

THE FE COLLEGE LEADER



With the annual cost of flood damage in the UK estimated to be in excess of £1 billion, it is well worth ensuring your college is prepared for the worst, even if there are no obvious sources of floodwater nearby.

When considering the flood risks facing your college, it is completely natural to think first and foremost about the risk from nearby watercourses. Unfortunately, however, flood risk is not confined to the swollen rivers and overflowing streams we see on the television news — it is now estimated that some 2.8 million properties are at risk from surface water flooding*.

This flooding from surface water run-off occurs when heavy rainfall overwhelms drainage systems and can happen far from established watercourses, including in areas with no prior history of flooding problems.

The effects of surface water flooding are, however, all too familiar and include — damage to property, disruption, and even danger to life in extreme cases. With that in mind, it is becoming more and more important that schools protect themselves from possible surface water flooding — through effective risk assessment, planning, and risk management.

Assess the Risk

The first step is to determine the risk of surface water, or pluvial flooding at the college site. To assist, guidance and support is available from the Environment Agency (for England and Wales) and the Scottish Environment Protection Agency (SEPA), including standard templates for capturing the relevant risk information. In addition, the risk of surface water flooding can be reviewed according to postcode, using interactive maps available on both the Environment Agency and SEPA websites.

Continued overleaf



EDITORIAL BY
JON TAYLOR

☎ 01444 313224

✉ jon.taylor@marsh.com

Welcome to this spring 2015 edition of *The FE College Leader*.

As ever, we have endeavoured to offer an interesting and practical commentary on a range of topics relevant to further education colleges.

I would particularly like to draw your attention to our lead article, which looks at a growing flood risk issue. Surface water flooding is caused when heavy downpours overwhelm drainage systems — it can cause serious flooding far from watercourses and in areas with no flood risk history. This article offers some useful tips on ways to assess and manage what is an often overlooked risk.

You will also find an overview of proposed new sentencing guidelines for corporate manslaughter, health and safety offences, and food safety and hygiene offences. Issued by the Sentencing Council, they propose higher fines and offer guidance on both mitigating and aggravating factors — definitely a development worth keeping abreast of.

I hope you find *The FE College Leader* an interesting and useful read and, as ever, we want to hear your comments, questions, and suggestions for future articles.

In the meantime, if the time to review your college's insurance arrangements is looming, we'd be delighted to explain how Marsh could help ensure you have the right protection in place — so please do get in touch on 01444 313175 or by joining me in the Marsh UK Education Forum on LinkedIn.

Given how difficult it can be to predict surface water flooding risk assessment is not always straightforward — so it may be necessary to get support and input from your insurer.

Have a Plan

With the risk of surface flooding understood, it is important to set out a plan detailing how the college will respond to a flood event. An effective plan should include:

- Key contacts in the event of a flood — including emergency services, insurers, electricians, gas safe registered contractors, security providers, and plumbers.
- A site plan showing the location of gas and electricity cut-off points and vulnerable property, or high-risk areas where action will be required.
- Details of the controls and procedures that should be adopted, and under what circumstances, to mitigate flood damage to the site.
- Safe evacuation procedures to be followed in the face of imminent flood risk.

A copy of the flood plan should be kept off-site and relevant staff should be trained in the procedures it sets out.

Reduce the Risk

Given the nature of surface water flooding, it is possible to take steps to reduce its likelihood — in essence, by doing everything possible to ensure that surface water can drain away quickly and effectively.

That could include regularly inspecting drains, culverts, and other drainage channels to ensure they are clear of any blockages — in the case of drainage channels that extend into neighbouring sites, that includes ensuring they are kept clear, both up and down stream.

Equally, where buildings are at risk of “run-off” from surrounding public roads, it is important to liaise with the local authority to ensure roadside drains are subject to planned inspection and maintenance.

Manage the Risk

These steps cannot completely eliminate the risk, so it is important to consider the measures you could put in place to prevent flood water from entering the property, or to protect property if water does get in. They could include:

- Flood barriers — flood boards that can be installed across doorways and windows.
- Sandbags — used in conjunction with plastic sheeting to create flood barriers.
- Airbrick covers — a plastic cover clipped to framework surrounding airbricks to prevent the entry of water.
- Moving valuable or at-risk contents above ground-floor level.
- Raising items on blocks or plinths above anticipated flood water levels.

The message here is simple. Don't let your college fall victim to this “hidden” flooding. Understand the risks and plan ahead.

For further information, please visit www.ecclesiastical.com/educationhub.

* Flooding in England: A National Assessment of Flood Risk, Environment Agency, 2009.

DID YOU KNOW?

**FAST
FACT**

**Did you know
property claims under
£2,500 can be settled
within 24 hours?**

PORTABLE APPLIANCE TESTING IN FE COLLEGES

With the increase in use of personal tablet and smartphone devices by employees, and the associated electrical chargers, the number of portable electrical appliances in colleges is on the increase. Factor in the proliferation of appliances already in your college and even greater vigilance is required when it comes to portable appliance testing (PAT).

A regular PAT programme should be a fundamental part of any safety policy, but keeping on top of it can be a headache. Key considerations include:

- Adopt a “risk-based approach” to the testing of so-called Class I electrical devices such as kettles, which are not double insulated within a protective cover.
- Electrical equipment needs to be inspected and tested by a competent person; you can test your own as long as the task is carried out by an employee classed as “competent”.
- The correct test equipment should be used and the user should know how to interpret the results. Completion of a course, such as a City & Guilds 2377 PAT course, would suffice.
- Test appliances annually. Published Health and Safety Executive (HSE) guidance on maintaining portable electrical equipment suggests that low-risk items should be tested every 12 months to five years; however, it can be difficult to manage testing items over differing periods.

If you make sure formal visual inspections and tests are done regularly, thoroughly and are recorded, this should ensure appliances are safe to use, and if something does go wrong you have documented evidence to demonstrate the steps that have been taken to ensure the safety of these items.

Further advice is available from the HSE site <http://www.hse.gov.uk/electricity/faq-portable-appliance-testing.htm>.

FINES FOR HEALTH AND SAFETY OFFENCES SET TO RISE

The maximum fines for health and safety offences could rise to as much as £20 million after the Sentencing Council published draft guidelines designed to help sentencers dealing with corporate manslaughter, health and safety offences, and food safety and hygiene offences.

The Council, which produces guidelines on sentencing for the judiciary and criminal justice professionals, has created the proposed guidelines in order to offer greater clarity around potential sentences for serious offences — which it believes have, until now, suffered from a lack of comprehensive guidance. At present, the blanket minimum fine is set at £500,000.

FE colleges are highly unlikely to be subject to the highest financial penalties, which seem set to be reserved for very large companies — defined by the current proposals as having annual turnover “greatly exceeding” £50 million. All the same, even the smallest proposed fines are significant, depending on the seriousness of the offence and the level of “organisational culpability”.

Mitigating and Aggravating Factors

Importantly, the guidelines also set out a series of factors that could be used in order to determine whether fines should be increased or reduced, depending on the conduct of accused organisations.

Mitigating factors that would help a fine to be reduced include:

- No previous convictions or no relevant/recent convictions.
- Taking steps to remedy the wrong.
- A high level of cooperation with the investigation.
- Having effective procedures in place for health and safety, food safety, and hygiene.
- Having a good record on health and safety, food safety, and hygiene.

Aggravating factors that would cause a fine to be raised include:

- Previous relevant offences.
- Breach of a relevant court order.
- Obstructing justice.
- A poor record on health and safety, food safety, and hygiene.
- Deliberate concealment of the offence.
- The offence being committed for financial gain.

Commenting on the proposals, Sentencing Council member Michael Caplan QC said, “We want to ensure that these crimes don’t pay. They can have extremely serious consequences and businesses that put people at risk by flouting their responsibilities are undercutting those that maintain proper standards and do their best to keep people safe.”

The outcome of a consultation on these guidelines is not yet known, but colleges would do well to keep an eye on developments.

Why are These Guidelines Needed?

Although there is already a guide covering corporate manslaughter and fatal health and safety offences, there is nothing specific on sentencing food safety or non-fatal health and safety offences. In addition, existing guidance only covers offences committed by organisations and not those caused by individuals, (for example, company directors, managers, or general employees).

NEWS IN BRIEF

People News: We are delighted to announce that Paula Cook, head of Client Services (general insurance) at the Education Practice, has been awarded the prestigious title of Chartered Individual of the Year at the Chartered Insurance Institute (CII) Public Interest Awards 2015. Naturally, everyone at Marsh is proud and delighted to see Paula’s application, energy, and enthusiasm recognised and rewarded by the CII — it is truly well deserved. The deciding factors, the CII pointed out, were Paula’s “drive to work for customers and to spread the word on professionalism with her colleagues and the wider industry”. Well done Paula!

Cyber Risk Explained: Recent press coverage of data breaches and other cyber attacks has highlighted that any business using IT can be exposed to cyber risks that have the potential to cause significant financial loss and damage to a college’s reputation. Our new adviser document is designed to help you expand your understanding of cyber risk, and the insurance and risk management options available. If you believe you have a cyber risk exposure, we recommend you complete our short cyber risk assessment tool on uk.marsh.com, which will help you evaluate your exposure.

Driving Licence Changes: From 8 June 2015, the paper counterpart that currently accompanies the photocard driving licence will not be valid and will no longer be issued by the Driver and Vehicle Licensing Agency (DVLA) in Great Britain. Older, paper-only licences (that is, those issued prior to 1998) will remain valid, but will be replaced with a photocard-only licence when they are next renewed or amended. But what are the implications for FE colleges? To find out more, download our adviser document from uk.marsh.com/education or join The Marsh UK Education Forum on LinkedIn.



RACHEL HUNT — CLIENT EXECUTIVE MARSH



Where were you born? Southampton, Hampshire.

Where did you study? Hill College, Southampton, which is now Taunton College, where coincidentally my daughter later studied.

What was your first job? On leaving college, I had three job offers – the

Tax Office, Norwich Union Insurance Company, or General Accident Insurance Company. I chose General Accident as they paid more than the other two. I worked as an underwriter in the household department. That “monetary” decision as an 18-year-old has led to a lengthy and very enjoyable 35-year career in insurance; the last 30 of which have been with Marsh.

What is your role with Marsh? I am a client executive in the Education Practice and have overall responsibility for the service, support, and advice my clients receive.

Tell us how, on a day-to-day basis, you support your FE college clients? My job is to ensure that a college’s cover continues to respond to any changes to its activities, negotiating with insurers the best cover and terms. Frequent meetings and discussions take place with each FE college to ensure they receive the appropriate level of support and advice.

I provide advice on new insurance products and risk management services that may be relevant to protect and minimise the risks to the college. I regularly advise them on risk management and how it affects terms and premiums offered by insurers.

I also liaise with our dedicated claims department to ensure claims are resolved in a speedy and satisfactory manner.

What should an FE college look for when choosing its insurance provider? A college needs a broker that is experienced in the sector and can represent it in the insurance market to ensure that the terms received are appropriate and relevant to its needs. Every college is

different, so the client executive (who is ideally local to the college campus) must gain a full understanding of the risks and requirements of the college as this is essential to ensure that the best outcome is achieved.

When it comes to FE colleges, what type of risks are you asked to arrange cover for? Because every college is different, we need to be able to respond to specific requirements — from the routine to the unusual.

Off-site activities are now common place, for example, pop-up shops for students to exhibit their art and fashion — these are run as commercial enterprises and any insurance needs to reflect this.

Cover requests can be varied — from arranging cover for the building, and driving of a monster truck to show off the skills in the motor trade centre; to college staff wanting to hire a bouncy castle for their own end-of-year summer ball.

Many colleges have subsidiary companies set up to manage hospitality and catering restaurants, sports centre management, or hair and beauty treatment salons, all of which are open to members of the public. We ensure the correct cover is in place for these activities and the college is advised on risk management to mitigate any liability claims which might arise and protect the reputation of the college.

What is the best bit of professional advice you’ve ever been given? Be yourself and always smile.

What book are you currently reading? *The Girl Who Played with Fire* by Stieg Larsson.

Favourite films: *Pulp Fiction* by Quentin Tarrantino and *Fargo* by the Coen Brothers.

First ever car: A 1973 lime green Vauxhall Viva with beige PVC seats that could cause third-degree burns in the summer sun!

Preferred weekend getaway destination: New York or Venice please!

For further information, please contact:

Marsh Ltd, Education Practice, Capital House, 1-5 Perrymount Road, Haywards Heath, West Sussex RH16 3SY



01444 313175



01444 415088



uk.marsh.com/fecolleges



Join our group



Marsh does not accept responsibility for articles provided by others. Statements concerning legal, tax or accounting matters should be understood to be general observations based solely on our experience as insurance brokers and risk consultants and should not be relied upon as legal, tax or accounting advice, which we are not authorised to provide.

Marsh Ltd is authorised and regulated by the Financial Conduct Authority. Copyright © 2015 Marsh Ltd. All rights reserved.