

Fair Value Assessment (FVA) – ATE Recourse Policies Scotland

Product Development



Product names	Recourse Scotland
References	RECSPW.08-22HDI
Reviewer	Abi Green
Date Fair Value Assessment was completed	01/09/2023
Product	Existing product
What type is the proposal	Annual review of existing product

Summary

This product has been subject to the ARAG's FVA process and has been reviewed and signed off by ARAG's Underwriting & Claims Committee as representing fair value to customers. This is in light of a review of the following MI:

- Claims and complaints volumes, including FOS referrals
- Declinature rates
- Any impact on vulnerable customers
- Wordings review
- Any developments likely to impact the product in the next 12 months.

1. Product Design

1.1 Target Demographic

Who is the target demographic and is the proposition aligned to the identified demographic?

- Individuals who have entered into a speculative fee agreement to pursue a personal injury, clinical negligence, contractual or other suitable claim for damages in Scotland.

1.2 Customer Vulnerability

What is the potential for customer vulnerability within the target demographic and how can the product or process be flexed to meet their needs?

- Customer vulnerability is considered pre-inception as a part of product development. No issues have been identified that would change this.

1.3 Market Research

Provide the research that has been completed and explain how it demonstrates the customer need for this product?

- This is an existing product which has been designed around the demands and needs of the target market segment.
- Whether it continues to meet these demands can be evidenced by performance metrics and claims data.

1.4 How is the Product Fair and Reasonable

How have we ensured the product is fair and reasonable? Is the product literature correct/clear fair and not misleading?

Literature is fair, clear and not misleading.

ARAG operate a robust sign off process for all new products and material product changes. Refer to the Product Oversight and Governance Policy:



Product Oversight and Governance 11.

1.5 Customer Needs and Demands Expectations

Give consideration to any scenario that could affect customer needs and expectations. How will this be managed and customer need expectations maintained?

- Although we have known exposure to group risk this is controlled via prospect of success clause requirement and risk appetite.
- ARAG have a business continuity plan in place in case of any disruptive incidents whereby we can continue our usual operations successfully.

1.6 Key Features

What are the key features of the product and why are you comfortable they are appropriate for the proposed customer base?

We are comfortable that the key features reflect the demands and needs of our target market. Please refer to our Insurance Product Information Document:



IPID_RECSPW.07-21
(1).pdf

1.7 Exclusions

What are the exclusions, are there any deferred periods and how have you deemed them to be appropriate for the customer base?

We have reviewed the exclusions and we have not identified any cause for concern. Please refer to our Insurance Product Information Document:



IPID_RECSPW.07-21
(1).pdf

1.8 Commissions and fees

Are commissions and fees all appropriate and justified?

Commissions and fees are reviewed in line with the fair value framework. Commission thresholds are reviewed on a biannual basis by our compliance committee. If any commission levels are found to be outside of our thresholds, they are individually investigated, and appropriate actions are taken.

1.9 Core Policy Documents

Have all core policy documents been created, and reviewed and approved by all the relevant parties?

All core policy documents been created and reviewed by Product Development and then approved by all the relevant parties. Refer to the Product Oversight and Governance Policy:



Product Oversight
and Governance 11.

2. Sales Process

2.1 Marketing

How will the product be marketed and is there scope for the marketing go outside the target market?

Products are marketed to customers via solicitors. Marketing material is therefore aimed at the correct customer base for the products. No issues or concerns have been identified as part of our review.

2.2 Distribution

How is the product sold and is the process appropriate for the target market?

- Our products are sold by solicitors at the time of, or subsequent to entering in to a conditional fee agreement with the customer.

2.3 Process Controls

How is the process controlled?

- Audits.
- We collate feedback from the Sales and Claims teams and the FOS, and make changes where required.

3. Claims Process

3.1 Fairness

Is the claims process fair and does it present any barriers to claiming?

Having reviewed the data relating to the claims process, in our opinion:

- we consider the process to be fair, and
- there are no obvious barriers to claiming.

4. Complaints

4.1 Fairness

Is the complaints process fair and does it present any barriers to complaining?

Having reviewed the data relating to the complaints process, in our opinion:

- we consider the process to be fair, and
- there are no obvious barriers to lodging a complaint.

5. Additional Notes and Comments

Any notable global and national news from the last 12 months which will have an impact on the products.

- Cost of living crisis and inflation impacting actual value of product.
- Brexit effects on cover – the UK may drop some EU regulations with potential prospects to reword/rework certain laws in the future.
- Covid-19 resulted in a major backlog in patient waiting times, see link for further detail: [NHS backlog data analysis \(bma.org.uk\)](https://www.bma.org.uk/data-analysis).
- Impact of fixed recoverable costs to be ascertained.
- Whiplash reforms have resulted in a decrease in personal injury claims being reported.

Have any changes been made to the policy wordings in the last 12 months?

- No material changes made to documentation.

6. Actions and Recommendations

Actions to be taken following this review process, R/A/G scale to show immediate, scheduled and/or business as usual.

- Review products in line with ongoing Brexit developments.
- Continue to review the non-urgent change log and implement changes if required.
- Consider effect of Consumer Duty on products and services.
- Review product and wordings following fixed recoverable costs when known.