

Abbey

Care.

AbbeyLegal 
Legal Protection Insurance

A Partner **You Can Trust**

Abbey Legal Protection is a trading division of Abbey Protection Group Limited, whose ultimate holding company is Markel Corporation.



Abbey Legal Protection

From our beginnings in 1992 we have been at the forefront of the Legal Expenses Industry in the UK. We have built our reputation on the simple principle of being a “**partner you can trust**”.

- Trust in the insurance cover we provide
- Trust in the legal and tax services we deliver
- Trust in the quality of our claims service
- Trust in our commitment to build solid working relationships

Care legal expenses insurance reinvented

Care providers fulfil a vital role in society, but with responsibility for vulnerable people come considerable challenges. Unfortunately, the legal challenges in running the business are substantial and disputes and litigation are commonplace. Making sure clients have the best product to protect them in terms of cover and value is essential, and that is the philosophy we take when creating this insurance cover.

Why is this product unique?

Standard legal expenses insurance policies are not designed specifically for the Care sector and consequently suffer from several important gaps in cover. Our Care product is different on a number of levels:

- **Specialist leading cover** - We understand the risks your clients face and provide the solution within our Care insurance policy
- **Legal advice** - Our specialist solicitors work exclusively on Care Employment and Regulatory Law
- **Additional legal services** - We provide your clients access to “fixed fee” business legal services for uninsured matters where the advice line is no longer appropriate
- **Markel Law Hub** - the Markel Law Hub is the UK’s premier online employment, health & safety and business law legal information portal, written and delivered by our specialist solicitors. Up-to-date content includes precedent legal documents, fact sheets and legal newsletters. The Markel Law Hub has been specifically written to meet the needs of your Care clients.

- **ReCap** - A solution designed to help your clients reclaim capital allowances on Care and nursing homes from HMRC

We have always aimed to be the best provider to the care industry by understanding the legal issues affecting this sector. We have now gone further by providing a truly holistic service for our customers.

Who is this product for?

If your clients are in the Care sector, be it a care home, a nursing home, a day care centre, a domiciliary care unit or any associated care business then this product is designed for them.

Introducing Abbey Care

Abbey Care is the culmination of expertise in our legal, tax and insurance business bringing about the very best product a Care client can buy.

Care legal advice

We provide your Care clients with access to a unique team of Care specialist solicitors who only work on Care related matters. It is these solicitors who will advise your clients when they need support. These specialist solicitors have a post qualified experience averaging over 10 years, and are experts in care law. They are able to advise on the conflicting requirements of adhering to employment law and care regulation.

Our Care team solicitors provide specialist advice on the following issues:

- **Employment** - advice on a full spectrum of issues, from general queries, to specialist advice and management of disciplinary or redundancy procedures through to tribunal or civil litigation.
- **Health and Safety** - providing practical advice on how to be compliant, addressing issues for staff, clients and visitors, including the provision of template documents.
- **Regulatory** - advice on how to achieve registration and compliance when “reportable” events occur and how to address compliance notices or seek to have restrictions on the care licence lifted.
- **Commercial advice** - as well as the Care legal team, we also provide access to a team of solicitors who provide commercial advice on contract, criminal, property issues and many other legal issues.

Important tips for your clients

Suspension and suspension pay

It may become necessary to suspend staff that are accused of misconduct at work. Any suspension is likely to be implemented with full basic pay (this may even include staff on zero hours contracts). However, if the employee, for example falls sick, you could lift the suspension for that period and save money by instead paying sick pay only. This prevents the employee receiving full wages whilst also attempting to avoid answering the allegations against them.

Disclosure and Barring Service barred list referrals

Care businesses often face pressure from the local authority to refer staff to the Disclosure and Barring Service Barred List. However, if you do not believe that such a referral is warranted, then you do not have to feel pressured to do so. You should consider discussing the impact of s.39 Safeguarding of Vulnerable Groups Act 2006 with the local authority, as this legislation provides for the referral to be made by the local authority themselves.

Recruitment and risk assessments

Recruiting can result in applications being received from good candidates, but with convictions on their Disclosure and Barring Service check. Whilst it is important to check these convictions it does not prevent you from employing them. You are obliged (under r.19 Care Homes Regulations 2001) only to assess whether or not they are “fit” to give care to vulnerable people. A risk assessment needs to be conducted which clearly sets out the information you have. You should then discuss it with the candidate and make a reasoned judgment on employing the applicant. If you still want to employ the person, but are concerned about the CQC’s or Safeguarding’s views then discuss your assessment with your CQC Inspector and Safeguarding team.

Working well with the Care Quality Commission and safeguarding

The key to reassuring your Inspector and the local authority that you are running a good service with the interests of the service users at its heart, is openness and the sharing of transparent information about what is going on and what you are doing about it. If in doubt, report it – you can not be criticised for sharing too much information with them. Your duty to report incidents involving service users to the CQC can be found under r.19 of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

We go beyond just tailored advice

This includes the provision of template documents, fact sheets and guidance sheets.

Care business legal services

If the client’s legal problem is not contentious and insured under their policy or not suitable to be serviced via a telephone advice line, they will need to instruct a solicitor. Whilst these times are rare, knowing they have access to a solicitor who understands their business and can provide certainty of cost is crucial. It is for this reason that we can quote fixed fees for certain types of legal work.

Business law examples include:

- Contract templates for service users
- Lease drafting review
- Company secretarial services
- Articles of Association
- Share and purchase agreements

Care employment legal services

Employment documentation and policy reviewing

We can also provide a review of employment documentation, including the businesses employment policies and handbooks. Having up-to-date policies is good practice, it helps resolve problems and assists Care clients at times of inspection.

Employment consultancy services

We provide employment consultancy services to make sure Care businesses are compliant with current employment legislation. In an industry characterised by high turnover of staff and specific regulatory responsibilities, it is vital employment contracts are correct so the care provider can be flexible within their regulatory responsibilities and to ensure they undertake their duty to their service users.

Contract of employment audit report

We can provide your Care client with an employment audit which will help your client understand:

- If their employment contract complies with regulations
- If there are any problems with the set-up of the contract
- What improvements can be made
- The employment contract and how it works

For a fixed fee, we will make recommendations and set out essential changes (if appropriate). It is recommended that a Care client reviews employment contracts every two years as a minimum, or more often, if there are changes made to the type of service they provide.

Legal service promise

Our business and employment legal services teams are successful and popular with clients because we take a customer-focussed approach to the service delivered. The consultancy teams are committed to:

- Transparent pricing
- Minimising and controlling legal costs
- Relationship management
- Delivering quality services
- Continuous client support

Capital allowances on care and nursing homes

We provide a free health check for any Care client undertaking expenditure on their property, relating to an acquisition of a second-hand building or an extension or refurbishment of an existing property. This is a specialist area of taxation which most accountancy firms cannot provide without recourse to a specialist, like us.

At least half of all Care clients incurring capital expenditure on their premises have failed to recognise the correct level of capital allowances available, meaning a loss of valuable tax relief.

Our evaluation is without obligation. Once we have basic information we will provide clients with a report highlighting the tax saving available and our fee which represents a small part of the overall cash saving.

Key cover and improved features include

Employment Disputes

- Cover includes awards of compensation following a dispute with an employee or ex-employee provided you have sought and followed all the advice from the Abbey Legal advice line
- **NEW** Cover extends to legal expenses, when defending a claim from a non-employee or volunteer
- **NEW** Cover includes the penalty the client may have to pay to the Tribunal if the Tribunal believes there are aggravating circumstances

Criminal Prosecution

- Cover for an interview under caution and any following prosecution in a criminal court
- Includes appeals against prohibition notices
- Cover for an interview under caution and any following prosecution in a criminal court, including prosecutions brought under the Care Act 2014
- **NEW** Includes cover for employees charged with an offence against an individual (“abuse” cover) should they have reasonable chance of succeeding in a not guilty defence

NEW Section - Care provider registration protection

- Covers representations following a notice of proposal issued by the Care regulator
- Appeals a decision by a Care regulator to cancel, suspend, vary or impose conditions on the registration

NEW Section - Coroners Inquest

- Cover for a Coroners Inquest should the Care client or their employee be made an interested party following the death of a person in receipt of care services

Contract Disputes

- Cover for pursuit and defence of a contract dispute
- **NEW** Includes legal cover for undisputed debts with service users
- **NEW** Includes disputes with construction contractors for work undertaken on your property up to a maximum £1m contract value
- **NEW** Includes franchise cover

Tax

- Covers disputes with HMRC relating to full investigations, aspect enquiries, Employer compliance dispute, Schedule 36 reports and VAT tribunal
- **NEW** Cover is extended to protect directors personal tax

Property disputes

- Covers disputes over ownership and use of freehold and leasehold property
- Includes disputes over the terms of a lease including dilapidations
- Includes disputes with a third party for any damage caused

Statutory Licence

- Covers appeals following suspension, revocation, imposed alteration of or refusal to renew any other Statutory Licence to that of the care registration

Data Protection

- Covers disputes with the Information Commissioner and any compensation awards made

Jury Service

- Provides an indemnity for any amount paid to employees who have served jury service

Markel Law Hub

Markel Law Hub is a comprehensive online guide to employment, business and health & safety law and procedure.

It provides access to up-to-the-minute legal information and Law Hub includes 400 precedent legal documents worth roughly £100 each if you were to buy them from a solicitor. The good news is access to this service is provided free with Abbey Care.

Markel Law Hub has been created with the needs of the care clients in mind. The documents have been drafted in house by our team of Care solicitors, who have drawn on their vast experience of dealing with Care law. Types of Care specific legal documents available through Markel Law Hub include:

- A contract of employment for a permanent staff member
- A contract of employment for a bank worker
- A contract of employment for a home manager
- A staff handbook specifically for the care sector
- An application for employment which covers a request for information on previous criminal charges, cautions and convictions
- An offer of appointment letter which covers the obtaining of a CRB enhanced disclosure
- An enhanced CRB check claw back agreement and declaration
- A disciplinary procedure which covers specific care sector related offences in the list of gross misconduct offences
- A series of disciplinary/dismissal letters specifically to apply where the allegation is of harm to vulnerable adults

If you have clients who operate within the Care sector, whether a nursing home, residential elderly care, or domiciliary care unit, we want to hear from you for a chance to explore how we can deliver our new Care product and service to suit the needs of your clients.

Contact us

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