

# Litigation Insurance and Disbursement Funding for Clinical Negligence Litigation in England and Wales

**temple**  
legal protection



## Temple Legal Protection Product Guide

How they work, our service offering  
and the benefits of partnering with us

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### ATE insurance or litigation insurance?

*Traditional legal expenses insurance is often known as Before-the-Event or 'BTE' cover. Though many solicitors commonly refer to 'After-the-Event' or 'ATE' insurance, as we have done in this guide, your clients may better understand 'Litigation Insurance'. Where appropriate, we would encourage you to use the latter phrase in order to enhance the understanding of what is available to your clients.*

# Product Guide

## Introduction



### Temple Legal Protection and Temple Funding

#### Solutions to simplify your litigation

Temple Legal Protection and Temple Funding are market-leading providers of After-The-Event (ATE) insurance and disbursement funding that help reduce the financial risks of litigation for your clients.

- Our ATE insurance - also known as litigation insurance - is proven in a wide variety of clinical negligence disputes. The cover is 'A' Rated and provided in partnership with Royal & Sun Alliance (RSA), one of the largest and strongest insurers in the UK.
- Our disbursement funding removes the financial barriers which may prevent your client running a case to its full potential. Easy to administer and affordable, it gives your clients peace of mind and keeps the financial liability off your balance sheet.

#### An unrivalled level of service and expertise backs our products

In a rapidly evolving legal services sector our aim is to help you retain existing and attract new clients by providing industry-leading ATE insurance and disbursement funding that reduce the financial barriers and uncertainty in litigation.

Through innovation, agility and a strong client focus we have built our reputation working in close partnership with many leading law firms - providing 'best in class' options to support their business and their clients.

Temple Legal Protection and Temple Funding are fully authorised and regulated by the Financial Conduct Authority (FCA) providing transparency and security for both your firm and your clients.

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## Why partner with us?

### Temple Legal Protection

At Temple Legal Protection we are committed to:

- Working in an open and productive partnership with your clinical negligence litigation team by providing full access to our underwriters and decision makers.
- Listening and responding to you to enhance our products so you can offer your clients access to justice with comprehensive financial protection.
- Being competitive with our insurance pricing and providing higher levels of cover.
- Developing our professional reputation according to a strict code of ethics and values.
- Security - you can be confident that your client's case is as safe with us as it is with you.
- Avoiding unnecessary delays - with the Temple Online Policy System (TOPS) and bespoke delegated authority schemes you simply go online, log-in and enter the case details; your client will be covered.

### Temple Funding

Temple Funding is a wholly-owned subsidiary of Temple Legal Protection. We are:

- UK based and FCA regulated - your firm and your clients are working with a reputable business which adheres to all UK financial services legislation and regulations.
- Experienced - our knowledge of the complexities of clinical negligence litigation is unequalled.
- Independent - with no external investors, funding decisions are made promptly in-house.
- Realistic - and committed to fair funding solutions that meet the needs of your firm.
- Competitive - our interest rates are very low within the market when compared to alternatives.
- Ethical - interest charges on disbursement funding are applied to the amount actually drawn down rather than the full credit limit.
- Straightforward - our online disbursement funding administration also uses TOPS. It is easy to use; there is only one application form which the insured has to complete, funding can be simply drawn down online.





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## A partnership that means business



We provide a unique and professional way of working in partnership with law firms. This ensures we deliver consistent, excellent service. Specific examples of this include:



*A dedicated, single point of contact - we appoint an experienced underwriter to manage your relationship with us. Many of our underwriters are qualified legal professionals, so they understand your challenges, requirements and expectations.*



*Handling queries in a timely manner - our underwriters hold authority to make decisions in almost all matters relating to your account, so you know you're talking to the right person every time. In addition, we guarantee a response to new policy enquiries within 10 working days, often far quicker.*



*Our ability to handle and pay claims - we have a no-nonsense and practical approach to claims that works for our client law firms. We assess all claims using a fair, just and transparent decision-making process.*



*A practical, ethical and genuine approach to business - we understand that every case is individual and take a pragmatic approach. We work alongside you to find a mutually beneficial resolution that works for your firm, your client and us.*

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All litigation comes with the risk that, if things do not go as planned, your client could be left in a position where they will be unable to recover their own costs, disbursements and court fees but also face the prospect of having to pay substantial amounts of opponent's costs very soon after receiving a court order. This risk can make clients reluctant to pursue a claim in the first place. If they have gone ahead then those risks can deter them from pursuing it for its full value.

### The advantages of Temple Legal Protection ATE insurance:

The structure of our ATE insurance policies is straightforward. We offer law firms the broadest level of authority to run cases to trial. Our scheme, backed by an 'A' rated insurer, offers many benefits including:

- No set up costs.
- Competitive premiums.
- Simple online policy issuing system for easy administration.
- The premium is payable in the event of a win at the conclusion of a case and self-insured in the event of a loss.
- Direct access to underwriters for prompt decisions on top-ups and referrals.
- Minimal on-line reporting requirements.
- Delegated authority to run cases to trial without obtaining consent on each case.
- Fully retrospective cover.
- Full part 36 cover, including interlocutory appeals.
- Deferred, stepped, fully insured premiums.
- Access to disbursement funding - through Temple Legal Protection's own funding company.

### Temple's New Deal ATE insurance for clinical negligence cases:

This is available to specialist clinical negligence litigators.

- It offers wider cover, fewer exclusions, raised limits of indemnity and lower premium levels.
- Cover for a wide range of cases including - cerebral palsy, surgical negligence, pregnancy and birth injury, prescription and medication errors, delayed diagnosis/misdiagnosis, optician's negligence and dental negligence.
- Unambiguous policy wordings - our clearest and most transparent terms yet.
- It is a flexible solution that can be used regardless of how the case is being funded.
- Our pricing is competitive whilst providing a generous standard limit of indemnity of up to £300,000.
- Mediation incentives - we maximise opportunities to resolve issues earlier and pass on premium reductions.
- Integrated disbursement funding at the lowest interest rate in the market.

# Product Guide

## Working with us



### Our underwriting process is simple and straightforward.

1. You will have a delegated authority scheme allowing you to insure cases instantly, providing they fit our delegated criteria.
2. We ask that cases which do not fit our delegated criteria are referred to us using a shortened proposal form, along with a detailed summary of the case and any key documents that might assist our underwriters. Applications can also be referred to us online via the Temple Online Policy System (TOPS) ensuring real-time updates of progress.
3. We aim to provide a response to the proposal within 10 working days of receipt of the form but are usually able to respond more quickly.
4. We have an experienced underwriting team but fully respect the views of those who refer cases to us. Although our solicitor-clients will be more confident with the cases they bring to us there may still be occasions when we will decline to offer terms.

*Every time I have to deal with the recovery of an ATE premium in respect of our previous insurers it reinforces the wisdom of switching to Temple. Thank you for breaking the mould in terms of how insurers and their representatives behave.*

Paul Grimwood - Hart Brown Solicitors

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### A delegated authority scheme from Temple Legal Protection

We are able to pass the initial underwriting process to you using our delegated authority scheme.

- As a coverholder your firm is empowered to pursue cases to their full potential with minimal interference from us.
- You can incept policies on behalf of your clients without having to refer cases to us.
- Reporting on a case's progress is easy using the Temple Online Policy System (TOPS).

Delegated authority is the only way to obtain our clinical negligence ATE insurance and disbursement funding. Our delegated authority schemes provide full delegation to firms to run their cases and your clients benefit from peace of mind that expenditure is covered from the outset.

The terms and scope of the delegated authority is set out in a Coverholder Agreement. This identifies the nature and range of litigation covered by the scheme and sets a standard limit of indemnity applicable to all policies incepted under it. Cases that by their nature fall outside the scheme can still be referred to us via TOPS.

Once approved for a scheme, you will have access to TOPS; this is also used to administer our disbursement funding product, if required. The scheme agreement will state pre-agreed criteria; a case matching the criteria will be eligible for insurance and disbursement funding, it's that simple.

Do note that our specialist team of underwriters are directly accessible should you require a second opinion to discuss a particular matter.

### Some low price ATE insurance premiums can be misleading

They can appear attractive but be sure to look for safeguards to ensure you are comparing 'like with like' with your providers. For example is the insurance provider FCA regulated UK based and do they have 'A' rated capacity? (Temple Legal Protection can answer 'yes' to these key three criteria). And if you use a broker to source your ATE insurance, is the premium really cheaper? Their commission arrangements need to be allowed for.

*It has been a pleasure working closely with Temple for well over 10 years. We have developed a relationship of trust benefitting our mutual clients and leading to an excellent working relationship. The team at Temple Legal Protection are flexible and willing to consider issues on cases that are out of the ordinary. Their portal system (TOPS) is very user friendly and allows incepting policies and contact with the insurer to be conducted in a time effective manner.*

Madeline Seibert,  
Attwaters



# Product Guide

## A delegated authority scheme



### Benefits of a delegated authority scheme for your firm:

- No requirement to obtain permission to issue or serve proceedings or reject an offer of settlement.
- No onerous reporting requirements. Your authorised personnel can update us through TOPS whenever a material development occurs.
- Permission is not required to incur disbursements.
- You only need to get in touch with us if you wish to discuss a case; this may be if there is a material development that impacts upon the case's prospect of success; or if the case has settled in your client's favour.

### Advantages of delegated authority for your clients:

- Their claim can be run by you to its full potential.
- You don't need to use valuable time preparing a detailed proposal for us to review.
- The qualifying merits of success are determined by you so that your client doesn't need to pay for Counsel's advice on prospects.
- Our standard policy wording covers interim hearings.
- With the Temple Online Policy System approved firms can create the ATE insurance policy, typically in less than 5 minutes.
- Disbursement funding can also be managed through the system with funds transferred direct to your firm's account.

### Temple's Online Policy System

The Temple Online Policy System (TOPS) is our market-leading web portal, designed in-house specifically for one purpose, to ensure law firms like yours have direct access to incept insurance policies and manage disbursement funding without the need for unnecessary multiple application forms, meetings or calls which take additional time.

Approved firms will be able to create the ATE insurance policy, simply by following the 5-step process on TOPS. This process typically takes less than 5 minutes. Disbursement funding can also be managed through the system with funds transferred direct to your firm's account.

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### Introduction

Claims are often made against large organisations, like the NHS which have far greater access to funds to enable them to vigorously defend the case. This means disbursements incurred by your client can amount to a considerable sum of money. As this often will be several thousand pounds, this can prevent your client from pursuing their case at all.

Unless your client has the independent means - or a bank loan, business overdraft or a credit card - to fund their disbursements, then recourse to a third-party funder is an option.

A client using their own financial resources is a risk for them, because in this situation the disbursement fees will not be covered in the event of an unsuccessful case.

As with an ATE insurance policy, where the support of an independent litigation insurer is a statement of intent, disbursement funding also sends a clear message to the opponent; that your client has sufficient funds to fully pursue their case and they need not be pressured into dropping the case or settling for less than it is worth.

### Our disbursement funding - for your client's peace of mind

Your potential clients have concerns about risk and costs - as their legal advisor you'll want to address your clients' uncertainty and remove the financial barriers of running a case to its full potential. Supporting your clients with our fully regulated, practical disbursement funding facility will help allay their fears and make them more confident to pursue their claim and instruct your firm.

Temple Legal Protection, through its wholly owned subsidiary Temple Funding Limited (which is fully FCA authorised and regulated) is able to offer a loan facility specifically for disbursements such as court and expert's fees. For their peace of mind, it is a prerequisite that your client apply for, is offered and has accepted a Temple Legal Protection ATE insurance policy. This fully indemnifies our funding provision; if the case is unsuccessful, neither your firm nor your client is liable for any disbursement fees.

#### Funding without ATE insurance is high risk

The ability to cover disbursements and opponent's costs can be a deciding factor for your client whether to appoint your firm. The availability of disbursement funding with ATE insurance doesn't question your judgment. Together they remove the uncertainties of litigation, give your client peace of mind and keep a financial liability off your balance sheet.

*"Providing best advice and excellent service to litigation clients starts with looking at all the funding options. Where that includes insurance and disbursement funding it is essential to align so far as possible the interests of the client with those of the funder. This requires a real understanding on the part of the funder of both the specialist work and the client's concerns. Over many years Temple Legal Protection have shown just that and worked collaboratively to help my clients obtain access to justice."*

Richard Follis - Shoosmiths



# Product Guide

## How it works



Our disbursement funding product is robust, clearly written and responsibly funded; we offer one of the most competitive rates in the market and only charge interest on funds used, not the total allocated.

1. We provide full underwriting support - having your account managed by an authorised decision maker combined with our best in class online portal, means you have immediate access to policies, funding, help and advice.
2. A maximum amount is agreed with the insured and the loan facility is operated through 'TOPS' our on-line policy system, which enables payments to be applied for and paid rapidly.
3. Your client would enter into a credit agreement direct with Temple Funding through your law firm (acting as credit intermediaries). Such agreement would be subject to rights and obligations under the Consumer Credit Act 1974.
4. Interest on the outstanding loan balance accrues at 10%; this is calculated on a daily basis and compounded monthly. There is a drawdown fee of £75 per request of payment. Money is transferred via TOPS directly into your firm's client account. [Click here](#) to try out our new disbursement funding interest rate calculator and give your clients a head start with some of the most competitive rates in the market.
5. Should your client lose their claim, all funding costs are covered under the Temple Legal Protection ATE insurance policy, so you won't be liable to pay them at all. Interest payments remain a liability for your client.

### Next Steps

To find out about how our clinical negligence ATE insurance and disbursement funding products can help your firm and your clients we suggest a short presentation from our team to your litigation fee earners. This often helps to ensure awareness of ATE insurance and disbursement funding across your firm. To arrange an appointment please contact our office on [01483 577877](tel:01483577877).

For further information please visit: [www.temple-legal.co.uk](http://www.temple-legal.co.uk)

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Temple Legal Protection is one of the country's leading underwriters of ATE insurance. We provide a wide range of ATE insurance solutions to law firms, brokers and insurers in order to help people reduce their financial risks in litigation.

Temple Funding offers straightforward, affordable disbursement funding that gives claimants the freedom to pursue their claim without having to pay expenses along the way. Our facility provides law firms with a solution to the significant cash flow burden that comes with funding litigation.

Temple Funding Limited is a subsidiary of Temple Legal Protection.

Temple Legal Protection and Temple Funding are authorised and regulated by the Financial Conduct Authority

## Contact Us

To find out more about how our disbursement funding and litigation insurance can help you and your clients:

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