



Commercial Legal Protection Policy Summary

Legal Protection and advice for businesses

Commercial Legal Protection

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 pounds. 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

- Employment Disputes & Compensation Awards
- Property Protection
- Tax Protection
- Attendance Expenses (including Jury Service)
- Bodily Injury
- Legal Defence

Helplines

- EuroLaw Commercial Legal Advice
- Business Assistance
- Counselling

Optional Covers

- Statutory Licence Protection
- Contract Disputes
- Debt Recovery

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 **£75 – £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.

Employment Disputes and 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 **151,028 tribunal cases** in the year 2008 to 2009. 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 **£65,300** with **unlimited awards for sex, race, disability, sexual orientation and religious discrimination**.

“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.”

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.

We will cover the defence of any non-motor criminal prosecution as well as specific civil actions. In addition we will cover appeals against any Statutory Notice that affects your business, and compensation awards made under the Data Protection Act 1998.

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.

Bodily 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 being involved in a Full or Aspect Enquiry can be enormously stressful. In addition, stricter enforcement of National Insurance contributions is also likely to see a rise in related problems. If one of these situations arises, we will arrange for an accountant to represent you in the event of an investigation, and pay any related accountants' fees and legal costs.

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.

“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.”

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.](#)



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.](#)



Bodily 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.](#)



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, the cost of remedial work, and 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 Full Enquiry by HM Revenue and 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. 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.](#)

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 Wording

This is only a summary of cover. A full policy wording is available on request from the DAS Underwriting Department.