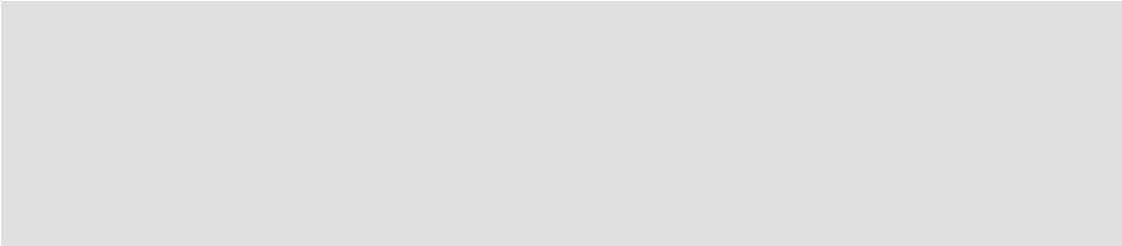


# Withdrawn

**This publication is withdrawn.**

This publication is no longer current.

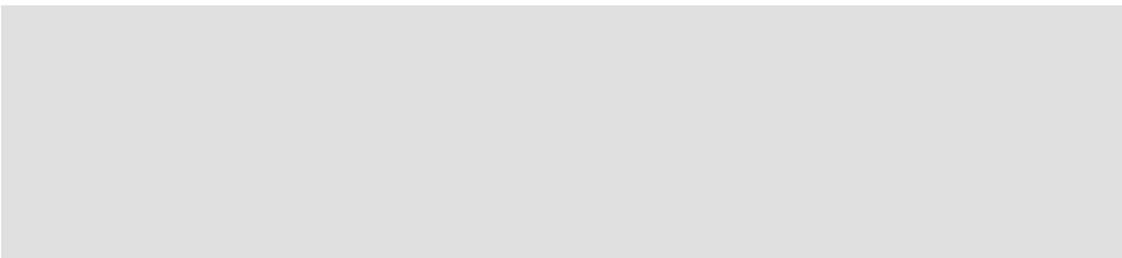


# **CODE OF PRACTICE**

**FOR TRACING EMPLOYERS' LIABILITY INSURANCE  
POLICIES**

**REVIEW STATEMENT**

**1 NOVEMBER 2006 - 31 DECEMBER 2007**



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## MINISTERIAL FOREWORD

The Department's objectives to eradicate child poverty, promote employment opportunity for all, and improve health and safety outcomes, are some of the most challenging social ambitions ever set by government.

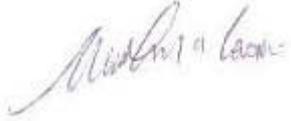
Today, Britain is recognised by the international community as a leader in promoting employment and tackling disadvantage in the labour market and as having one of the best health and safety records in the world. However, good health and safety has not always been a business priority and a key step for 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.

I am delighted therefore to introduce the fifth Statement of the Review Body on the ELCOP 2006 – 2007 and would like to thank the Review Body for all their efforts in the preparation of this important document and for their continual hard work.

I was pleased to hear that both DWP and the Association of British Insurers representatives recently visited the DWP Pensions Tracing Service to gather good practice to further enhance the smooth running of the ELCOP Tracing Service. Through working in partnership, and with the continued commitment of insurers, we have achieved a lot. But there are still some 6,000 cases a year where these traces fail to produce a successful result. We are particularly concerned about post-1999 success rate of 41% and difficulties locating company subsidiaries details. We want to make sure that, as soon as possible, we hold a complete information record for people working now.

The Government is determined to continue this voluntary work with the insurance industry and make sure the ELCOP Tracing Service is working as well as it can. I know that by providing means of identification of relevant policies, the ELCOP will be of real benefit to those employees who need to seek compensation.

A handwritten signature in cursive script, appearing to read 'Lord McKenzie of Luton', written in a light grey or blue ink.

Lord McKenzie of Luton  
Parliamentary Under Secretary of State, DWP

## INTRODUCTION

1. The ABI and the Lloyd's Market Association (LMA) have been operating the Code of Practice for Tracing ELI Policies (ELCOP) since 1 November 1999.
2. The objective of the ELCOP is twofold. It is for insurers to:
  - Retain, and do their best to search, those Employers' Liability policy records that exist, and
  - Retain future policy records in ways that will make it easier to answer future enquiries from employees and their representatives (including outsourcing arrangements).
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 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. In some instances a policy may have never existed or contained exclusions on the risks covered. This means that the records which each insurer has, at present, are not necessarily a complete record of the policies they have issued.
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. For the first time, ABI's report separates data for post-1999 searches, showing a success rate of 41% for the period of this report. This is disappointing as it is only slightly higher than the 35% overall rate, even though insurers have undertaken to record all post 1999 policies, and in an easily searchable format. Until the insurance industry ensures an effective and consistent approach to recording ELI policies details, there will be post-1999 searches that remain unsuccessful. The Review Body considers

this to be of major concern and would like the ABI to influence positive measures within the industry to address this problem.

8. The ELCOP does not yet apply to those businesses that choose to self-insure, privatised solvent companies whose liabilities currently reside with government departments, and some types of run-off companies. These issues will be discussed at the next Review Body meeting.
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 NOVEMBER 2006 TO 31 DECEMBER 2007

1. This statement reviews the eighth year of operation of this voluntary ELCOP for the insurance industry. It covers a period of 14 months between 1 November 2006 and 31 December 2007. This extended period has been adjusted to accommodate the new reporting year which will, in future, run annually from January to December.
2. During the 14 month period between 1 November 2006 and 31 December 2007, there has been a significant increase in the number of enquiries notwithstanding the extended report period (see Table 1). The ABI has mentioned on several occasions that they felt that the ELCOP Tracing Service is not being used as a measure of last resort for companies no longer trading. The Review Body would like to see more awareness amongst users to ensure that enquiries are not linked to businesses which are currently trading, solvent or self insured.
3. For the review period in question, an average of 35% of policies were traced. This equates to around 3,939 claimants who potentially receive compensation that, without the ELCOP, they would not receive (see Table 1 for a year on year comparison of the success rate).
4. The Review Body acknowledged that the Tracing Service success rate had continued to improve from previous years, but the group expressed their disappointment at the overall 35% success rate and noted that there was still improvement to be made. The ABI has accepted there is room for further improvement and confirmed that they have implemented a series of measures throughout 2007. These measures are intended to make the Tracing Service become more accessible, and more efficient, in the future. The Review Body firmly expects to see further improvements with the introduction of new measures being implemented throughout 2008 (see page 8).
5. The ABI report indicates that 11,245 enquiries have been circulated over the 14 month period covered by the report. The proportion of successful traces was 35%. This is the highest rate in the past five years, but a lower than the rates in 2000-2001 and 2001-2002, see Table 1 for more details.

| Review Period            | Enquiries | Successful traces | Success rate |
|--------------------------|-----------|-------------------|--------------|
| 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<br>(14 months) | 11245     | 3939              | 35%          |
| 2006-2007<br>annualised  | 9639      | 3376              | 35%          |

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

6. However, when considering these figures, one should bear in mind that there were significantly fewer EL policy trace enquiries in 2000 -2002.
7. The ABI started measuring the post-1999 rate separately in March 2007. The post-1999 success rates of enquiries of 41% for this reporting year is much lower than expected, particularly as insurers agreed to hold data from 1999 onwards in readily searchable form. The Review Body members made clear their concern and disappointment about the post-1999 success rates, reported for the first time this year. The ABI have reiterated their commitment to ensuring members accurately log ELCI policy details and retain the data for 60 years, and that members devote sufficient resources to searching their existing records effectively. The Review Body will continue to monitor the performance of the Tracing Service to ensure good progress is achieved in the 2008 report.
8. The ABI has listed several reasons in their report which have affected the overall performance of the Tracing Service but the two main reasons behind the low success rates are:
  - Records are still incomplete because full details on employers are not being provided to insurers by brokers, who deal directly with the employers
  - Records may be available but can be difficult to find because of insufficient details provided by users of the Tracing Code.
9. The ABI has also mentioned that users of the Tracing Service should routinely utilise information held by the Companies House registrar which holds relevant information on lead companies and its subsidiaries.
10. The ABI's 2006 – 2007 statement gives details of improvement measures which have already been implemented. ABI stated that these new measures have been designed to improve speed and efficiency and reduce duplicate traces. The ABI have also proposed 'on-going' continuous improvements measures for 2008.

#### **Performance improvements implemented for this period 2006 – 2007**

11. At the review body meeting on 19 May 2008, the ABI stated that they have been working hard with their members (including CEOs) and all relevant parties and have invested significantly in improved IT and other resources to improve the Tracing Service. The ABI has also mentioned in their report that their members have invested in more staff and improved their IT systems to support the ELCOP tracing processes.
12. The ABI has introduced a number of improvements, including:
  - A clearer enquiry form, with automatic prompts and drop down lists to encourage users to input vital information such as employer's names, full address and post code to prevent duplicate/incorrect /incomplete enquiries

- Publishing and circulating an online guide for claimants setting out how to use the Tracing Service and clarifying its purpose
- A new internal matching facility which will be utilised to cross check previous successful searches and send the original response automatically to the enquirer
- Providing monthly and quarterly feedback to members on their tracing performance
- Including non-ABI members in the automated Tracing Service system, so that they receive enquiries directly from, and respond directly to, the ABI, increasing the efficiency of the system
- An ABI telephone helpline to deal with queries and support new users
- A fast track Mesothelioma Service
- Training for solicitors on how to use the Tracing Service.

### **Fast Track Mesothelioma Service**

13. Mesothelioma is a terminal disease with terrible effects on peoples' lives and is now the most common cause of work-related death. 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. The ABI introduced the Mesothelioma fast track facility to help speed up the tracing process for these people. Between April 2007 and December 2007, the ABI processed 1,047 enquiries which resulted in a 35% success rate. This equates to around 368 claimants' potentially receiving compensation which suggests that the Tracing Service is of vital importance to terminally ill people.

### **Future Improvements proposed by the ABI in 2008 and the future**

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. Some employers, such as the Crown and Local Authorities, are exempt from the need to have ELCI.

15. The following are some of the improvements to be implemented in 2008/2009:

- ABI will host a Best Practice Seminar aimed at signatories to the ELCOP, and publish a Guide to Compliance with the ELCOP
- ABI will discuss with APIL ways to continue to inform solicitors about the correct procedure for using the enquiry form

- Introducing a ‘still searching’ response option for insurers to use if they are unable to meet the four-week deadline for specific searches
- A Frequently Asked Questions page
- ABI will publish a list of all signatories to the ELCOP, and the historic accounts they include, on the Tracing Service website.

16. The success rate for post-1972<sup>1</sup> ELCI policy traces for the year under review is 39%. This is higher than the overall success rate of 33% recorded for 2005-2006. For traces trying to find a policy before 1972 where insurance policies may not have existed, the success rate is understandably lower. However, 39% is a considerable increase compared to the pre and post success rate recorded from 2005-2007 (see Table 2).

| Year        |           | Enquiries | Successful traces | % Rates |
|-------------|-----------|-----------|-------------------|---------|
| 2006 - 2007 | Pre 1972  | 2676      | 659               | 25%     |
|             | Post 1972 | 5278      | 2055              | 39%     |
| 2005 - 2006 | Pre 1972  | 1809      | 268               | 15%     |
|             | Post 1972 | 4849      | 1583              | 33%     |

**Table 2** – Pre and Post 1972 Enquiries and Successful Traces

#### On-going issues to be addressed by EL Insurers

17. The ELCOP was introduced to help ensure that insurance records would be adequately stored and retrievable in accessible format. At the onset of the ELCOP, there was an understanding that all signatories to the ELCOP should ensure robust record keeping. Their tracing systems should be effectively resourced with adequate IT and ample staffing. The Review Body felt that although the ABI members have indicated improvements to their policy archive units, the success rate for this review period does not reflect the commitment they would have liked. The Review Body would like the insurance industry to do more in this regard to improve their record-keeping systems.

18. The ABI has identified that part of the problem lies with the provision of information by brokers to insurers, and that this was having a negative impact on the Tracing Service performance. The ABI agreed that going forward, insurers and brokers will need to make a concerted effort to capture vital information about employers who are EL policyholders, and their subsidiary companies, to facilitate future enquiries.

19. The ABI has been consulting with the British Insurance Brokers' Association (BIBA) on how to address this issue and have confirmed that

<sup>1</sup> The date the ELCI 1969 Act came into force.

an agreement has been reached to establish a Protocol between brokers and insurers. The Protocol will ensure that the relevant information needed to facilitate future searches will be provided by brokers and captured by insurers.

20. The ABI would like to see progress on government inter-departmental 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 the its success rate, because this information may not be held by insurers. These issues will be discussed at the next Review Body meeting.
21. In addition to the above, the Financial Services Compensation Scheme (FSCS) is due to report back on the findings of visits made to key 'run-off' administrative sites holding sizeable Employers' Liability Insurance books. It is the FSCS's intention to provide at the next review meeting the findings of the audits of the tracing process in place at the Run Off Agents. This will cover a description of the process and the control measures in place to ensure the activity is properly managed.
22. They also agreed to provide relevant information to the Review Body once an audit of Capita and BAI companies has been undertaken. This information will help because it should serve to improve confidence levels around the tracing activities for the insolvent Insurance Estates of Chester Street and BAI.
23. Following the annual meeting, the Review Body made it clear that the ABI should continue to improve their performance for the next review period. The ABI will focus on implementing its proposed improvements as presented in their report. The ABI will also identify the solution to the issue of subsidiaries and broker provision of information. The Department for Work and Pensions will report back on inter-governmental work that has been achieved to identify 'self insured' businesses and privatised solvent public bodies whose liabilities currently remain with government. This issue of privatised solvent companies will be discussed at the next Review Body meeting.
24. DWP will continue to monitor the impact of ABI's improvement measures closely and this will include scrutiny of success rates.

## **Complaints**

25. Appendix 2 details the formal complaints procedure that attaches to the ELCOP.
26. 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.

## **The Future of the ELCOP Tracing Service**

27. Arrangements are underway between the Association of Run-Off Companies (ARC) and the Review Body to ensure that ARC becomes a signatory to the ELCOP. This will be confirmed at the next Review Body meeting in 2009. 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. We 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.

### **Next Review**

28. The Review Body agreed that the review of the ELCOP's operation should take place earlier in the year. Consequently, the operation of the ELCOP's 9<sup>th</sup> year's performance from 1 January 2008 to 31 December 2008 will be reviewed around March 2009. ABI's improvement measures will be reflected in that report, which will be due for publication around the summer of 2009. The Review Body expects those improvement measures to demonstrate material improvement in post-1999 traces in particular.

29. The Review Body thanked both the ABI and LMA for their continued hard work and effort for the period 2006-2007. 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 4 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. Given their commitment to the Protocol for EL Policies, which supports the ELCOP, the ABI suggests that BIBA is invited to become a member of the review body.

#### **How the Review was done**

3. 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.
4. An employer may buy Employers' Liability Insurance from:
  - (i) an insurance company, or
  - (ii) an underwriting Syndicate at Lloyd's.
5. 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.
6. However, there are some insurers who are not represented by either body 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". In order to ensure that all Employers' Liability Insurance policy records are being searched in response to enquiries, these bodies should become signatories to the ELCOP to demonstrate that they are tracing policies. Some of the bodies are members of the Association of Run-Off Companies (ARC) and the International Underwriting Association (IUA). For this reason, the Review Body has invited the ARC to sit on the Review Body, and will invite the IUA.
7. In addition, some Review Body members have actively engaged and regularly met with several other stakeholders covering certain insurance interests. Although, they are not currently represented by the Review Body,

they are trying to consider how best they could contribute to the smooth running of the ELCOP. To this end, the Financial Services Compensation Scheme and Financial Services Authority have agreed to continue to attend future meetings in an observer capacity.

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:

“For the period 1 November 2006 to 31 December 2007, 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.”

12. All ABI members who participate in the ELCOP, and all the Managing Agents for Lloyd’s underwriters who participate in the ELCOP, have provided such a statement.

### **Statements on historical records**

13. Changes to the ELCI regulations introduced on 1 October 2008 removed the legal requirement for employers to retain certificates 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.
14. An important commitment under the ELCOP is that insurers will keep, for 60 years, records of policies issued from 1 November 1999, and that these will

be stored in such a way as to enable searches using the employer's name (including those of subsidiaries) and the employer's address. All records include the management and/or retention of outsourced Employers' Liability Insurance data by the insurer or managing agent. This will be crucial in preventing in the future the kinds of tracing problems that gave rise to the ELCOP.

15. Accordingly, each of the signatory companies was asked (by the ABI or LMA) to set out what information they hold on historical policies. Each 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 Association of British Insurers or LMA.
16. Both the ABI and LMA are aware that there are gaps in the Employers' Liability Insurance data for pre and post 1999. These problems are further compounded by insufficient information recorded by insurers and brokers, at the point of sale of policies. There are outstanding issues around 'self insured' companies, subsidiaries and privatised solvent companies, which ultimately will have a negative effect on the Tracing Service performance. This issue has been covered in the main report.

## **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  
Improving Working Lives Division  
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 concerned<sup>2</sup>. DWP will inform the complainant of its final decision on their complaint, and the reasons for this.

### **Where DWP concludes that a complaint is unjustified**

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<sup>2</sup> 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.

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, Enterprise and Regulatory Reform (BERR).

The liabilities of British Coal passed to BERR in 1998 (liabilities will move 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)

The Coal Health Contract team can be contacted by email on [CHC Comms](#).

## **APPENDIX 5**

### **KEY REVIEW BODY MEMBERS**

|                       |  |
|-----------------------|--|
| <b>Alison Scott</b>   | Department for Work and Pensions (Chair) |
| <b>Justin Jacobs</b>  | Association of British Insurers          |
| <b>Martin Bare</b>    | Association of Personal Injury Lawyers   |
| <b>Janet Asherson</b> | Confederation of British Industry        |
| <b>Malcolm Keen</b>   | Forum of Insurance Lawyers               |
| <b>Peter Martin</b>   | Lloyd's Market Association               |
| <b>Hugh Robertson</b> | Trade Union Congress                     |
| <b>Philip Grant</b>   | Association of Run-Off Companies         |

### **SUGGESTED REVIEW BODY MEMBERS**

|                          |  |
|--------------------------|--|
| <b>Christopher Jones</b> | International Underwriting Association |
| <b>Steve Foulsham</b>    | British Insurers Brokers' Association  |

### **ASSOCIATED REVIEW BODY MEMBERS**

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

|                        |  |
|------------------------|--|
| <b>Karl Jefferies</b>  | Financial Services Compensation Scheme |
| <b>Lucy McClements</b> | Financial Services Authority           |
| <b>Peter Furby</b>     | International Underwriting Association |

## **APPENDIX 6**

### **JOINT REPORT BY ABI AND LMA (1 NOV 06 - 31 DEC 07)**

This is a joint report by the Association of British Insurers (ABI) and Lloyds Market Association (LMA) covering the period from 1 November 2006 – 31 December 2007. This represents a fourteen months period in order to facilitate future annual reviews to reflect an operational year from January 2008 to December 2008, going forward.

ABI and LMA Findings from pages 23 -37



Freda Ali  
Department for Work & Pensions  
Workplace Health Division  
The Adelphi  
1-11 John Adam Street  
London WC2N 6HT

April 2008

Dear Ms Ali,

### **Code of Practice for Tracing Employers' Liability Insurance Policies**

Thank you for your letter seeking details about the Code of Practice, and the performance of the Tracing Code, for the period from 1 November 2006 to 31 December 2007. This covers the eighth year of the Code of Practice.

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

- (i) only a small percentage of claimants need to use the Tracing Code to locate an insurer, and more than 98% of all potential claimants are able to locate an employer or insurer to claim against;
- (ii) the ABI and its members have undertaken substantial investment and process changes to ensure that, if a historic employers' liability insurance record still exists, the Tracing Code will find it; and the ABI is now fast-tracking mesothelioma enquiries;
- (iii) there has been a significant improvement in the percentage of successful traces during this review period despite a dramatic increase in the number of traces being undertaken: the percentage of successful traces has gone up from 28% to 35%;
- (iv) new analysis undertaken for this review shows that 42% of all potential claimants seeking an insurer through the Tracing Code succeed;
- (v) there are, however, still some problems hampering our shared objective of ensuring that people are able to trace the appropriate employer or insurer to claim against if their employer's negligence has led to a potentially valid claim. We propose three actions to tackle this:
  - first, we call on the Government to raise awareness about how to bring a claim against employers currently or previously in the

public sector, as the Tracing Code reveals that many claimants and their representatives do not know how to do this;

- second, we call on APIL and claimant solicitors to ensure that they provide full and accurate information when submitting information to the Tracing Code and do not use it until other options for identifying the employer or insurer have been exhausted. Otherwise, this risks causing delay for claimants and in some cases will make the search pointless as it is not possible to trace an insurer without the agreed basic minimum information about the employer;
- third, we are introducing a new code of practice between insurers and brokers to ensure that all relevant information about new and existing employers' liability policyholders is made available and recorded to facilitate future tracing, including details of all subsidiaries covered.

I look forward to discussing these issues with you and Review Body colleagues when we meet on 19 May.

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

## **Code of Practice for Tracing Employers' Liability Insurance Policies**

### **ABI report for November 2006 – December 2007**

#### **1. Introduction**

- 1.1 The Code of Practice for Tracing Employers' Liability Insurance Policies (the Code of Practice) exists to enable claimants to identify their former employer's employers' liability insurer(s) if the claimant's former 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 agree to safeguard existing employers' liability (EL) policy records; search records effectively for enquirers; and store current and future records in an accessible format for 60 years.
- 1.2 As part of the Code of Practice, the ABI set up an Employers' Liability Tracing Code (the Tracing Code) that 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 Code is an effective, free and easy-to-use online system allowing claimant solicitors to search ABI members' and Lloyds' Market Association members' records for historic EL policies.
- 1.3 This submission covers the 14-month period from November 2006 to December 2007. It provides the Review Body with a review of the success of the Code of Practice and the continuing good performance of the Tracing Code. This is a joint submission from the ABI and the LMA. The next submission will cover January 2008 to December 2008.

#### **2. Employers' liability claims: the overall context**

- 2.1 When assessing the Tracing Code, it is important to consider it in the context of the total volume of EL claims. ABI analysis shows that only a small percentage of claimants need to use the Tracing Code to locate an insurer, and, overall, more than 98% of potential claimants are able to locate an employer or insurer to claim against.
- 2.2 The vast majority of people who bring an EL claim against their current or former employer are able to identify an employer or an insurer to claim against without problem. ABI analysis<sup>3</sup> shows that:
  - 64% of claimants file directly against the relevant employer;
  - 32% of claimants file directly against an insurer where the employer in question has ceased trading; and
  - only 4% of claimants use the Tracing Code to identify their employers' insurers.
- 2.3 Furthermore, separate ABI analysis shows that more than 98% of people seeking to bring an EL claim are able to identify an employer or

---

<sup>3</sup> The analysis is based on a survey conducted by ABI members, in which they assessed a representative sample of successful EL claims from 2006 and 2007 to determine through which route the claim was made.

relevant insurer to claim against. This is based on an analysis of the number of EL claims notified to the DWP's Compensation Recovery Unit (CRU) and the number of potential claimants who do not find an insurer through the Tracing Code. This is also likely to be a worst-case scenario for two reasons. First, the CRU figures do not include claims notified for noise-induced hearing loss where the exposure was under 50DB: if we had this figure, the number of notified claims would be much higher and therefore the percentage of unsuccessful tracers much lower. Second, many of the potential claimants who cannot find an employer or relevant insurer may still be receiving compensation because long-tail diseases tend to be caused over several periods of employment and so an inability to trace one insurer does not mean that they could not claim from other identified insurers.

### **3. Insurance industry commitment to the Tracing Code**

- 3.1 The ABI and its members are committed to ensuring that potential claimants are able to trace the relevant insurer wherever possible. The ABI and its members have undertaken substantial investment and process changes to ensure that, if a historic EL record still exists, the Tracing Code will find it.

#### *ABI initiatives*

- 3.2 The ABI has undertaken a series of reforms to the Tracing Code over the last year to make it more user-friendly and ensure it traces all available records. We outlined these plans last year. We are pleased to confirm that, during this review period, we have implemented the agreed initiatives that include:

- introducing a clearer enquiry form with drop-down lists for disease and industry to make it easier for enquirers and prevent some duplicate/incorrect enquiries;
- publishing and circulating an online guide for claimants setting out how to use the Tracing Code and clarifying its purpose;
- introducing an ABI telephone helpline to deal with queries and support new users;
- introducing a new internal 'matching' facility to the Tracing Code system. From September 2007, all new searches have been cross-checked against a list of all previous successful searches to identify any matches and avoid a new search being undertaken. Where an insurer has previously been found for the relevant employer and period of exposure, this response is automatically sent to the enquirer. Since this system has been in place, 'matched' enquiries make up almost half of all successful traces sent back to enquirers. For more information, see Annex A. For the first six months of this system, the response was sent to the enquirer within the original timescales (maximum of 8 weeks) to allow us to check the accuracy of the matching facility. However, we are now satisfied with its accuracy, and, where a new enquiry

is matched to a successful trace, the system will now send responses back to enquirers immediately. The potential claimant will therefore be notified of the relevant insurer much more quickly;

- currently implementing a 'still searching' response option for insurers if they are unable to meet the four-week deadline for specific searches; as agreed in the previous Review Body meeting, the system will reveal to enquirers which insurers are still searching if the searching period extends beyond eight weeks;
- providing monthly and quarterly feedback to our members on their relative tracing performance, and discussing any issues that might arise;
- extending the ABI's electronic tracing system to other signatories to the Code of Practice so that they receive the regular electronic list of new searches and can respond via the ABI's electronic system. For example, some run-off companies and Lloyds' Syndicates now operate via the ABI's electronic system. Of course, the ABI cannot be responsible for these signatories' adherence to the Code of Practice principles;
- encouraging all ABI members who write EL insurance to sign up to the Code of Practice.

3.3 In addition to the initiatives agreed at the last Review Body meeting, and in response to the suggestions made at that meeting, the ABI is also planning to:

- introduce a new 'Frequently Asked Questions' page on the Tracing Code website, and to discuss with APIL how best to inform solicitors about the correct procedure of using the system;
- publish a list of all signatories to the Code of Practice, and the historic accounts they include, on the Tracing Code website. For more information, see Annex B;
- hold a 'guide to best tracing practice' seminar in June for tracers.

#### *Insurer initiatives*

- 3.4 Since signing the Code of Practice in 1999, ABI members have invested significant resources into their policy archive units. Despite the shift from manual searching through paper records to automated searching systems, members have in many cases increased the number of staff working on tracing processes. Members have also adapted their systems to ensure they have the capacity to hold records for 60 years or longer. Some examples are listed below.

**Insurer 1:** Policy records have been held on computer generally since the mid 1980s. In addition to this a large number of paper records have been converted to microfiche, and we have invested in excess of £78,000 to enhance the search facility on these records. We have 3.5 people involved in disease tracing, and there is a Key Performance Indicator in place to ensure completion of tracing within the required time limits. We keep a separate register of risks on which claims have previously been accepted. When the ABI lists are received, handlers start by checking against this register, then check the current and legacy computer systems, and then check the database and microfiches referred to above. In 2007 some 2500 old policy records were found in a storage repository. Resource was allocated to review all these records; 650 were found to contain liability covers and these details have been entered onto a separate database.

**Insurer 2:** A specialist legacy investigations team has been set up to deal with the Tracing Code enquiries. This team has increased in numbers by 50 per cent during the last 12 months to cater for the increased volume of enquiries being received through the ABI and also directly from our own claims handlers. The team has both the experience and the knowledge of our systems and policy contracts from our legacy companies. We have adapted our search engines to interrogate both current and aged computed systems to ensure that if we did hold the business for the enquirer this would be picked up. We continuously monitor our processes to ensure the highest possible accuracy. Policies with EL cover are retained on our systems for 'life' even after cancellation. There is adequate space in the system to record and retain details of subsidiary companies which can be searched against.

**Insurer 3:** In 2007 we increased the full time staff in our archive search team employed solely on the tracing process from 2 to 3. At a cost of approximately £500,000 in 2007, we converted aged paper records to a more easily searchable computerised, indexed 'imaging' system. Over the last couple of years we have transferred computer records from a number of separate historical systems from various predecessor companies to a single, easily searchable database, accessible by our archive team and all claims handlers.

**Insurer 4:** We have appointed a dedicated Occupational Disease Claims Team Manager, with responsibilities of assessing current working practices and operating systems. A number of current working practices have been reviewed and streamlined, removing areas of duplication and improving overall efficiency. In addition, we are continuing to develop our electronic database and are researching the viability of scanning existing paper records. We take our obligations under the Code seriously and as a result, in 2007, we recruited two further individuals, with previous underwriting experience, to our policy archive unit.

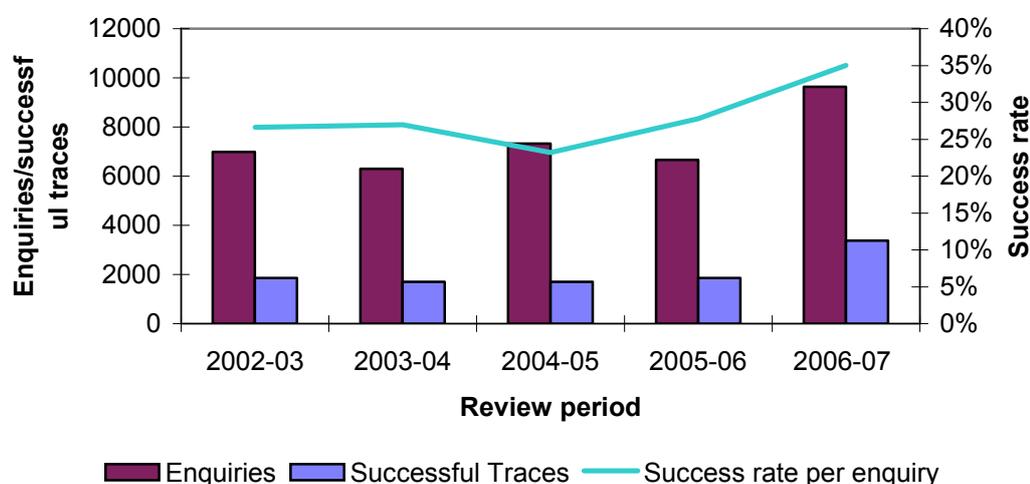
**Insurer 5:** With each passing decade, we have increasingly comprehensive records and since the introduction of the Code we have been committed to retaining the necessary information/records for the 60 year period required.

#### 4. Tracing Code performance

##### Overall performance

- 4.1 There has been a significant improvement in the percentage of successful traces during this review period despite a dramatic increase in the number of traces being undertaken: around a third more searches were initiated. The percentage of successful traces has gone up from 28% to 35% - a 35% increase on the average success rate over the last four years. This is shown in Chart One below with further detailed statistics at Annex A.

**Chart One: Enquiries, successful traces and success rate per review period**



- 4.2 For the first time, we have also been able to undertake a detailed statistical analysis to show the success rate by potential claimant over this review period: this is 42%. The success rate by potential claimant differs to the success rate by enquiry because they often submit more than one enquiry to the Tracing Code, as exposure causing long-tail disease can occur over several periods of employment. Further details are in Table One below.

**Table One: Success rate by enquiry and by potential claimant**

| Enquiries | Successful traces | Success rate by enquiry | Potential claimants | Successful potential claimants | Success rate by potential claimant |
|-----------|-------------------|-------------------------|---------------------|--------------------------------|------------------------------------|
| 11245     | 3939              | 35%                     | 8249                | 3449                           | 42%                                |

### Tracing on behalf of potential mesothelioma claimants

- 4.3 Mesothelioma is a terrible disease and people suffering from mesothelioma have a short life expectancy following diagnosis. The ABI introduced a fast-track mesothelioma facility in April 2007 so that traces made on behalf of people with mesothelioma are processed more quickly - within a maximum of five weeks rather than the standard eight weeks. Between April 2007 and the end of 2007, we helped 302 claimants to trace an insurer. Further details are shown in Table Two below.

**Table Two: Mesothelioma enquiries and claimants**

| Enquiries | Successful traces | Success rate per enquiry | Potential claimants | Successful potential claimants | Success rate by potential claimant |
|-----------|-------------------|--------------------------|---------------------|--------------------------------|------------------------------------|
| 1047      | 368               | 35%                      | 660                 | 302                            | 46%                                |

### Performance by time period

- 4.4 Periods of exposure range from the 1940s to post-1999. For this review period, 30% of enquiries concerned pre-1972 exposure, 60% concerned 1972-1999 exposure, and 10% of enquiries concerned post-1999 exposure. Table Three below shows the number of successful traces and the success rate per period of exposure. This covers the period from March 2007 when we began to be able to break down the data through the electronic system.

**Table Three: Success rate by period of exposure since March 2007**

| Pre-1972  |                   |              | 1972-1999 |                   |              | Post-1999 |                   |              |
|-----------|-------------------|--------------|-----------|-------------------|--------------|-----------|-------------------|--------------|
| Enquiries | Successful traces | Success rate | Enquiries | Successful traces | Success rate | Enquiries | Successful traces | Success rate |
| 2676      | 659               | 25%          | 5278      | 2055              | 39%          | 928       | 383               | 41%          |

### *Pre-1972 success rate*

- 4.5 The success rate for traces relating to pre-1972 is lower than the average success rate for two reasons. First, EL insurance only became compulsory in 1972 and so insurance may not have been in place. Second, this was before the computerisation of policy records and only a low number of paper records remain from the pre-1972 period. During this period, there was much less awareness about the need to keep and preserve such records; and in fact this only became a voluntary requirement for insurers in 1999.

*1972-1999 success rate*

- 4.6 The success rate for traces relating to this period has improved since last year and reflects the quality and quantity of remaining insurance records held by insurers.
- 4.7 We are however concerned that we continue to receive searches relating to possible public sector employment. As some public sector bodies self-insure or self-insured, or the liabilities reside with the Government, the claimant solicitor is pursuing a fruitless avenue in using the Tracing Code. This also drives down the Tracing Code's success rate. For example, a recent enquiry was for the National Coal Board, with the period of exposure from 1950 to 1987. However, the National Coal Board was privatised as the British Coal Corporation in 1987, which then became the Coal Authority in 1994. The liabilities for other public sector bodies reside with solvent private companies, and the claimant solicitor should not be using the Tracing Code. Table Four below shows Tracing Code enquiries since 2003 for those bodies that have been identified as being previously in the public sector. The public sector share of the labour market was 29% in the 1970s, and 27% in the 1980s, compared to 20% for the 1990s and this decade<sup>4</sup>. We call on the Government to provide clearer and more readily available information to APIL and others to enable claimant solicitors to identify who to claim against more easily where public sector bodies are concerned: this is not our role.

**Table Four: Enquiries relating to employers in the public sector\***

| Employer  | Number of Enquiries |
|---|---------------------|
| Shipbuilding, including British Shipbuilders          | 35                  |
| Coal boards, including National Coal Board            | 80                  |
| Electricity bodies, including AEI and GEC             | 56                  |
| Dock boards, including the National Dock Labour Board | 130                 |
| Gas boards, including British Gas                     | 13                  |
| Railway operators, including British Rail             | 39                  |

\* Measured since 2003.

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<sup>4</sup> Office of National Statistics, 2008.

### *Post-1999 success rate*

- 4.8 The success rate for post-1999 enquiries is 41%. We started measuring this rate in March 2007. In September 2007, after a six-month bedding-in period to establish credible trends, we began to assess possible reasons for the success rate being lower than anticipated. We have now completed an analysis of a representative sample of failed post-1999 enquiries to understand what is causing the low rate and have reached two conclusions.
- 4.9 First, our analysis shows that incomplete and inaccurate information is being submitted to the Tracing Code and it is being used sometimes unnecessarily, making it impossible to trace the relevant insurer or diverting resources away from legitimate enquiries. When the Tracing Code is used in this way, it risks adding unnecessary delay to getting claimants their compensation or even preventing them getting compensation at all. It also inevitably leads to the success rate for post-1999 traces appearing lower than the actual success rate, as it is being dragged down by such traces. Our analysis revealed the following problems with usage of the Tracing Code:
- 22% of the failed post-1999 enquiries contained insufficient or incorrect information for tracing purposes. Under the Code of Practice, enquirers must provide an agreed set of minimum information to help insurers match the enquiry to the correct policy record. However, our analysis showed that for 8% of enquiries, a main part of the address or postcode was missing or the address was significantly incorrect, and in 14% of cases, the address given was that of the administrator or liquidator rather than the trading address. The trading address is recorded on the EL policy document, and in many cases, the liquidator address is in a different city to the trading address. For example, J G Catlow Associates Limited was submitted under a Manchester address and the nature of business was recorded as engineering, whereas some quick research revealed the trading address was in Bredbury, Stockport and the nature of business was plumbing and heating contractors. All this information should be available, given that the claimant would have ceased working for the employer within the last eight years. Moreover, 89% of the employers were listed on the Companies House website, where some of the missing information was available and this would have increased the likelihood of a successful trace. Other information was easily found on other search engines such as Dun & Bradstreet Inc, and [www.192.com](http://www.192.com);
  - 30% of the enquiries were for employers that were still trading and so should not have been made through the Tracing Code. For example, research revealed that Eagle Ottawa Coventry Limited had not ceased trading, but had transferred its business and assets to Eagle Ottawa UK Limited in 2002;
  - 17% of the enquiries were for employers that were still in liquidation and so the solicitors could have approached the

liquidators who could provide information, especially as employers have been required to keep EL records for 40 years since 1999. For example, no ceased trading date was submitted for Wilkins and Mitchell Engineering, which research revealed was based in the Midlands, but the address submitted is for the liquidators in London;

- 6% of the enquiries were not legitimate post-1999 enquiries, as the companies ceased trading before 1999, even though the exposure dates submitted were post-1999. For example, exposure was submitted from 1973 to 2001 for Stone Platt Industries, but research revealed that most of the company's assets were sold off rapidly after bankruptcy in 1982, and the subsidiary Platt Longlose ceased trading in 1996;
- 3% of the enquiries could be successfully traced if the claimant solicitor had contacted the former parent group of the former employer. For example, Sections and Tubes was a subsidiary of Metalrax Group PLC, and insurance details were available from them on request;
- the number of searches relating to post-1999 exposure is unfeasibly high, suggesting that incorrect exposure dates are being submitted. During this 14-month review period, almost 1000 searches were submitted relating to post-1999 exposure. Between 1999 and the end of 2006, almost 100,000 companies became insolvent. This would suggest that people are now trying to trace 1% of all insolvent employers during this 14-month period to make a claim. It is questionable whether, for 1% of all companies made insolvent since 1999, there really is a potential personal injury claim, no available insurance record, and no method of ascertaining their insurer through other routes.

4.10 Second, we have concluded that the industry could do more to ensure it captures full information about both the insured and all their subsidiary companies. This is important to ensure successful traces can be made, particularly for subsidiary companies. As a result, the ABI has urgently undertaken an extensive analysis of how brokers place business with insurers, working closely with the British Insurance Brokers' Association (BIBA), leading insurers and brokers. All sides have now reached agreement in principle to establish a code of practice to ensure that all relevant information is made available and recorded to facilitate future tracing.

## **5. Next steps**

- 5.1 This report outlines both the overall context of the Code of Practice and its successful role in helping potential claimants trace insurers. It sets out how the insurance industry is doing everything it can to help achieve our shared objective of ensuring that people are able to trace the appropriate employer or insurer to claim against if their employer's negligence has led to a potentially valid claim.
- 5.2 However, the insurance industry cannot deliver this shared objective alone. We call on the Government to raise awareness about how to bring a claim against employers currently or formerly in the public sector as the Tracing Code reveals that many potential claimants do not know how to do this. We call on APIL and claimant solicitors to ensure that they provide full and accurate information when submitting information to the Tracing Code and do not use it until other options for identifying the employer or insurer have been exhausted. Otherwise, this risks causing delay for claimants and in some cases will make the search pointless as it is not possible to trace an EL policy record and therefore an insurer without the agreed basic minimum information about the employer.

## ANNEX A

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

| Review Period            | Enquiries | Successful traces | Success rate |
|--------------------------|-----------|-------------------|--------------|
| 2002-2003                | 6992      | 1861              | 27%          |
| 2003-2004                | 6299      | 1700              | 27%          |
| 2004-2005                | 7326      | 1700              | 23%          |
| 2005-2006                | 6658      | 1851              | 28%          |
| 2006-2007<br>(14 months) | 11245     | 3939              | 35%          |
| 2006-2007<br>annualised  | 9639      | 3376              | 35%          |

TABLE 2: Number of successful traces and successful potential claimants per month

| Month     | Year | Enquiries | Successful traces | Potential claimants | Successful potential claimants |
|-----------|------|-----------|-------------------|---------------------|--------------------------------|
| November  | 2006 | 764       | 235               | 493                 | 189                            |
| December  |      | 533       | 168               | 348                 | 135                            |
| January   | 2007 | 768       | 201               | 500                 | 174                            |
| February  |      | 686       | 238               | 500                 | 211                            |
| March     |      | 992       | 362               | 719                 | 313                            |
| April     |      | 709       | 236               | 559                 | 212                            |
| May       |      | 818       | 337               | 623                 | 293                            |
| June      |      | 827       | 300               | 627                 | 258                            |
| July      |      | 813       | 279               | 636                 | 257                            |
| August    |      | 931       | 307               | 701                 | 276                            |
| September |      | 821       | 303               | 566                 | 269                            |
| October   |      | 1033      | 399               | 759                 | 346                            |
| November  |      | 924       | 345               | 745                 | 314                            |
| December  |      | 626       | 229               | 473                 | 202                            |

TABLE 3: Average number of matched enquiries per month\*

| <i>Enquiries</i> | Successful Traces | Matched Enquiries | Percentage of enquiries | Percentage of successful traces |
|------------------|-------------------|-------------------|-------------------------|---------------------------------|
| 851              | 319               | 154               | 18%                     | 48%                             |

\* Measured since September 2007.

## ANNEX B

TABLE 4: Signatories to the Employers' Liability Code of Practice

| <b>Company / Syndicate / Organisation</b>     | <b>EL accounts</b>   | <b>Member organisation</b> |
|---|--|----------------------------|
| 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      |