

**Health, Work and Wellbeing
Directorate**

**Review Statement –
Code of Practice
for tracing Employers' Liability Insurance Policies**

1 January 2008 to 31 December 2008

November 2009

DWP Department for
Work and Pensions

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Ministerial foreword

Today, Britain is recognised by the international community as a leader in promoting employment and tackling disadvantage in the labour market and as having one of the best health and safety records in the world. Good health and safety has, however, not always been a business priority and a key step for employees was the introduction of the Employers' Liability (Compulsory Insurance) Act 1969 which protects employees who are injured or made ill as a result of employer negligence.

Employers' Liability Compulsory Insurance (ELCI) supports the right of employees who suffer bodily injury or disease during the course of their employment in Great Britain to be fairly compensated. But people also need reassurances that they can make legitimate claims as illnesses arise, even many years later. That is why, in 1999, we launched the Code of Practice for tracing Employers' Liability Insurance Policies (ELCOP) in conjunction with the insurance industry. This Code was introduced following a review of ELCI which found that some employees suffering from industrial diseases could not trace their employer's insurance policy as their condition often developed many years after they left the job during which it was caused. Under the Code, the insurance industry runs an online Tracing Service to help such employees find the relevant policy. A Review Body chaired by DWP provides close scrutiny on the operation of the Code on behalf of claimant representatives.

There has been some progress in tracing rates since the Code was introduced, with improvements continuing this year. I thank the Review Body for their efforts in the preparation of this document and for their continual work on this agenda. I was particularly pleased to hear that the Association of British Insurers has introduced a new protocol for recording EL Policies which has been signed up to by fellow industry associations. We have been particularly concerned about post 1999 success rates and difficulties in locating company subsidiaries details and want to make sure that complete information is recorded for people working now. The protocol ensures that additional details such as subsidiaries are captured, to facilitate ready searches for an employee looking for their former employer's insurance policy. The protocol is a voluntary scheme but I hope that all associates will be encouraged to sign up, to ensure higher post 1999 success rates.

Although the progress made since ELCOP was introduced is welcome, far too many people – representing both older and post-1999 claims – are still not able to trace their insurance policies and access the compensation that they deserve. This is not acceptable and more needs to be done to improve tracing rates. The Government is determined to see significant improvement.

We believe that an essential step is the establishment of an electronic database of EL insurance policies that can be searched by claimants and their representatives. We have already had some very positive discussions with the ABI on setting up such a system – for which we are very grateful – and will now seek to develop firm

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proposals. We envisage a system that would eventually provide a complete record of all EL policies issued and should be easily accessible to those who need to trace such policies.

While we are confident that a database will ensure that, in future, more people can obtain civil damages for industrial disease, we know from experience that it may still be very difficult to trace historic policies, especially for those individuals suffering from long-tail diseases such as mesothelioma. The Government wants to see more done to ensure that individuals who are unable to trace insurers are given support. We are currently considering the options available to us, including the introduction of an Employers’ Liability Insurance Bureau – a fund of last resort for those unable to trace insurers – as suggested by many stakeholder groups and parliamentarians. We hope to be able to say more on the steps we will take shortly.

The Government is determined to continue to work with the insurance industry, personal injury lawyers and others to ensure that workers made ill or injured by their employment receive the compensation that they deserve.

A handwritten signature in black ink that reads "Ben McKenzie". The signature is written in a cursive, slightly slanted style.

Lord McKenzie of Luton
Parliamentary Under Secretary of State,
Department for Work and Pensions

Introduction

1. The ABI and the Lloyd's Market Association (LMA) have been operating the Code of Practice (ELCOP) for tracing employer liability insurance policies since 1 November 1999.
2. The objective of the ELCOP is for insurers to retain, and do their best to search, those employers' liability policy records that exist.
3. The ELCOP addresses the difficulties experienced by a small number of employees when seeking compensation from their employer, in identifying the insurance policy held by their employer at the same time an injury or disease was caused. The problem is most common in occupational disease cases that have taken a long time to develop, where the employer has ceased trading and details of their insurance have been lost or destroyed.
4. To help insurers fulfil their commitment to the ELCOP, the Association of British Insurers (ABI) runs the Tracing Service. Claimants fill in an online enquiry form, and the enquiries are then sent out to all ELCOP signatories. Insurers then respond if they find a match with their policy records, and this information is sent to the claimant.
5. The ELCOP was introduced to ensure that, from its introduction, insurance records would be much more accessible. However, it has not always been possible to capture data on policies which had lapsed earlier, and some records had already been destroyed or, in very old cases, never existed.
6. So that policies issued since November 1999 can be traced easily, one important feature of the ELCOP was an undertaking by insurers to keep records of current and future policies for 60 years. The ELCOP therefore imposes an obligation on the insurance industry to ensure that they store records of policies in a format which they can readily search.
7. However post 1999 tracing success rates have not been as high as hoped – although there was an improvement to 50% in 2008. Part of the reason identified was that policy records were not always being stored in an accessible format. Therefore the industry introduced a new, supporting protocol in October 2008, which requires insurers to record information about subsidiary companies, and brokers to provide this information. It is hoped that this will help improve the post 1999 success rate further.
8. DWP has agreed to look at any employers' liability issues surrounding those businesses that choose to self-insure, including, privatised solvent companies whose liabilities currently reside with government departments, and some run-off companies.
9. This Performance Report was produced by the Review Body (See Appendix 5 for membership details), demonstrating their commitment to closer stakeholder working and trust between partners. The ABI's and LMA's joint report is attached at Appendix 6.

Performance report for the period from 1 January 2008 to 31 December 2008

10. The ABI report indicates that 13,098 enquiries have been circulated over the period covered by the report. During this period, there has been a significant increase in the number of enquiries made to the Tracing Service, in comparison to the previous two years (see Table 1). The ABI expressed concern that solicitors are not doing all they can to trace defunct companies’ insurers’ details before referring to the Tracing Service.
11. For the review period in question, the proportion of successful traces was 45%. This is the highest rate since the launch of the ELCOP in 1999; see Table 1 for more details. Of the 7775 claimants who used the Tracing Service, 4565 were successful and were therefore potentially able to receive compensation that, without the ELCOP, they would not receive.

Review Period	Enquiries	Successful traces	Success rates
2000 - 2001	2239	896	40%
2001 - 2002	3753	1576	42%
2002-2003	6992	1861	27%
2003-2004	6299	1700	27%
2004-2005	7326	1700	23%
2005-2006	6658	1851	28%
2006-2007 (14 months)	11245	3939	35%
2006-2007 annualised	9639	3376	35%
2008	13098	5878	45%

Table 1: Number of enquiries, successful traces and success rate per review period.

12. The Review Body acknowledged that the Tracing Service’s success rate had continued to improve from previous years; seeing a 10% increase during this period on the previous year’s success rate. The success rate by claimant during this reporting period was 59%, compared to 42% in the previous year (see Annex A of the Joint ABI/LMA report).
13. Improvement measures implemented throughout 2008, such as the Protocol for Recording EL policies are intended to help make the Tracing Service even more accessible and efficient in the future. However, it was noted that the Tracing Service is still not helping some claimants who cannot trace their former employers’ insurer. The Review Body firmly expects to see further improvements to the success rate next year.

Post 1999 Tracing

14. Traces for policies issued on or after 1 November 1999 should, in theory, always be successful, providing the search contained the required information and is covered by the ELCOP, i.e. if the employer is required to have ELCI. At the onset of the ELCOP, signatories undertook to keep future policy records in a robust searchable format for 60 years, and their tracing systems should be effectively resourced with adequate IT and ample staffing.
15. However post 1999 tracing success rates have not been as high as hoped; although there was an improvement to 50% in 2008. Part of the reason identified was that policy records were not always being stored in an accessible format. Therefore the industry introduced the Protocol for Recording EL Policies in October 2008 (see Annex B to Appendix 6 ABI/LMA report), which requires insurers to record information about subsidiary companies, and brokers to provide this information.
16. The Review Body would like the ABI to do more to increase the post 1999 success rates and will continue to monitor the performance of the Tracing Service to ensure further progress is achieved in the 2009 report.
17. This is particularly important given the changes to the ELCI regulations introduced on 1 October 2008, which removed the legal requirement for employers to retain certificates of insurance for 40 years. Guidance has been issued by the Health and Safety Executive to advise employers to retain these records to enable them to be able to claim against their EL insurance for any compensation payments linked to long tail diseases. This change was made in response to the enforcement difficulties identified in the review of the regulations and failure to ensure the security of records from businesses that have ceased to trade. The only information on some historic policies and on policies issued to businesses that have ceased to trade will continue to be that held by insurers.

Pre 1999 Tracing

18. The success rate for post-1972¹ ELCI policy traces for the year under review is 46%. Pre-1972 (where insurance policies may not have existed), the success rate is lower, at 39%. Still this is a considerable increase compared to the pre and post success rates recorded in 2006-2007 (see Table 2).

Year		Enquiries	Successful traces	% Rates
2008	Pre 1972	1817	701	39%
	Post 1972	6566	3015	46%

¹ The date the ELCI 1969 Act came into force.

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2006 - 2007	Pre 1972	2676	659	25%
	Post 1972	5278	2055	39%

Table 2 – Pre and Post 1972 Enquiries and Successful Traces

Fast Track Mesothelioma Service

19. Mesothelioma is a terminal disease with terrible effects on peoples’ lives and is now the most common cause of work-related death. The Review Body acknowledges that no amount of money can ever fully compensate individuals and families for the suffering and loss caused by mesothelioma. But those who are suffering rightly deserve some form of monetary compensation. In 2007, the ABI introduced the Mesothelioma fast track facility to help speed up the tracing process for these people. In this reporting period, the ABI processed 2133 mesothelioma enquiries, on behalf of 806 mesothelioma sufferers. 419 were successful (52%). This is both an increase in the number of enquiries, and in the number of successful claimants, from the previous year, which suggests that the Tracing Service is becoming of vital importance to terminally ill people.

Insolvent Insurers

20. A proportion of historic EL cover was written by Insurance Companies that have subsequently become insolvent. Claims under such policies are in certain circumstances afforded protection by the Financial Services Compensation Scheme. Where the EL cover was written prior to 1972 claims under such policies must be met by the employer if they are solvent.

21. These claims are the responsibility of the Insolvency Practitioner (IP) who has been appointed to manage the Estate of the failed insurer. In most cases, the IP has appointed Run Off Agents to handle claims on their behalf. The main agents are Chester Street and IICL (Independent Insurance Company Limited) where the Run Off Agent is Capita and Builders Accident where the Run Off Agents is BAICS. The Run Off Agents are conducting employers’ liability tracing searches on historic underwriting records, funded by the estate.

22. The FSCS have audited the tracing process at both Capita and BAICS as part of their ongoing audit programme. They have found that there is good evidence of a responsible approach to tracing, with the allocation of the task to specified staff within each Run Off Agent. Monthly returns detailing the tracing activity are submitted by the Run Off Agents to the FSCS and ABI are able to confirm that responses are sent to them in accordance with the tracing code. The accuracy of the returns are sample audited at Capita by senior staff and at BAICS by the FSCS. Capita have agreed to a monthly audit on 5% of their traces and at BAICS manual records will be converted to an excel spreadsheet.

Improvements implemented during 2008

23. At the Review Body meeting on 13 July 2009, the ABI stated that they have been working hard with their members (including at CEOs level) and all relevant parties to improve the Tracing Service. They have introduced a number of improvements in 2008 including:
- The Protocol for Recording EL Policies (see above);
 - real-time responses to enquires that match previous successful traces;
 - manual filtering of enquires before they are sent to insurers. Some enquires are removed because they have insufficient information, ABI contacts the lawyers concerned and resubmits the enquiry with the required information;
 - best practice guidance to ELCOP insurers;
 - hosting an industry wide event in June 2008, attended by over 70 archivists and claims handlers from insurers;
 - the launch of a new website, including a Frequently Asked Questions page and an up to date list of ELCOP signatories and the historic accounts they manage
 - a 'still searching' response option for insurers to use if they are unable to meet the four-week deadline for specific searches

Issues to consider

24. The ABI is concerned about the number of employers who may be breaking the law by not buying EL insurance. The last research on compliance was done by the Health and Safety Executive (HSE) in 2003. The Review Body were advised that the HSE are planning further in-depth research to accurately gauge compliance levels across employers required to have EL cover. The ABI will share failed post-1999 traces from the Tracing Service with HSE to help with this survey.
25. The ABI has mentioned that users should routinely utilise other sources of information before using the Tracing Service. The Companies House registrar holds relevant information on lead companies and its subsidiaries. The internet may also provide useful information.
26. The ABI would also like to see progress on work to identify 'self insured' businesses and privatised solvent public bodies whose liabilities currently remain with government. The ABI has reported that the Tracing Service is currently being used to search for these types of employers, and this may be having a negative effect on its success rate, because this information may not be held by insurers. The Review Body has asked for clarification on processes in place where a nationalised industry goes back into private ownership and how self insured businesses are identified. The Department for Work and Pensions will pursue this work with other Government Departments. These issues will be discussed at the next Review Body meeting.
27. Insurers who are not represented by either the ABI or LMA but also underwrite or have underwritten employers' liability insurance policies, including companies and syndicates that are solvent and active, solvent and in "run-off" and insolvent and

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in “run-off”, should become signatories to the ELCOP to demonstrate that they are tracing policies. Further work needs to be done to investigate obligations on insolvency practitioners.

28. The Association of Run-Off Companies (ARC) has agreed to join the Review Body as an associated member. This is to help ensure that all insurers who have written EL insurance are committed to the ELCOP, and that all such policies are being searched in response to Tracing Service enquiries. Any changes to their role will be discussed at the next Review Body meeting in 2010. The Review Body agreed that the Financial Services Compensation Scheme (FSCS), the Financial Services Authority (FSA) and the International Underwriting Association (IUA) will continue to attend future meetings in an observer capacity.
29. The Review Body has agreed to invite a representative from the Asbestos Victims Support Forum for the next Review Body meeting.
30. The Review Body will continue to monitor the impact of ABI’s improvement measures closely and this will include scrutiny of success rates.

Complaints

31. Appendix 2 details the formal complaints procedure that attaches to the ELCOP.
32. The Review Body noted that no complaints about the performance of any insurer under the ELCOP were made to the ABI or to the LMA. Also, DWP has received no formal complaints under the prescribed procedures since the inception of the ELCOP.

Next review

33. The Review Body agreed that the next review of the ELCOP’s operation should take place as early as practicable in the year. Consequently, the operation of the ELCOP’s 10th year’s performance from 1 January 2009 to 31 December 2009 will be reviewed around Spring 2010. Any further improvement measures will be reflected in that report, which will be due for publication around the summer of 2010. The Review Body expects those improvement measures to demonstrate material improvement in post-1999 traces in particular.
34. The Review Body thanked both the ABI and LMA for their continued hard work and effort in 2008. The Review Body endorsed their own commitment to pro-actively engage with the ABI, LMA and relevant stakeholders to ensure an effective and efficient Employers’ Liability Code of Practice that is fit for purpose while meeting the challenges of the Review Body.

Appendix 1

Summary of the review procedure

The Review Body

1. The Review Body that produced this Review Statement is chaired by the Department for Work and Pensions. Appendix 5 provides details of the organisations represented at the Review Body.
2. Representatives are nominated by their representative bodies. A list of the members involved in this review statement is at Annex B of the ABI/LMA report.
3. Between them, the ABI and the LMA represent the majority of the UK insurance industry. The ABI is a trade association that represents insurance companies, some of whom underwrite or have underwritten employers’ liability insurance, and the LMA is a marketplace in which syndicates transact business, some of whom underwrite or have underwritten employers’ liability insurance.
4. Some insurers are not represented by either the ABI or LMA but also underwrite or have underwritten employers’ liability insurance policies, including companies and syndicates that are solvent and active, solvent and in “run-off” and insolvent and in “run-off”. For this reason, other representative bodies are also on the Review Body, including the Association of Run-Off Companies (ARC), the International Underwriting Association (IUA) and the FSCS.

How the Review was done

5. The Review Body met on Monday 13 July 2009
6. In producing this Review Statement, the Review Body has taken into account the Annual Reports produced jointly by the ABI and LMA on how they operated the ELCOP, and the performance of the Tracing Service, during the period of the Review. The ABI and LMA Report is reproduced in full at Appendix 6 of this report.
7. An employer may buy employers’ liability insurance from:
 - (i) an insurance company, or
 - (ii) an underwriting syndicate at Lloyd’s
8. Findings in the last report indicated that the majority of enquiries under the ELCOP are received by Association of British Insurers under the Tracing Service. When enquiries are received by the LMA, they are almost invariably also received by the ABI from the same enquirer.
9. Annex A of the ABI/LMA report details the numbers of Tracing Service enquiries circulated by the ABI to signatories to the ELCOP. It also shows the number of successful traces and success rates for the period of the Review.

Signatories to the Code

10. The joint report (Appendix 6) provides a list of the ABI/LMA members who are ELCOP signatories, statistical information on the working of the Tracing Service and further background information.
11. ELCOP signatories were asked by the ABI or LMA, as appropriate, to sign end-of-year compliance statements along the following lines:
12. "For the period 1 January 2008 to 31 December 2008, I confirm that [*name of Insurance Company/Managing Agency*] has enforced the Code of Practice for Tracing Employers' Liability Insurance records and made every practical effort within reasonable bounds to try and establish for a potential claimant whether it was on risk at the time their injury occurred or during the period of exposure to cause an occupational illness or disease."
13. Each of the signatory companies has also been asked (by the ABI or LMA) to set out what information they hold on historical policies. This statement lists the years for which records are available, and the format they were stored in – paper, microfiche or computer. A copy of an insurer's statement can be obtained by application to the relevant insurer, the ABI or LMA.

Appendix 2

The complaints system

ABI Procedures

1. There is a formal complaints system under the ELCOP. If an enquirer has a complaint about the conduct of a particular insurer in relation to their operation of the ELCOP, this should in the first instance be referred in writing to that insurer.

Action by the Insurer

2. The insurer must acknowledge a written complaint within 5 working days of receipt, giving details of their complaints handling procedure. A definitive response must be provided within 40 working days. If the enquirer is not satisfied with the explanation provided, they may refer the complaint in writing to ABI, who will take up the matter with the company concerned.

Action by ABI

3. A complaint which is referred to ABI will be acknowledged within 5 working days of receipt. ABI will forward correspondence to the senior management of the insurer concerned, for their review and action, as appropriate. If the enquirer is not satisfied with the explanation provided, they may refer the complaint in writing to the Department for Work and Pensions.

LMA Procedures

4. Any complaint made by an enquirer about the conduct of a particular syndicate subscribing to the ELCOP should, in the first instance, be referred in writing to that syndicate. Every syndicate at Lloyd's is required to have written complaint procedures to enable the prompt and proper handling of complaints. If it is felt a syndicate has failed to resolve the matter, the dispute can be referred to Lloyd's Complaints Department. Correspondence should be addressed to;

The Manager
Lloyd's Complaints Department
1 Lime Street
London
EC3M 7HA

5. The Lloyd's Complaints Department will acknowledge the complaint within 5 working days of receipt, and will initially refer the matter to a senior representative of the syndicate concerned and allow them a final 14 working days to review the matter. Lloyd's Complaints Department can be asked to investigate the matter if it still remains unresolved after that time. In the event that the matter remains

unresolved after investigation by Lloyd’s Complaints Department, the dispute may be referred to the Department for Work and Pensions.

DWP procedures

6. Consideration of a complaint by DWP is the final stage of the complaints process. DWP will only consider a complaint if, in the case of an insurer, the insurer and the ABI, or a Lloyd’s Syndicate, the Syndicate and Lloyd’s Complaints Department have first been given the opportunity to resolve it.

Contacting DWP

7. Complaints should be made in writing and sent to:

Department for Work and Pensions
Health, Work and Wellbeing Directorate
Code of Practice on Tracing Employers’ Liability Insurance Policies
Caxton House
Tothill Street
London
SW1H 9NA

How your complaint will be dealt with

8. DWP will acknowledge the complaint within 5 working days of receipt. DWP will decide if the insurer or syndicate acted in accordance with the ELCOP or not, on the basis of written evidence from the complainant and the insurer. The complainant should state clearly what aspect of the ELCOP they believe has not been observed, and provide supporting evidence. The insurer or syndicate will be asked to explain their view of the case and provide relevant supporting evidence.

Where DWP concludes that a complaint is justified

9. It will inform the insurer or syndicate in writing (with a copy to the ABI or Lloyd’s Complaints Department as appropriate), giving the reasons for its decision. DWP will give the insurer or syndicate one calendar month in which to rectify the situation. If the insurer or syndicate does not do so, DWP’s report to the Review Body on the complaints it has received that year will highlight the case, and recommend that the Review Body should draw attention to it in its published Annual Statement – naming the insurer or syndicate concerned². DWP will inform the complainant of its final decision on their complaint, and the reasons for this.

² DWP will report to the Review Body on the number of complaints which have been referred to it and their nature, the numbers which were found to be justified, and the numbers which were not justified.

Where DWP concludes that a complaint is unjustified

10. It will inform the complainant and the relevant insurer or syndicate (with a copy to the ABI or Lloyd’s Complaints Department as appropriate), and give the reasons for its conclusion.

Appendix 3

Railway industry liabilities

Soon after the ELCOP started, the Department for Transport, Local Government and the Regions was asked by the British Railways Board to distribute contact details on the appointed claims handler for BRB liabilities. This was incorporated into the first Annual Review Statement 1 November 1999 – 31 October 2000. The information below has been updated and provided by the Department for Transport.

Under the Transport Act 2000, the residuary liabilities of the former British Railways Board have been vested in BRB (Residuary) Limited. These include liabilities for certain (but not all) pre-1994 liabilities of the railway industry, including liabilities of the old pre-nationalisation railway companies. No insurers were involved due to the existence of self-insurance arrangements.

Further information can be obtained from BRB (Residuary) Limited's appointed claims handling agents Crawford & Company Adjusters (UK).

All correspondence, including letters of claim, should be sent to this address and not to BRB (Residuary) Limited.

Tempus
249 Midsummer Boulevard
Central Milton Keynes
Bucks
MK9 1YA

Appendix 4 British Coal liabilities

Capita's Coal Health Contract (CHC) handles all claims from former British Coal miners on behalf of the Department for Business, Innovation and Skills (BIS).

The liabilities of British Coal passed to BIS in 1998 (liabilities moved to the Department of Energy and Climate Change in December 2008) and the resulting schemes form the largest piece of personal injury litigation ever to pass through the British courts, with a total estimated liability of £7 billion.

The majority of claims handled by the business fall into two main categories:

- Respiratory diseases – chronic obstructive pulmonary disease or COPD
- Those relating to the use of vibrating power tools, often referred to as Vibration White Finger (VWF)

Appendix 5

Review body members

Key review body members

Alison Scott	Department for Work and Pensions (Chair)
Justin Jacobs	Association of British Insurers
Karl Tonks	Association of Personal Injury Lawyers
Neil Carberry	Confederation of British Industry
Malcolm Keen	Forum of Insurance Lawyers
Peter Martin	Lloyd’s Market Association
Hugh Robertson	Trade Union Congress
Steve Foulsham	British Insurance Brokers Association

Suggested review body members

Asbestos Victims Support Group

Associated review body members

(Those parties invited as observers and/or contributors of market information to the Review Body).

Karl Jefferies	Financial Services Compensation Scheme
Peter Furby	International Underwriting Association
Christopher Jones	International Underwriting Association
Mike Klaiber	Zurich Insurance

Appendix 6
Joint report by ABI and LMA –
1 January 2008 to 31 December 2008
(including ABI ELCOP Protocol)

This is a joint report by the Association of British Insurers (ABI) and Lloyds Market Association (LMA) covering the period from 1 January 2008 – 31 December 2008.

ABI and LMA Findings – see pages 21 to 34



Alison Scott
Department for Work & Pensions
Workplace Health Division
The Adelphi
1-11 John Adam Street
London WC2N 6HT
3 July 2009

Dear Alison,

Code of Practice for Tracing Employers' Liability Insurance Policies

Attached is our report on the Code of Practice and the Tracing Service for 2008.

The key points to note in this year's report are:

- Insurers are committed to getting fast and fair compensation to claimants. Every year, insurers pay out £1.5 billion to around 186,000 people claiming for injury or disease against their employers. Insurers are working hard to help the very small minority of claimants who cannot easily find an employer or insurer to claim against, and over 98% of claimants are able to find an employer or insurer to claim against.
- Through insurers' commitment to the Tracing Service in 2008:
 - the success rate per enquiry has reached its highest ever level of 45%;
 - 6 out of 10 claimants (4565 in total) successfully found an insurer (some claimants submit an enquiry for more than one employer);
 - over half of claimants who were successful received the relevant information immediately;
 - 419 mesothelioma claimants successfully found an insurer, and only waited a week on average to receive the relevant information.
- Insurers continue to improve their record-keeping practices to help claimants in the future. In 2008, insurers and brokers signed up to the Protocol for Recording EL Policies. This ensures that additional details, such as subsidiary names, are recorded, so that if a claimant only knows one of these names as the employer then the policy can still be found.

I look forward to discussing these issues with you and Review Body colleagues when we meet on 13 July.

Justin Jacobs
Head of Property, Motor and Liability
Association of British Insurers

Code of Practice for Tracing Employers' Liability Insurance Policies

ABI/ LMA report for 2008

1. Introduction

- 1.1 The Code of Practice for Tracing Employer's Liability (EL) Insurance Policies (the Code of Practice) is a voluntary commitment undertaken by insurers to help claimants identify their former employer's EL insurer(s) if the employer is insolvent or untraceable and they want to make a claim for personal injury, including disease, against them. Under the Code of Practice, insurers commit to:
- retain, and do their best to search, EL policy records that exist, and
 - retain future policy records for 60 years in ways that will make it easier to answer future enquiries from employees and their representatives.
- 1.2 As part of the commitment to search existing records, the ABI set up the EL Tracing Service. This enables claimants to search for historic EL records via the ABI if they have been unable to trace the relevant insurer through other routes. The Tracing Service is an effective, free and easy-to-use online system allowing claimant lawyers to ABI members' and Lloyds' Market Association members' records for EL policies.
- 1.3 This submission provides the Review Body with a review of the success of the Code of Practice and the continuing good performance of the Tracing Service in 2008. This is a joint submission from the ABI and the LMA.

2. EL claims: the overall context

- 2.1 Insurers are committed to getting fast and fair compensation to claimants. Every year, insurers pay out £1.5 billion³ in EL claims, to around 186,000 claimants⁴. Identifying a defendant to claim against is an early and, for the vast majority of cases, straightforward part of the claims process. Most claimants make a claim for injury or disease directly against their current or former employer. Where the employer has ceased trading, most claimants are able to identify and make a claim directly against the relevant insurer. Only around 4% of EL claimants and their representatives need to use the Tracing Service to identify an insurer to claim against, usually in cases where the claimant is suffering from a long-tail disease and the exposure took place a long time ago.⁵
- 2.2 Claimants who do not find an insurer through the Tracing Service represent less than 2% of all claimants who make an EL claim each year.⁶ Moreover, some of these claimants may still be receiving compensation from other employers and/or insurance coverage as long-tail diseases tend to be caused over several periods of employment.

³ Average gross claims incurred per year over last five years, ABI statistics, 2008.

⁴ Average number of claims settled per year over last five years, Compensation Recovery Unit (CRU) statistics, 2009. This does not include claims notified for Noise Induced Hearing Loss where the exposure was under 50DB.

⁵ Analysis based on survey conducted by ABI members, in which they assessed a representative sample of successful EL claims from 2006/07, ABI statistics, 2008.

⁶ 2% calculated by comparing 3210 unsuccessful Tracing Service claimants to average of 169,816 claims notified to CRU per year over last five years.

3. Commitment to the Code of Practice

3.1 The Code of Practice is only a small part of the extensive claims handling service insurers provide to employers and to claimants. Nevertheless, the ABI, LMA and insurers are fully committed to helping the small minority who cannot find an insurer to claim against.

3.2 Further improvements to the Tracing Service over the last year include:

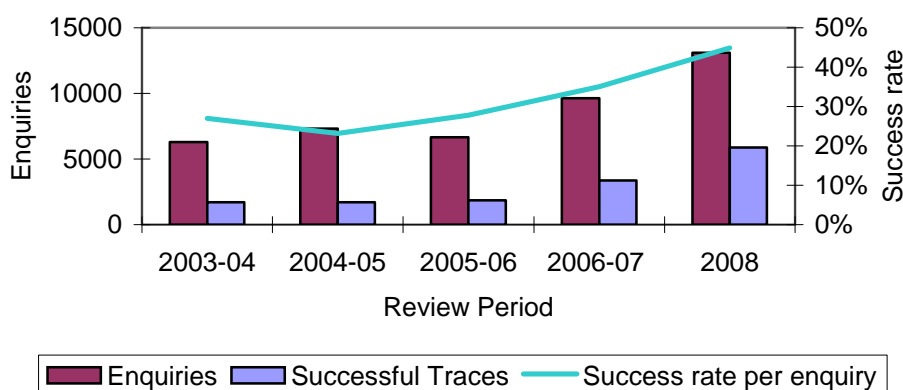
- real-time responses to enquiries that match previous successful traces;⁷
- introducing manual filtering of enquiries before they are sent to insurers. This involved removing over 1700 enquiries in 2008. Some of these enquiries are removed because they have insufficient information, so ABI contacts the lawyers concerned and often resubmits the enquiries with the required information;
- launching best practice guidance to the Code of Practice for insurers;⁸
- hosting an industry-wide event in June 2008, attended by over 70 archivists and claims handlers from insurers;
- improving accessibility and information available to claimants and lawyers with the launch of our new website, including a Frequently Asked Questions page, and an up-to-date list of EL insurers and the historic EL accounts they manage;

4. Tracing Service results

4.1 The Tracing Service continues to produce better results, despite the number of enquiries doubling over the last two years. This year, as shown in Chart 1 below:

- the success rate per enquiry reached its highest ever level of 45%.

Chart 1: Enquiries, Successful Traces and Success Rate per Review Period



⁷ Immediate responses are sent when an enquiry comes in for an employer that has previously successfully been searched for, and the exposure dates overlap with those of the original enquiry, resulting in the original successful information being sent immediately to the claimant. The enquiry is then also sent round to insurers to ensure the whole period of exposure is searched against.

⁸ *Employers' Liability Insurance Code of Practice – ABI Guide to Compliance*, ABI 2008, available at www.abi.org.uk.

Helping claimants

4.2 The focus of the Tracing Service is to help claimants find an insurer to claim against. Some claimants submit enquiries for more than one insurer, so the success rate per claimant is higher than the success rate per enquiry. We are pleased to report that this year:

- **6 out of every 10 claimants successfully found an insurer – a total of 4565 claimants;**
- **over half of all successful claimants received an immediate response.**

4.3 The ABI has prioritised enquiries for mesothelioma claimants, who are in particular need of receiving speedy compensation, but whose periods of exposure often relate to policies over 40 or 50 years old. In 2007 the ABI introduced a fast-track mesothelioma facility so that enquiries made by mesothelioma claimants would be processed within a maximum of five weeks rather than the standard eight weeks. In 2008 the performance has improved further, and:

- over half of mesothelioma claimants successfully found an insurer – a total of 419 claimants;
- successful mesothelioma claimants received a response within a week on average.

Helping claimant law firms

4.4 The Tracing Service results show that insurers are significantly helping claimant law firms to achieve our shared objective of making sure claimants get compensation. In general, 86% of enquiries are made by claimant law firms, and in 2008:

- the top 10 law firms using the Tracing Service each received over 200 successful traces on average – see Table 1 below.
- the top 10 users for mesothelioma enquiries receive on average almost 40 successful traces a year – see Table 2 below.

Table 1: Figures for top 10 claimant law firms

<i>Law firm</i>	<i>Enquiries</i>	<i>Successful traces</i>	<i>Success rate</i>
1	1270	591	47%
2	688	389	57%
3	539	277	51%
4	418	165	39%
5	362	180	50%
6	359	119	33%
7	275	150	55%
8	264	145	55%
9	263	116	44%
10	213	94	44%

Table 2: Figures for top 10 claimant law firms for mesothelioma enquiries

Law firm	Enquiries	Successful traces	Success rate
1	333	103	31%
2	261	80	31%
3	182	40	22%
4	144	58	40%
5	68	25	37%
6	44	17	39%
7	44	16	36%
8	41	17	41%
9	35	17	49%
10	30	14	47%

4.5 The ABI runs a helpline to advise claimant lawyers and other enquirers on how to use the Tracing Service and we receive, on average, 10 calls a day. However, it is clear from their queries that claimant lawyers are still not doing sufficient research before using the Tracing Service – see top 5 queries in Table 3 below:

Table 3: Top 5 queries from claimant lawyers

1	How to use the Tracing Service and the online enquiry form
2	Whether the Tracing Service can be used for other types of insurance e.g. public liability, professional indemnity
3	How to find out the employer's address details and whether they have ceased trading
4	How to pursue a still active employer for an EL claim
5	Can we send through the response again as the law firm's spam filter has rejected the email, or the lawyer in question has left the firm

4.6 Moreover, some claimant lawyers are still using the Tracing Service to search for the insurers of employers who are still trading, rather than going direct to the employer. This risks adding unnecessary delay to getting claimants their compensation – see the case study below. Where we detect that an employer is still trading, we advise the lawyer to contact them directly and as soon as possible.

Case study

A leading law firm made an enquiry on behalf of a claimant, whose husband had suffered a fatal accident at work. The claimant lawyer indicated the employer had ceased trading 6 months previously. However, a quick Google search and phone call established that the employer was still trading. Even in a case as serious as this, the claimant lawyer was willing to make the widow wait 8 weeks to find out whether the employer had insurance cover in place, rather than pursuing the employer directly for the claim.

Helping employers

4.7 Although the primary purpose of the Tracing Service is to help claimants, employers can also use the service to find their past EL insurers if they are facing a claim. The Tracing Service helped 701 employers to find an insurer in 2008. For small businesses and, in some cases, individuals facing claims for diseases where the

exposure occurred many years previously, this help can be invaluable, as demonstrated in the case study below.

Case study

Between 1963 and 1988 X was employed by a small family construction company. The company ceased trading in 1998. X subsequently contracted mesothelioma and made a claim against the company for negligent exposure to asbestos during the 1970s. The company's surviving partner, who by this time was in his 70s, could not find any records of his EL policy. As the only defendant employer, he and his brother's widow were faced with joint personal liability for the agreed damages of £80,000 plus own legal costs of £20,000 and claimant legal costs of £150,000. To pay his share of the total of £250,000 he would have had to sell his house.

The defendant's daughter used the Tracing Service and, due to a lot of work done by insurers to reconstruct an old policy, two insurance companies agreed to jointly pay the damages and costs in full relating to the claim. In response, the defendant's daughter wrote 'My Dad has asked me to tell you how extremely grateful he is to you. We could not have got anywhere near here without you going that extra mile.'

Results by period of exposure

- 4.8 Periods of exposure are generally broken down into pre-1972, 1972-1999 and post-1999. In line with the overall success rate, results for all three periods have improved this year from last year:
- the success rate for pre-1972 exposure increased from 25% to 39%;
 - the success rate for 1972-1999 exposure increased from 39% to 46%.
 - the success rate for post-1999 exposure increased from 41% to 50%.
- 4.9 Most claimants using the Tracing Service were exposed to the cause of their disease decades ago. EL insurance only became compulsory in 1972 and so some employers before this time would not have had EL insurance. Many records from before and after 1972 have sadly been lost or destroyed, as there was little awareness about the length to diagnosis of some long-tail diseases, and therefore the need to keep and preserve such records. However, insurers continue to invest resources into tracing and reconstructing old policies, resulting in improving success rates for these periods.
- 4.10 Insurers have also committed to retaining future policy records for 60 years, in ways that will make it easier to answer future enquiries from claimants, and have made considerable changes to their internal record-keeping systems. However, when we measured the success rate for post-1999 exposure for the first time in 2007, it was lower than anticipated at 41%.
- 4.11 This was partly because the insurance industry has not been capturing full enough information about both the insured employer and all their subsidiary companies. To address this, the ABI and fellow insurance industry associations have signed up to a new protocol for both brokers and insurers⁹ – see Annex B. Under the protocol, brokers (who are members of the organizations as identified in paragraph 1.7 of the Protocol) have committed to provide insurers with relevant information about policyholders including subsidiary names, and insurers have committed to record this information, so that the policy can be easily traced if a claimant only knows one of these names as the employer.

⁹ Protocol for Recording EL Policies, ABI, 2008

- 4.12 The proportion of post-1999 enquiries submitted for accidents in the workplace is a worrying trend. In 2008 accident-related enquiries constituted 11% of all enquiries, for a total of 187 claimants, including the injuries in Table 4 below. Identifying a defendant in an accident-related claim is generally an early and straightforward part of the claims process. Indeed the fact that only 187 claimants used the Tracing Service demonstrates this, as this represents less than 0.06% of all annual reportable injuries¹⁰. However, it is concerning that for this small number of claimants, their injuries were not properly dealt with at the time of accident by the employer, were probably not reported to RIDDOR/HSE, and the employer went out of business before the claim could be raised. Certainly insurers point out to employers their statutory health and safety responsibility within their EL policies, including the requirement to report and deal with injuries; and will advise customers to do so as part of their general risk management.¹¹
- 4.13 We also still have a general concern about the number of employers who may be breaking the law by not buying EL insurance. The last major research on compliance rates was done by the Health and Safety Executive (HSE) in 2003¹² and at the time the HSE admitted that it had no meaningful way of accurately gauging compliance levels across the 1.2 million employers required to have ELCI cover. We have called for the HSE to conduct further, more substantial research into EL compliance rates, and we are happy to share the post-1999 enquiry information with them as part of their investigative work.

Table 4: Examples of injuries submitted to the Tracing Service

Hand impaled on nail, causing puncture wound and nerve damage	Hand crushed in machine
Back injury	Fractured elbow
Assault	Fracture to forehead, cheekbone, nose
Soft tissue injury to foot	Open nose fracture
Laceration to hand	Fractures to face, shoulder, ribs, skull
Fractured Leg	Broken ribs/torn ligaments
Mop handle snapped cutting his left index finger	Multiple injuries including leg amputation
Severe laceration to right arm/skin graft	Chemical burn injury to arms
Chemical burns through exposure to liquid concrete	Slip off building roof - severe laceration and scarring to upper arm.
Hand injury	Explosion leading to burns
Crush injury to right wrist and hand	Laceration to head resulting in scarring
Multiple injuries incl. punctured bladder, damage to urethra, punctured lung, bowel tears, two fractured ribs, scarring, peritonitis and shattered sacrum	Extensive Bruising, Scarring, pains throughout body and post accident confusion.
Amputation of part of finger	Laceration to tendon and nerve damage
Crush injury to fingers & psychological injury	Burns to the face
Shoulder dislocation	Head injury
Eye damage from welding	Injury to left leg, thigh and lower back

¹⁰ 299 000 reportable injuries occurred in 2008, according to the Labour Force Survey, HSE website, 2009.

¹¹ See *Insurance for small businesses: a guide to protecting your business*, ABI, 2008 and insurer websites.

¹² *Survey of compliance with ELCI Act*, Greenstreet Benman for HSE, 2003

Annex A

TABLE 1: Number of enquiries, successful traces and success rate per review period

Review Period	Enquiries	Successful traces	Success rate	Claimants	Successful claimants	Success rate by claimant
1999-2000	1062	262	25%			
2000-2001	2239	896	40%			
2001-2002	3753	1576	42%			
2002-2003	6992	1861	27%			
2003-2004	6299	1700	27%			
2004-2005	7326	1700	23%			
2005-2006	6658	1851	28%			
*2006-2007	9639	3376	35%	7070	2956	42%
2008	13098	5878	45%	7775	4565	59%

**The last review period covered 14 months from November 2006 to December 2007. These figures therefore cover a 14 month period, and have been annualised to allow for comparison.*

TABLE 2: Claimants for non-mesothelioma conditions

Type of enquiry	Claimants	Successful claimants	Success rate by claimant
Non-mesothelioma	6969	4146	59%

TABLE 3: Mesothelioma claimants

Type of enquiry	Claimants	Successful claimants	Success rate by claimant
Mesothelioma	806	419	52%

TABLE 4: Non-mesothelioma enquiries submitted by claimants, by period of exposure

Pre-1972			1972-1999			Post-1999		
Enquiries	Successful traces	Success rate	Enquiries	Successful traces	Success rate	Enquiries	Successful traces	Success rate
1817	701	39%	6566	3015	46%	1637	814	50%



Association of British Insurers

ANNEX B

ABI Protocol

for

Recording Employers' Liability Policies

September 2008

Association of British Insurers
51 Gresham Street,
London EC2V 7HQ
Tel: 0207 600 3333
Fax: 0207 696 8999
Web site <http://www.abi.org.uk>

1. Introduction

What is the purpose of the protocol?

- 1.1 The protocol is designed to ensure the accurate and relevant recording of Employers' Liability insurance policy details by insurers, in a format that facilitates ready searches for an employee looking for their former employer's insurance policy.
- 1.2 Its purpose is to support the voluntary Employers' Liability Code of Practice (ELCOP).¹³ The ELCOP was developed by the insurance industry and Government to help employees suffering from injury or disease caused at work to trace their former employer's insurance policy, where their employer has ceased trading or is untraceable. Insurers' commitment under the ELCOP is two-fold: to search current Employer's Liability policy records; and to record and maintain all current and future policies for a period of 60 years, on a system that facilitates ready searches.
- 1.3 In order to facilitate ready searches, the relevant policyholder details need to be recorded by the insurer. Relevant policyholder details may include the nature of business, company numbers, addresses and dormant names of all insured operations that have employees in the United Kingdom, the Channel Islands and the Isle of Man. Relevant policyholder details should always include the subsidiary and trading/operating names of these insured operations. This is to enable the policy to be easily traced should a future claimant know only one of these names as the employer.
- 1.4 This means that where insurance is sold through an intermediary, the intermediary needs to transfer the relevant policyholder details to the insurer. Where insurance is sold through a binding authority or other agent, this agent needs to transfer the relevant policyholder details to the insurer.

What is the scope of the protocol?

- 1.5 The protocol applies to all Employers' Liability insurance contracts, including combined liability contracts that include Employers' Liability insurance.
- 1.6 It is intended primarily for commercial insurers and intermediaries. Some aspects of it will also be relevant to others working in insurance companies, and staff should be made aware of it.

What status does the protocol have?

- 1.7 The protocol is an arrangement with members of the Association of British Insurers (ABI), British Insurance Brokers Association (BIBA), Lloyd's Market Association (LMA), International Underwriting Association (IUA), Institute of

¹³ Code of Practice for Tracing Employers' Liability Insurance Policies DETR 1999

Insurance Brokers (IIB) and [London Market Insurance Brokers' Committee \(LMBC\)](#).

- 1.8 Compliance is based on Contract Certainty principles and guidelines.¹⁴ Contract Certainty 'is achieved by the complete and final agreement of all terms between the insured and insurer by the time that they enter into the contract, with contract documentation provided promptly thereafter'. For Employers' Liability contracts, all terms include the relevant policyholder details, as defined in 1.3.
- 1.9 This document is provided for information purposes only and is not intended to be binding. The ABI, BIBA, LMA, IUA, IIB and LMBC accept no responsibility whatsoever for liability as a result of any reliance placed on it. Non-compliance with any matter contained in the document will not invalidate or call into question any contract or agreement; nor will failure to comply with the standards or guidelines create any right of action or claims in any third party. This document does not affect the legal relationships between the parties to insurance/reinsurance contracts.

Implementation of the protocol

- 1.10 The protocol will take effect from 1 October 2008.

2. Recording Employers' Liability Policies

- 2.1 This section outlines the principles that determine how intermediaries and insurers should record details of Employers' Liability policies. These principles are in accordance with Contract Certainty principles.

A. When entering into the contract

- (i) **Where the insurer enters into a contract directly with the policyholder, the insurer should ensure the relevant policyholder details, as defined in 1.3, are recorded accurately and unambiguously by the time cover commences. These details should be recorded on a system that facilitates ready searches.**
- (ii) **Where the policy is sold through an intermediary, the intermediary should ensure the relevant policyholder details, as defined in 1.3, are provided to the insurer as soon as possible, in an electronic format that can be easily migrated onto the insurer's system.**

B. When contract details change

Changes to details of the insured during the course of the contract, and at renewal, need to be certain and recorded promptly.

¹⁴ Contract Certainty Code of Practice ABI 2007

- (i) Where the insurer is in a contract directly with the policyholder, the insurer should ensure all changes to the relevant policyholder details, as defined in 1.3, and the dates of these changes, are recorded accurately and unambiguously. These details should be recorded on a system that facilitates ready searches. Contract documentation does not necessarily need to be reissued during contract.
- (ii) Where the policy is sold through an intermediary, the intermediary should ensure all changes to the relevant policyholder details, as defined in 1.3, and the dates of these changes, are recorded accurately and unambiguously. This information should be transferred to the insurer in an electronic format that can be easily migrated onto the insurer's system. This information should be transferred as soon as possible or otherwise in accordance with the policy terms, including at the expiry of the policy period, should the policy allow automatic cover for new operations.

C. Demonstration of performance

Insurers and intermediaries should be able to demonstrate their achievement of principles A and B.

D. Where the contract has not met the principles

The insurer and intermediary (where applicable) have a responsibility to resolve exceptions to any of the above principles as soon as practicable and without undue delay.

3. Further information

Contact:

Association of British Insurers, 51 Gresham Street, London EC2V 7HQ
020 7600 3333 www.abi.org.uk

Signatories to the Employers' Liability Code of Practice

Company / Syndicate / Organisation	EL accounts	Member organisation
Financial Services Compensation Scheme (FSCS)	N/A	
Resolute Management Systems Ltd	All LMA Syndicates pre-1992	LMA
Abacus Syndicates Ltd		LMA
ACE - INA	Cigna	ABI
Aegis Managing Agency		LMA
AIG Europe	New Hampshire	ABI
Alleghany Underwriting Ltd		LMA
Allianz	Allianz, Cornhill, AGF, Church & General, Assurances Generales de France, British Reserve Ins	ABI
Amlin Underwriting Ltd		LMA
Ansvar		ABI
Argenta Syndicate Management		LMA
Aspen Insurance Holdings	Aspen	ABI
Assicurazioni Generali		ABI
Aviva	NU, CGU, Hibernian, London & Edinburgh	ABI
AXA	AXA, AXA Corporate Solutions, AXA Liabilities Managers, GRE, Guardian, Royal Exchange, Provincial, Legal & General, Caledonian, Essex & Suffolk, Motor Union	ABI
Beaufort Insurance		LMA
Brit Insurance Holdings	Brit	ABI, LMA
Builders Accident Insurance (BAI) Claims	Builders Accident, Trinity, Orion, Paramount, Cotton Trades	ARC
Canopus		LMA
Capita Insurance Services	Chester Street, Independent, All State, Iron Trades Mutual	ARC
Catlin Insurance Services		ABI
Cavell Managing Agency		LMA
Chartwell Managing Agents Ltd		LMA

Chaucer		LMA
China Insurance Holdings	China	ABI
CMGL		LMA
Congregational & General		ABI
Co-operative Insurance Society (CIS)		ABI
Creechurch (Charrington Ins)		LMA
Crowe Syndicate Management		LMA
DA Constable		LMA
Downlands Liability Management		
DP Mann Ltd		LMA
Drysdale		LMA
Duncanson & Holt Syndicate Management		LMA
Ecclesiastical		ABI
Electrical Contractors' Insurance Company (ECIC)		ABI
Equity Syndicate Management	Cox Syndicate Management	LMA
Euclidian Underwriting Ltd		LMA
Faraday Re		ABI, LMA
Fortis Insurance	Assurant Group Ltd, Bankers, Northern Star, Bishopsgate	ABI, LMA, ARC
Fuji International - Run-off (1994)		
Goshawk Syndicate Management		LMA
Groupama Insurances		ABI
Hardy (Uwtg Agencies) Ltd.		LMA
HDI Haftpflicht	International	
Heritage Managing Agency Ltd		LMA
Hiscox Insurance Co Ltd		ABI, LMA
IC Insurance Holdings		ABI
Illium Managing Agency Ltd		LMA
Image Syndicate Management	Abacus, Danish Re & Greenwich Man Agency	LMA
IntNationaleNed	OIC Run-Off Ltd	
Jago Managing Agency Limited		LMA
Jubilee Managing Agency Ltd		LMA
KGM Motor Insurance		LMA
Liberty Syndicates		LMA
Limit Underwriting Limited		LMA
Managing Agency Partners Ltd		LMA
Markel Syndicate Management		LMA
Marketform Man Agcy Ltd		LMA

Marlborough Underwriting Agency	Cathedral Underwriting.	LMA
Mitsui Sumitomo Insurance (MSI) Company (Europe)	Mitsui Fire & Marine, Sumito Marine & Fire	ABI
MU Oxford	Scottish Eagle	
Munich Re	Watkins Syndicate 457	ABI, LMA
National Farmers Union (NFU) Mutual	Avon	ABI
Newline Underwriting Man Ltd		LMA
Novae Insurance Co	SVB Syndicates	LMA
Odyssey Re (London) Ltd	Sphere Drake	
Pearl Group Ltd (PGL)	Pearl Assurance	ABI
Pro Insurance	Highlands Insurance UK, English & American, Black Sea & Baltic, Sovereign & Marine, Tokio Marien, Mitsui	ABI
Pro Syndicate Management		LMA
Prudential Assurance	Prudential	ABI
PXRE Managing Agency		LMA
QBE Insurance (Europe) Ltd	QBE, Iron Trades	ABI
Resolute Management	Commercial General Union, Northern, Oceans Marine, Indemnity Marine, London & Scottish	
Resolution PLC	Britannic Assurance, Pheonix	
Royal & Sun Alliance	Sun Alliance & London, Royal Insurance, Pheonix	ABI
Royal London Mutual Insurance Society Ltd	Royal London General, Refuge Assurance	ABI
SA Meacock & Co Ltd		LMA
Spectrum Syndicate Management		LMA
Travelers Insurance Company Ltd	St Paul Travelers	ABI, LMA
Sterling	Albion	ABI
Talbot Underwriting Limited		LMA
Towergate Partners	Folgate	ARC
Wellington Underwriting Agencies		LMA
Whittington Capital Management		LMA
Wren Syndicates Management		LMA
XL	XL	ABI
Zurich Financial Services	Zurich, Eagle Star, Irish National, Midland Assurance, Midland Employers Mutual Assurance	ABI