



## **Forum of Scottish Claims Managers**

### **Constitution**

#### ***Purpose & Aims***

The Forum exists to achieve efficient and cost effective management of claims and to act as a lobbying forum on behalf of its members and to represent their interests in the handling of insurance claims. The forum will lobby government bodies and law makers as well as regulatory and independent bodies or forums, such as the Law Society of Scotland, ABI, MASS, APIL, FOIL etc.

It is the Forum's desire to be actively engaged, with interested parties, in all discussions that relate to the handling of Third Party claims in Scotland.

The Forum also aims to debate ways in which the current claims and recovery procedures might be improved and made more efficient for consumers.

The Forum will develop high level oversights of a strategic nature. It will discuss publicly available medical and other technical developments. All other matters will be dealt with by the Technical Forum, which operates as a sub group of the Forum and is answerable to the Forum.

Matters falling under the remit might also include inter insurer disputes relating to Third Party claims.

The Chairman will rule on whether any given topic falls within the terms of the Forum's remit. All such discussions will be minuted in full.

## ***Membership***

Members must be employed by an insurer or by a claims handling agent with full delegated authority who is active in Scotland. Membership is conditional upon payment of an annual fee, (per organisation) in advance for the following year, the terms of which are agreed by the group.

The member must be a Claims Manager, or similar. Members must be able to speak on behalf of and give the thoughts of their employers on any matter under discussion. A member may, occasionally, send another person from their organisation if they are unable to attend. This person should be of sufficient seniority that they are able to contribute fully to meeting.

As a condition of membership, members must agree to be bound by these terms of reference and the competition law guidelines and the Competition Policy.

Applications for membership will be considered by a committee comprising of the Chairman, Vice Chairman and Secretary. Such application to be decided in accordance with the criteria set out in the present terms of reference. Applicants who are refused entry by this committee shall have a right to make a written application to the full membership and may subsequently be admitted to membership if two thirds of the members vote in favour of admission.

A reason will be given by the members if an applicant is refused membership.

A member wishing to withdraw from the Forum must give notice in writing to the Chairman. Non payment of the annual membership fee will result in termination of membership.

Membership of FSCM is personal to the individual Claims Manager, as opposed to their employer, albeit the member is only eligible due to the role they fulfil for their employer. Local Authorities will be admitted as non fee paying members with no voting rights as can other similar organisations, subject to agreement by a majority of the full fee paying membership.

## ***Meetings***

The Forum will meet as a minimum every quarter, with all members making their best endeavours to attend. In the event that the member is unable to attend the meeting a senior member of staff should attend on their behalf.

Each local member will share the responsibility to host Forum meetings.

Further meetings can be called, at the discretion of the Chairman, if any matter of sufficient importance arises and cannot be delayed until the next quarterly meeting.

All MI collated will be on behalf of the group will be anonymous, ensuring that it is not possible for any other insurer or party to identify the individuals involved or an individual members commercial conduct that is not normally public, nor their intended future commercial conduct.

All members agree to consider all decisions made at Forum meetings, provided a quorum of six members was present. If a member's employer is unable to support a decision of the Forum the member should inform the others at the earliest possible date. The Forum only makes recommendations to the members. Individual members must make the final decision on all matters debated prior to implementation, in isolation, without seeking the view of the other members or their intended individual response.

Members will avail themselves of all opportunities to publicise their membership of the Forum and the work that the Forum is engaged in.

A member will only act of behalf of the Forum with the express consent of the membership or the Chairman.

Prior to all meetings an agenda will be distributed to all members at least 7 days prior to the meeting. Each member will be given the opportunity to put forward agenda items beforehand. The Chairman has the right to take a view on agenda items to ensure compliance with the constitution.

Minutes will be taken of all meetings and be circulated to the members as soon as practical after each meeting. Whilst approval of the minutes will take place at the next meeting all members are encouraged to feedback immediately any inaccuracies that believe exists within the draft circulated.

There will be no non minuted discussions. There will be no off agenda discussions, other than AOB items and these will be fully minuted.

Amendments to the constitution can only be made with a two thirds majority, of those in attendance, in favour of the amendment. Any proposal to make an amendment can only be discussed and voted upon at the Forum's quarterly meeting, with 2 full weeks advance notice of the change(s) having been provided to all members.

All members will be issued with a copy of the current version of the Constitution. All members must comply with the competition policy section of the Forum's constitution.



## ***Expulsion***

Subject to the under-noted the FSCM may expel any member who does not comply with these terms of reference or does not pay their annual membership fee.

No member may be expelled unless he or she has first had an opportunity to appear before a meeting of the FSCM and answer any complaints made and unless at least two thirds of the members vote in favour of the expulsion.

## ***Competition Policy***

The members of the FSCM are committed to compliance with the competition laws. The members of the Forum will not allow their meetings, organisation or name, either directly or indirectly, to be used for any illegal or anti-competitive purposes.

It is the duty of each member to ensure that neither he, she, the Forum nor their member organisation does not contravene or assist any other party in the contravention of any applicable competition laws or any other applicable international or domestic statute or regulation and ensure that no infringement occurs as a result of their participation in the FSCM.

Membership of the FSCM and any participation in the FSCM shall not require any member to, and each member shall ensure that no other member or any member's employer shall be required to, adopt, follow, implement or obey any decisions, rules, terms of reference, recommendations, policy decisions, discussion points or any other form of concerted activity, written or oral, of the FSCM or other member company insofar as it might impact or limit or influence the commercial freedom or action of the member where such arises as a result of any collective decision or action. In particular, members agree not to discuss the level of premiums and settlements or other terms and conditions that such member might choose to apply in the light of recent judgements, legislation and any other voluntary claims handling procedures.

In their participation at the FSCM members of the group are absolutely prohibited from disclosing to other members any commercially confidential or sensitive information. Members will only refer to publicly available information at meetings.

Where FSCM members wish to use any information that is not publicly available, to support lobbying or other legitimate activity through the FSCM, they shall only do so after receiving legal advice and ensuring that the activity is fully compliant with applicable competition law. Ensuring, in so far as is possible, that such information is appropriately presented so that individual members commercial position is not revealed. Members agree they will not discuss premium or price nor terms and conditions of the member's employers between them. Members must follow the Competition Law Guidelines at all times.

### ***Chairman***

The Chairman will be elected from the existing membership by a majority vote.

The Chairman will serve for a maximum period of 2 years. The Chairman can, if they wish, submit themselves for re-election.

A Vice Chairman will also be elected by the members in a similar fashion. At the end of their two year period of office the Vice Chairman will assume the position of Chairman.

The Chairman will be the first point of contact for any party wishing to engage with the Forum and will represent the Forum in discussions with interested parties. The Chairman is not, however, empowered, to make strategic decisions of behalf of the Forum. Such matters will be brought before the members.

### ***Secretary***

The Forum will appoint a secretary, who need not come from the membership. The secretary may be remunerated for the services they provide subject to the agreement of the group.

The secretary will be responsible for the general organisation of the Forum, including arranging meetings, taking minutes, circulating papers of interest, assisting the Chairman/Vice Chairman with consultation papers and attendance at meetings with relevant parties such as the ABI, Scottish Government and the Law Society of Scotland.