form

### Marketing, Advertising and Communications Consultants

**Please complete the whole form to the best of your ability, clarifying any areas where necessary and continuing on a separate sheet if required.**

**A website, brochure or overview of the services you provide will assist underwriters**

**New start-ups: Please use estimated values for fees, work breakdown etc. Please also provide a current CV or full summary of relevant qualifications and experience.**

#### **Insurance Act 2015 - Proposal Forms for non-consumer contracts - Duty of fair presentation**

1. Before this insurance contract is entered into, the Insured must make a fair presentation of the risk to the Insurer, in accordance with Section 3 of the Insurance Act 2015. In summary, the Insured must:

a) Disclose to the Insurer every material circumstance which the Insured knows or ought to know. Failing that, the Insured must give the Insurer sufficient information to put a prudent insurer on notice that it needs to make further enquiries in order to reveal material circumstances. A matter is material if it would influence the judgement of a prudent insurer as to whether to accept the risk, or the terms of the insurance (including premium);

b) Make the disclosure in clause (1)(a) above in a reasonably clear and accessible way; and

c) Ensure that every material representation of fact is substantially correct, and that every material representation of expectation or belief is made in good faith.

2. For the purposes of clause (1)(a) above, the Insured is expected to know the following:

a) If the Insured is an individual, what is known to the individual and anybody who is responsible for arranging his or her insurance.

b) If the Insured is not an individual, what is known to anybody who is part of the Insured's senior management; or anybody who is responsible for arranging the Insured's insurance.

c) Whether the Insured is an individual or not, what should reasonably have been revealed by a reasonable search of information available to the Insured. The information may be held within the Insured's organisation, or by any third party (including but not limited to subsidiaries, affiliates, the broker, or any other person who will be covered under the insurance). If the Insured is insuring subsidiaries, affiliates or other parties, the Insurer expects that the Insured will have included them in its enquiries, and that the Insured will inform the Insurer if it has not done so. The reasonable search may be conducted by making enquiries or by any other means.

**Please return your completed form and any supporting documentation to:**

Email: [underwriting@collegiate.co.uk](mailto:underwriting@collegiate.co.uk)

Fax: 020 7459 3455

Post: 18 Mansell Street, London, E1 1FE

**MARKETING ADVERTISING AND COMMUNICATIONS CONSULTANTS**

1. Company name:

2. Contact details:

|            |               |      |
|------------|---------------|------|
| Address:   | Contact name: |      |
|            | Telephone:    | Fax: |
|            | Email:        |      |
| Post code: | Website:      |      |

Please provide similar details for any other companies or businesses (including associated or subsidiary companies) requiring cover under this insurance, below.

3. Additional insured name and address:

|          |
|----------|
| Postcode |
|----------|

**NOTE:** Please note that you should answer all subsequent questions on this application form in relation to all parties to be insured under this policy

4. Additional liabilities:

Is cover required for anything other than work undertaken by the firm(s) identified on the Professional Indemnity Insurance proposal form? This may include a predecessor in business or liability of one of your partners or principals relating to work undertaken elsewhere.

YES  NO

If YES, please provide details:

5. Date business established:

6. Total income:

|                                 | Last complete financial year | Current year | Estimate next year |
|---------------------------------|------------------------------|--------------|--------------------|
| UK clients                      | £                            | £            | £                  |
| Overseas excluding USA / Canada | £                            | £            | £                  |
| USA / Canada                    | £                            | £            | £                  |

Turnover includes (but is not limited to) fee income/revenue, media spend, production and campaign costs and payments to sub-contractors.

7. Partners and directors:

| Name | Qualifications | No. of years experience |
|------|----------------|-------------------------|
|      |                |                         |
|      |                |                         |
|      |                |                         |

**8. Your business activity**

Your percentage of turnover including fee income must be separated approximately into the activities listed below so that we can understand what you are doing and because we only cover you for the work which you declare:

|  | Turnover |
|--|----------|
| a. Creation of content for advertisements                  |          |
| i. Commercial TV/cinema                                    | %        |
| ii. Print/press/poster                                     | %        |
| iii. Internet e.g. pop-ups/banner                          | %        |
| iv. Radio  | %        |
| v. Mobile telecoms e.g. SMS, MMS                           | %        |
| vi. Other - please specify:                                | %        |
|  |          |
| b. Media buying  | %        |
| Please break down your media buying activities as follows: |          |
| i. Media spend   | £        |
| ii. Fees to you  | £        |
| c. Design of printed literature/documents                  | %        |
| d. Direct marketing  |          |
| i. Postal mailings   | %        |
| ii. Email marketing  | %        |
| iii. SMS marketing   | %        |
| iv. Other - please specify:                                | %        |
|  |          |
| e. Packaging and fulfilment                                | %        |
| f. Telemarketing   | %        |
| g. Database management and list broking                    | %        |
| h. Sales promotion   |          |
| i. Coupons/offers/discounts etc.                           | %        |
| ii. Competitions/contests                                  | %        |
| iii. Premium sourcing/supply                               | %        |
| iv. Field sales  | %        |
| v. Other - please specify:                                 | %        |
|  |          |
| i. Market research   | %        |
| j. Public relations  | %        |
| k. Graphic design (not interior design or product design)  | %        |
| l. Corporate identity/brand consultancy                    | %        |
| m. Marketing consultancy                                   | %        |
| n. Others - please specify:                                | %        |
|  |          |

**9. Films**

|  |  |
|--|--|
| Do you produce any Commercials or Promotional Films?<br>If yes you will be required to complete a supplementary questionnaire. |  |
|--|--|

**10. Risk management**

What procedures do you have in place to ensure that any photo, film clip, music or other content used by you does not breach any third party rights? If you have standard written procedures please attach a copy.

**11. Direct marketing and sales promotion**

- Mailings** Do you carry out any mailings? Yes  No
- If YES:
- a. What is your largest mailing (by number of pieces mailed)?
- b. What is your average size mailing?
- c. Do you undertake 100% mailings (contracts where 100% of the client database must receive the mailing)? Yes  No
- If YES:
- i. Please provide details of the nature of the mailing(s) and client(s):
- ii. What percentage of your total mailings are 100% mailings?  %

**12. Contracts**

- a. Do you carry out any print only contracts? Yes  No   
If YES, what percentage of your income:  %
- b. Do you always have a written specification with your clients for each job which includes campaign details, volume, quality, timings and sign off procedures? Yes  No
- c. Are all deviations to the above specification contact reported? Yes  No
- d. Do you always use a purchase order, or equivalent, when employing subcontractors which mirrors any client obligations for each contract? Yes  No
- e. Do you always obtain final client sign off before going to print? Yes  No

Please give details of the three largest contracts commenced in the past three years:

| Start date / end date | Name / business of client | Nature of contract | Total value | Income to you |
|-----------------------|---------------------------|--------------------|-------------|---------------|
|                       |                           |                    |             |               |
|                       |                           |                    |             |               |
|                       |                           |                    |             |               |

**13. Sub-contractors and non-employed contributors**

a. What percentage of your content is supplied by non-employed Contributors including freelancers or other non-employees?  %

b. Do you always obtain a hold harmless or indemnity from non-employed contributors for claims that may arise from the content of the material? YES  NO

If NO, please provide details:

**14. Specific work**

Within the past three years, what is the average value of all contracts you get involved in?  £

Have you had any involvement with structural design work in relation to event/conference/exhibition organisation? YES  NO

If YES please give details:

Do you act as Printers or have Print only contracts? YES  NO

Are you Journalists / Authors? YES  NO

Have you ever bought Professional Indemnity Insurance in the past? YES  NO

If YES, please provide details:

| Name of Insurer | Limit of indemnity | Excess | Premium | Renewal Date | Retro active date | No. of years continuously held |
|-----------------|--------------------|--------|---------|--------------|-------------------|--------------------------------|
|                 |                    |        |         |              |                   |                                |

Please advise the limit of Indemnity now required together with your preferred excess.

| Option | Limit | Excess |
|--------|-------|--------|
| A      | £     | £      |
| B      | £     | £      |

**You must complete this section.**

In relation to your professional business activities, are you after reasonable enquiry aware of:

Any shortcoming in your work which may lead to a claim against you.

This includes:

- A shortcoming known to you which you cannot reasonably put right. YES  NO
- A complaint about your work or anything you have supplied which cannot be immediately resolved. YES  NO
- An escalating level of complaint on a particular project. YES  NO

A client withholding payment due to you after any complaint. YES  NO

Any loss from the dishonesty or malice of any employee or self-employed freelancer. YES  NO

Any loss from the suspected dishonesty or malice of any employee or self-employed freelancer. YES  NO

Any matter which may give rise to a claim against you or your predecessors in business or any past partner, principal, director or employee. YES  NO

If you answered YES to any of the above, please provide full details:

|  |
|--|
|  |
|--|

Have you or any of your partners or directors at any time either personally or in any business capacity:

1. been declared bankrupt or become insolvent or made any voluntary arrangement with creditors or been subject to enforcement of a judgment debt? YES  NO

2. been a partner, a director or had a controlling interest in any company, firm or business entity which has entered into a voluntary arrangement with creditors or been subject to any application for liquidation, administration, receivership or to enforcement of a judgment debt? YES  NO

If the answer to 1. and/or 2. above is YES, please give full details on a separate sheet.

3. Has any claim, whether successful or not been made against you or your predecessors in business or any past or present partner, principal, director or employee (whether previously insured or not)? YES  NO

4. Have you ever had any insurance or proposal cancelled, withdrawn, declined or made subject to special terms? YES  NO

If the answer to 3. and/or 4. above is YES, please give full details below:

| Date | Details |
|------|---------|
|      |         |

## DECLARATION

I/we declare that I/we have made a fair presentation of the risk, by disclosing all material matters which I/we know or ought to know or, failing that, by giving the Insurer sufficient information to put a prudent insurer on notice that it needs to make further enquiries in order to reveal material circumstances.

I/We undertake to inform you before any contract of insurance is concluded, if there is any material change to the information already provided or any new fact or matter arises which may be relevant to the consideration of our proposal for insurance.

Signature of Principal/Partner/Director

Date

Name \_\_\_\_\_ A copy of this proposal should be retained for your records.  
(in capitals)

### Marketing

*Collegiate would like the opportunity to send you relevant information which may be of interest to your business, including product and industry news. By ticking the boxes below, you are consenting to the use of your data for the purpose of marketing activities only. The data will be used only by Collegiate and will never be sold or passed onto third party companies for marketing purposes.*

*Please let us know if you would like us to contact you by any of the below means:*

*Yes, I would like to receive Marketing Communications by:*

Post  Email  Phone  SMS

*Your consent and preference options can be updated or withdrawn anytime by clicking the unsubscribe link on our communications*

### Data Protection

Collegiate Management Services Ltd (the Data Controller) are committed to protecting and respecting your privacy in accordance with the current Data Protection Legislation. Below is a summary of the main ways in which we process your personal data, for more information please visit our website at [www.collegiate.co.uk](http://www.collegiate.co.uk)

We may use the personal data we hold about you for the purposes of providing insurance, handling claims and any other related purposes, for offering renewal, research or statistical purposes and to provide you with information, products or services that you request from us or which we feel may interest you. We will also use your data to safeguard against fraud and money laundering and to meet our general legal or regulatory obligations.

We may disclose your personal data to third parties involved in providing products or services to us, or to service providers who perform services on our behalf. These include our group companies, affinity partners, brokers, agents, third party administrators, reinsurers, other insurance intermediaries, insurance reference bureaus, credit agencies, fraud detection agencies, loss adjusters, solicitors/barristers, accountants, regulatory authorities, and as may be required by law.

We may transfer your personal data to destinations outside the European Economic Area ("EEA"), and we will ensure that it is treated securely and in accordance with the Legislation.

You have the right to ask us not to process your data for marketing purposes, to see a copy of the personal information we hold about you, to have your data deleted (subject to certain exemptions), to have any inaccurate or misleading data corrected or deleted, to restrict processing, to ask us to provide a copy of your data to any controller and to lodge a complaint with the local data protection authority.

Your data will not be retained for longer than is necessary, and will be managed in accordance with our data retention policy. In most cases, the retention period will be for maximum period of 7 years following the expiry of our business relationship with you, unless we are required to retain the data for a longer period due to business, legal or regulatory requirements.