* + 1. **TEMPLATE: *Members, or class of members, eligible to participate in the Scheme* questions which the applicant association is required to complete**

The questions below focus on defining the members, or class of members, who can participate in the Professional Standards Scheme, noting that this as a mandatory requirement under the Professional Standards Legislation.

To assist you, see Guidance3.0.2 *Members, or class of members, eligible to participate in the Scheme.*

|  |
| --- |
| 1. **QUESTION: *MEMBERS AND CLASSES OF MEMBERS***
 |
| **Evidence / information required** | **Association’s response (including examples)**  |
| 1. State the members to whom the Scheme applies
2. Provide the documents, and website content, which specify and enable membership for each class of membership, such as your constitution, by-laws, membership entry rules, ongoing membership requirements, membership deciding body terms or reference, membership forms, membership contract and membership information
3. State if the Scheme will apply to the whole association or to specific classes of membership
4. State the reasons why the occupational association is applying for a Scheme for only a limited class or classes of membership
5. If your Scheme excludes members, or class of members, from the Scheme, enumerate the exclusion and the reasons for the exclusion
6. Provide your association’s Scheme participation agreement, or contract, demonstrating the member’s undertaking to comply with the legislation, and to provide the following to the association annually or as reasonably requested:
* Scheme related surveys
* PI insurance notifications and claims data
* Consumer complaints data
* PI insurance data (cost, excess, availability, exclusions)
* immediately advise the association when a notification or claim exceeds $500,000
* immediately advise the association if the member is subject to an occupational professional disciplinary investigation.
 |  |
| 1. **QUESTION: *TABLE OF MEMBERS***
 |
| For occupational associations with more than one class of member, include a table in the following format: |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Class of Member** | **Number of Association members** | **Number of members excluded from the Scheme** | **Number of eligible Scheme participants** | **Number of natural person eligible Scheme participants**  | **Number of corporate persons****eligible Scheme participants** |
| *(describe class - incl type if there are corporate members - per the association’s Constitution, by-law, etc)* |  |  |  |  |  |
|  |  |  |  |  |  |
| **Total** |  |  |  |  |  |

|  |
| --- |
| 1. **QUESTION:**  ***REGISTER OF MEMBERS***
 |
| Provide an excerpt, or the structure of the Scheme participant register, together with your association’s policy and procedure for providing persons with access to the Scheme participant register; whether it is public, or how an inquiry would be made and responded to.  |  |
| 1. **QUESTION: *EXEMPTION FROM THE SCHEME***
 |
| If the proposed Scheme intends to give the occupational association the discretion to permit exemption:1. State the reasons why the occupational association is including an exemption in the Scheme
2. Provide your association’s policy and procedure for accepting, considering, and advising the outcome of a written application for exemption from the Scheme; including the criteria by which members may be exempted from the Scheme
3. Provide the terms of reference of the governing body, or committee which holds a delegation from the governing body, to receive and consider applications for exemption from the Scheme
4. Provide all forms or information provided to members, or published on your website, regarding exemption from the Scheme
5. Provide your association’s policy and procedure for auditing members to ensure that persons who are exempt from the Scheme do not falsely use the notification of limitation of liability in their documents
6. Provide your association’s register of members exempted from the Scheme demonstrating how the following are recorded:
* the Scheme participant
* the date from which the exemption applies and term of the exemption from the Scheme
* the date on which the application for exemption was received, considered by the association, and notified to the member in writing
* the basis, consideration, and reasons for approving the members exemption
* the Board, Committee, or delegated individual within the association that approved the application for exemption
* any additional conditions placed on the Scheme participant (such as prohibition from using the notification of limitation of liability).
 |  |
| 1. **QUESTION: *HIGHER DISCRETIONARY CAPS***
 |
| If the proposed Scheme intends to give the occupational association the discretion to approve a higher limitation of liability for a member:1. State the reasons why the occupational association is including an ability to approve higher maximum limitation of liability in the Scheme
2. Provide your association’s policy and procedure for accepting, considering, and advising the outcome of a written application for a higher discretionary cap for the member; including the criteria by which members may have a higher discretionary cap approved
3. Provide the terms of reference of the governing body, or committee which holds a delegation from the governing body, to receive and consider applications for a higher discretionary cap from members in the Scheme
4. Provide all forms or information provided to members, or published on your website, regarding applying for a higher discretionary cap under the Scheme
5. Provide your association’s register of higher discretionary caps for Scheme participants demonstrating how the following are recorded:
* the Scheme participant and the applicable discretionary cap
* the date on which the application was received, considered by the association, and notified to the member in writing
* the term of the discretionary cap (where applicable)
* whether the discretionary cap applies to all clients, a range of clients or a single client
* the basis, consideration, and reasons for approving the discretionary cap
* the additional information requested from the Scheme participant in respect of Professional Indemnity Insurance and/or business assets (where applicable to a Scheme)
* the Board, Committee, or delegated individual within the association that approved the application for discretionary cap or exemption
* any additional conditions placed on the Scheme participant (such as additional risk management, disclosure, PI reporting, or risk reporting).
 |  |