



D&O Coverage Checklist

In light of senior managers and certification regimes and remuneration code*

1

Review policy implications (i.e. late notice, non-disclosure, prejudice etc.) of entity knowledge of a breach or suspected breach by an insured person of any of the Conduct Rules etc.

2

Review policy consequences of “admissions” in the context of any dealings with the regulators including all certification and attestation procedures.

3

Review breadth of “*profit or advantage exclusion*” especially in the context of the remuneration code and the effect on policy coverage of an insured in good faith having received a profit or advantage to which he, she or it was not entitled.

4

Review fitness for purpose in light of new regulatory regime of key gateway definitions in D&O coverage i.e. definitions of “claim”, “defence costs”, “loss”, “investigations” and “wrongful acts”.

5

Review the insurance rights of former insured persons under the policy in the event of resignation and change in risk.

6

Review advancement provisions to minimise scope for “wriggle room” by insurers to advance costs pending final resolution of insurance claim.

7

Review and report on what happens to the policy in the context of insolvency and the scope for purchasing run off cover.

* *This table whilst certain of the items represented in this table are not directly prompted by the new regulatory regimes, they nevertheless form part of a logical suite of considerations to be borne in mind by financial institutions in purchasing or renewing D&O programmes from 2016 onwards. This table should be read in conjunction with the accompanying decision tree.*



About Willis Towers Watson

Willis Towers Watson (NASDAQ: WLTW) is a leading global advisory, broking and solutions company that helps clients around the world turn risk into a path for growth. With roots dating to 1828, Willis Towers Watson has over 40,000 employees serving more than 140 countries. We design and deliver solutions that manage risk, optimize benefits, cultivate talent, and expand the power of capital to protect and strengthen institutions and individuals. Our unique perspective allows us to see the critical intersections between talent, assets and ideas – the dynamic formula that drives business performance. Together, we unlock potential. Learn more at willistowerswatson.com.



willistowerswatson.com/social-media

Willis Limited, Registered number: 181116 England and Wales.
Registered address: 51 Lime Street, London, EC3M 7DQ.
A Lloyd's Broker. Authorised and regulated by the Financial Conduct Authority
for its general insurance mediation activities only.

Copyright © 2018 Willis Towers Watson. All rights reserved.
WTW59675/06/2018

willistowerswatson.com

Willis Towers Watson