

## Design and Construct - Professional Indemnity

### Scope

This document is designed to offer a high-level overview of the intended target market for this product. It is not intended to serve as a summary of the coverage provided. For comprehensive information regarding the product's coverage, please refer to the relevant policy documentation. This document also evaluates whether the product delivers fair value to customers by assessing its features, benefits, pricing and distribution methods.

### Target Market Statement

#### Product Type

This is an insurance product for customers who are contractors in the construction and manufacturing industry with liability for the design and/or professional services to third parties.

The product helps protect a customer's business and reputation from claims made against them arising from their negligent and/or alleged negligent acts or omissions, including the costs incurred in defending a third-party claim.

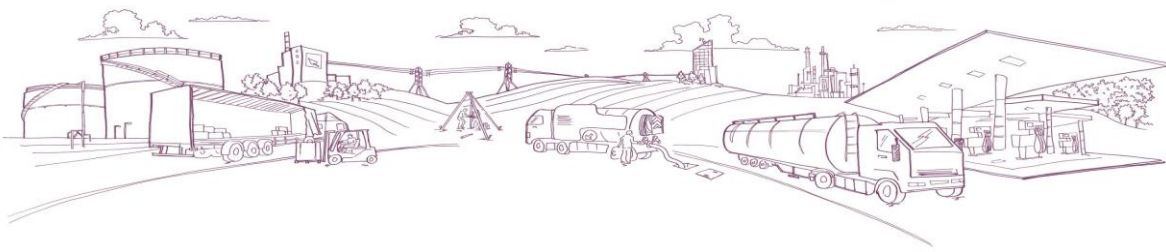
#### Characteristics of the target market (who is the product designed for?)

This product is designed for customers located in the United Kingdom, Channel Islands or the Isle of Man, who provide design and construction services which includes:

- Firms with full design exposure, whereby all professional work is provided including the supervision of the construction and building work, using the customer's own employees.
- Firms with contingent design exposure, whereby the contractual responsibility for the design is held but this work is subcontracted to a third-party firm.
- Firms providing contracting services only under the supervision of other professionals who have been appointed directly by the client, but the customer still retains a 'duty to warn' exposure.
- Project management, pure design or consultancy work in addition to the above contracting activities.

Cover is provided to a varying size of firms from micro-SMEs to those with turnover upwards of £200 million per annum.

This product is suitable for vulnerable customers when distributed via an intermediary who can provide the additional support needed.



## Objectives, needs and interests of the target market (considering the key features and benefits of the product)

Customers benefit from the following policy features:

- **Legal Liability:** Cover for claims made against the customer arising from any liability incurred in the ordinary conduct of the customer's professional business for damages:
  - For breach of Professional Duty including a duty to warn.
  - For Libel or Slander.
  - For unintentional infringement of intellectual property rights.
  - As a result of any dishonest, fraudulent or malicious act or omission of any employee.
- **Liability for Loss of Documents:** Cover for physical loss of or damage to documents suffered in connection with the insured's professional business, for the reasonable costs and expenses incurred in replacing or restoring documents owned by any third party which at the time of loss were the insured's responsibility.
- **Asbestos and Pollution:** Cover for asbestos and pollution related claims against the customer arising from the insured's professional services.
- **Mitigation Costs and Expenses:** Cover for the mitigation costs in order to avoid a claim or reduce the loss against the insured.
- **Legal Representation Costs:** Cover for the legal costs incurred with our prior written consent to enable the customer to be represented at any inquiry or other type of proceeding.
- **Defence Costs and Expenses:** Incurred in defending a claim made against the insured.
- **Own Copyright Protection:** Cover for any legal costs incurred with pursuing a claim for infringement of copyright.
- **Court attendance Expenses:** Cover for the insured and their employees to attend any court or other judicial tribunal.
- **Run-off Cover:** Provides protection after a firm ceases trading and covers claims made during a specific period after closure.

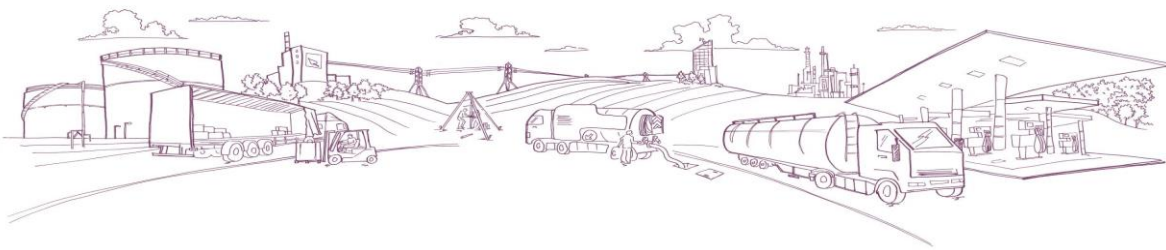
## Who is this product not designed for?

This product is not appropriate for customers or businesses:

- Domiciled outside of the United Kingdom, Channel Islands or the Isle of Man.
- Where 100% of the customer's turnover relates to fees from professional services and where the customer does not have any involvement in contracting, manufacturing or installation.
- Undertaking project management for their own employees or subcontractors employed by them.
- Providing asbestos removal services.

## How do we expect this product to be distributed?

This product should be sold with the active assistance and guidance of an insurance intermediary with whom Pen has an agency, to select the appropriate level of cover. The product will only be distributed



through brokers who have an agency agreement with Pen, and it will not be distributed directly by Pen to customers.

This product is suitable to be distributed via a variety of intermediated sales channels, such as face to face, telephone, email or by postal application.

Consideration should be given to the vulnerability of customers by the intermediary who should provide any appropriate support they may need.

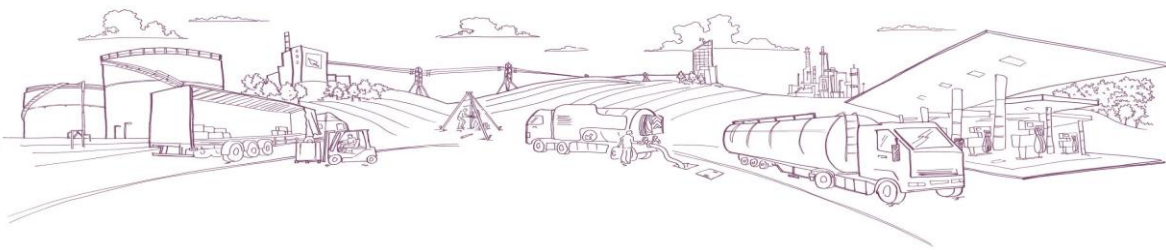
### **Product Approval Process**

Pen's product approval process is in place to ensure that there is appropriate oversight of all products where Pen is either a co-manufacturer or a distributor. The process includes a risk assessment process where due consideration is given to the impact of the product on the target market and the value of the product.

A diagram of Pen's product approval process can be found on the Pen website [here](#).

### **Important Information**

This target market statement should be used by all (co-)manufacturers and distributors of this product. (Co-)manufacturers and distributors should not create their own variation of this document. Where any party using this document has concerns about the accuracy or completeness of the information included, this should be raised to Pen urgently for discussion.



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### Fair Value Assessment

#### Product Fair Value Outcome – Methodology

Pen has completed a Fair Value Assessment on products we co-manufacture. This is based on groupings of products which may be similar in features and are intended to be distributed to similar target markets.

This Product Fair Value Outcome Statement is not intended to replicate our Fair Value Assessment but sets out the approach taken and the outcome of the assessment.

#### Distributor Remuneration

Pen agrees commission rates with each distributor and as part of the fair value assessment process has requested details of any additional fees that may be added in the distribution chain. The fee details received have been analysed and if Pen considers these could impact the value of the product this would be raised directly with distributors.

All distributors should be able to:

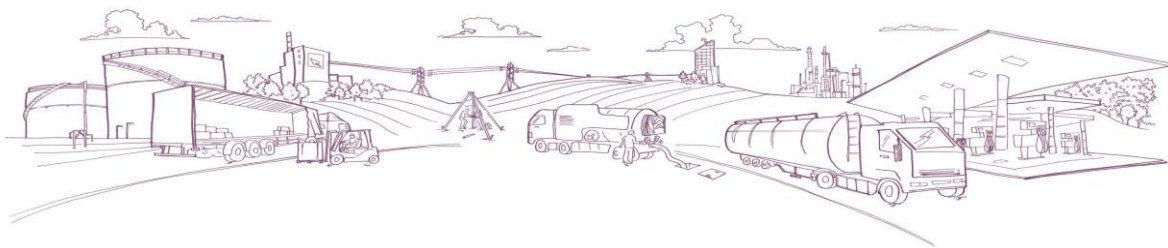
- Confirm annually that the commissions and fees they charge are reasonable relative to the service(s) they provide and the total cost of the product to the customer; and
- Justify that commissions and fees they charge are fair and support the intended value of the product.

#### How Pen Assesses Value

Pen's product governance and oversight process requires a full review of all product groups at least annually to determine if the product offers fair value to the customer.

These reviews consider the following areas:

Target market	<ul style="list-style-type: none"> <li>• Target market reviewed to ensure the product meets the needs of the customer and will continue to do so for the life of the product</li> <li>• Identify the impact on vulnerable customers where applicable</li> </ul>
Distribution strategy	<ul style="list-style-type: none"> <li>• Appropriateness of the distribution channel, services offered and remuneration</li> <li>• Remuneration does not negatively impact the overall value offered by the product</li> </ul>
Market assessment	<ul style="list-style-type: none"> <li>• Market scrutiny to ensure the product aligns with current market trends</li> </ul>
Product design/lifecycle	<ul style="list-style-type: none"> <li>• Pricing</li> <li>• Regulatory requirements</li> </ul>



	<ul style="list-style-type: none"> <li>• Product documentation</li> <li>• Performance of the product</li> <li>• Product changes</li> </ul>
Customer journey	<ul style="list-style-type: none"> <li>• Quality Assurance</li> <li>• Feedback from distribution</li> </ul>
Claims	<ul style="list-style-type: none"> <li>• Frequency and trends</li> <li>• Loss ratio trends</li> </ul>
Complaints	<ul style="list-style-type: none"> <li>• Feedback is reviewed to ensure the product continues to offer good benefit for customers</li> <li>• Reasons for complaints and volumes</li> <li>• Outcomes of complaints: whether or not they are upheld</li> <li>• Identification of trends and root causes</li> <li>• Redress payments: volume and timescales</li> <li>• Financial Ombudsman Service: volume and outcomes</li> </ul>

### What are the distributor value considerations?

We expect all distributors in the chain to consider the following when selling Pen's products:

- The impact on product value of offering other products alongside this one, especially those with proportionally greater remuneration. For example, an ancillary product, elements of which may duplicate existing cover, or premium finance charged at an elevated rate of Annual Percentage Rate (APR).
- Additional commission, fees or charges added as part of distribution processes must be proportionate to the service provided, in line with those charged elsewhere, and not affect the overall value offered by the product.
- Distributors must ensure there is no duplication of cover as a result of any add-on products sold, including premium finance cover, where appropriate cover is already provided by the policy.
- Distributors should consider the Consumer Duty requirements when dealing with policyholders.

### Fair Value Assessment Outcome

Pen has considered all relevant factors, including the total price paid by the customer, value MI, distribution and other considerations in this product design.

Pen is satisfied that the product continues to provide fair value to customers and is suitable to continue to be distributed to the identified target market.

**Valid From**

15/05/2026

(Id ref: 41)