

# Distribution Product Guide: Directors and Officers' Liability - Excess

→ Distributor Product Guide  
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**This guide is for intermediary  
reference only:**

It does not contain the full terms and conditions of the contract of insurance. Full terms and conditions are within the policy documents; you can request to have a copy of these.

## Background

Markel International's Directors and Officer's ("D&O") team provides cover to directors and officers of companies of all types and sizes, whether listed or unlisted. We offer market leading products which provide wide-ranging coverage to ensure our clients are protected.

By taking the time to understand the activities of our insureds and to subsequently identify the specific exposures faced, we are at the forefront of insuring a variety of diverse risks, many of which are complex.

## Product design

Markel products go through a Product Design and Approval process to ensure products are able to meet the needs and objectives of the target market. This product has undergone testing, including industry benchmarking as part of this approval process.

D&O Liability - Excess is designed to cover the directors and officers of a company from claims which may arise from decisions and actions taken as part of their duties. This includes legal costs in defending the claimant costs awarded against the insured, should the defence prove unsuccessful.

D&O insurance serves to reimburse the defence costs incurred by Board members, managers and other relevant employees in defending against claims made by shareholders or third parties for alleged wrongdoing. Our policies also cover monetary damages, settlements, and awards resulting from such claims.

As an Excess product, this product is designed to provide coverage for claims which exceed the Primary or previous Excess policy limit. Any claims exceeding our Excess policy limit may be covered by a further Excess product (if purchased).

We confirm that the product is free from any innate conflict of interest that would compromise you from putting customers interests first.

## Target market

**The Target Market for D&O Liability – Excess are commercial customers:**

- Private / Public businesses (excluding Financial Institutions)

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## **This Policy is not suitable for:**

- Individuals
- Financial Institutions

## Scope of cover

Markel International's D&O Liability – Excess policies can be arranged with a number of different extensions to allow other types of business protection to be arranged under the same policy.

Policies can be tailored to the individual risk, ensuring that cover is right for the client's exact needs.

## **We can offer cover for:**

- Spousal and heir's cover
- Emergency defence costs
- Innocent non-disclosure provisions
- Asset and liberty costs
- Extradition costs
- Bilateral discovery
- Non-executive additional limits

Should a client be in a position to make a claim, we have dedicated claims handlers on hand specifically for this product, possessing the expertise to process the claim and advise the customer to limit loss from the outset.

## Product value assessment

We have taken into account the cost to Markel to provide the product, the chosen distribution channel and, the key features and benefits, alongside anticipated product performance and customer services to undertake a Fair Value Assessment. This includes where an add-on product (including premium finance) not manufactured by us is sold alongside, or forms a package with the distribution of our products. As part of this assessment we have collaborated with our chosen distribution partners to gather and assess fees and charges associated with the Product at point of interaction.

Following our assessment of D&O Liability – Excess, the product as presented provides Fair Value to the intended Target Market, which has been assessed through the Management Information available to us on the products performance, evidencing the value to Policyholders overall. We have determined that the features, benefits and distribution strategy remain consistent with the needs of the Target Market, and provide suitable coverage. The defined distribution strategy is appropriate for this product, and provides the value intended through the policy lifecycle.

We do however expect any distributor of this product to consider any additional fees or charges they may charge policyholders and its effect on the end value. This includes the addition of ancillary products provided alongside a Markel product which may erode the intended value.

## Distribution strategy

Our D&O Liability – Excess insurance product has been designed for distribution by insurance intermediaries that hold commercial agreements with us. Each distribution partner is assessed by the Underwriting team to have the appropriate level of understanding about the risks and exposures faced by their customers in the operation of their business. Where necessary, we shall work with intermediaries to provide training and communications as appropriate.

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The distribution strategy is considered appropriate for the target market with customers having the option to purchase these products through a distributor of their choice based upon their expertise in the field. These products are considered suitable for advised and non-advised sales by suitably skilled persons.

## Distributor / partner remuneration and costs

We expect the following to be agreed, prior to any placements being made:

- Commission levels
- Fee for Service arrangements, should they be entered into between both parties

## Distributors / partners responsibilities

You are reminded to assess fair value to your customers where you charge additional fees, charges or where commission rebating takes place. Distributors / partners should consider whether their customers who are purchasing a Markel International product are being charged any additional fees that are not funded by the premium paid.

If a distributor / partner identifies that a product is not providing fair value and this has been caused by the distributor's / partner's distribution arrangements, including its remuneration arrangements, the distributor / partner must immediately inform Markel International for appropriate action to be determined.

## Providing feedback

We welcome any feedback from our distributors / partners on the performance of our products. All feedback will be considered in our next product review. We shall host regular touchpoints with you to discuss the product offering and any support required.

