

INSURANCE ARCHAEOLOGY FOR SCHOOLS

PROTECT YOUR SCHOOL'S FUTURE FROM HISTORIC LIABILITIES



For many schools and colleges some of the greatest vulnerabilities they face come in the form of historic claims. For example, asbestos-related health conditions have a long latency period, meaning it can be many years before symptoms appear and you receive a claim from a former employee or pupil. Similarly, and by its very nature, an historic abuse claim could be made many decades after the alleged event.

According to recent Marsh research* more than one in three independent schools have been contacted in 2016-17 with regards to a potential historic abuse claim but less than 50% actually feel prepared to deal with such a claim. So, for schools and colleges it is clear that there is a considerable risk in the unknown.

To help mitigate these risks schools and colleges should look to establish their historic insurance arrangements as far back as they can, even if no claim has been intimated. With changes of ownership, staff, and insurers this is no easy task. The time this type of work takes when working with current and previous insurers – especially when going back through the decades – could result in significant reputational damage to the school should an issue arise.

If you are unable to act swiftly and with certainty, it could significantly impact on your ability to deal with a potential claim and prevent any escalation and associated PR fallout. This may affect your school's brand and its ability to recruit new pupils – as well as causing additional upset to the alleged victims and their families.

THE VALUE OF KNOWING YOUR HISTORIC INSURANCES

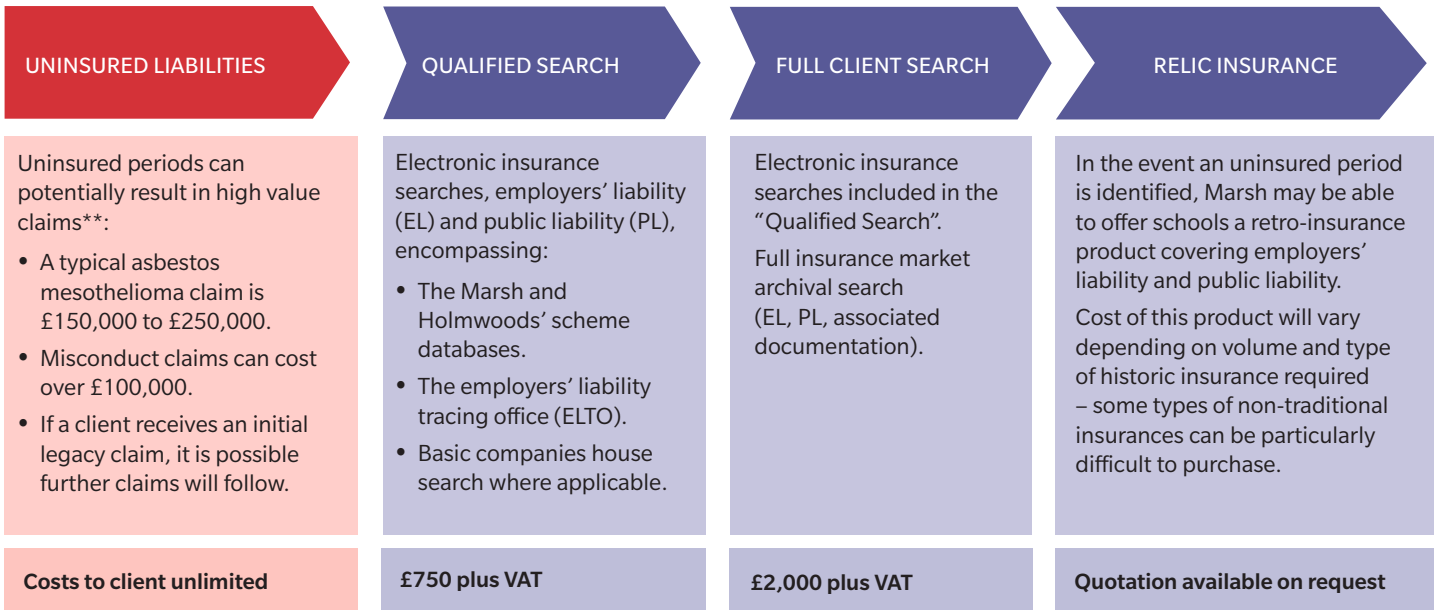
Historic insurance assets dating back decades can provide significant protection against burdensome public liability (PL) and employers liability (EL) claims and defence costs – especially in cases of historic abuse or asbestos-related illness. The combined limits of an historic insurance portfolio can lead to identifying valuable coverage, providing your organisation and its stakeholders with protection from unexpected legacy liabilities.

Benefits of knowing your historic insurances include:

- Ability to trace historic PL/EL insurance coverages to build or rebuild the historic insurance profile.
- Identify and fill gaps in cover with retro insurances where there is a lack of information and/or coverage. For example, your historic insurances may not provide sufficient cover for asbestos-related claims.
- A thorough profile of historical entities associated with the organisation, to assist the understanding of where liability may sit.
- The ability to focus on current business issues through the transfer of legacy claims to third parties or insurance carriers.
- Future certainty around the protection against burdensome claims and expensive defence costs.
- Better defined provision of support for crisis management and communication plans.
- Ability to satisfy the requirements of the Independent Inquiry into Child Sexual Abuse (IICSA), previously known as the “Goddard Inquiry”, which has advised schools and colleges to establish their historic insurance arrangements as far back as they can.

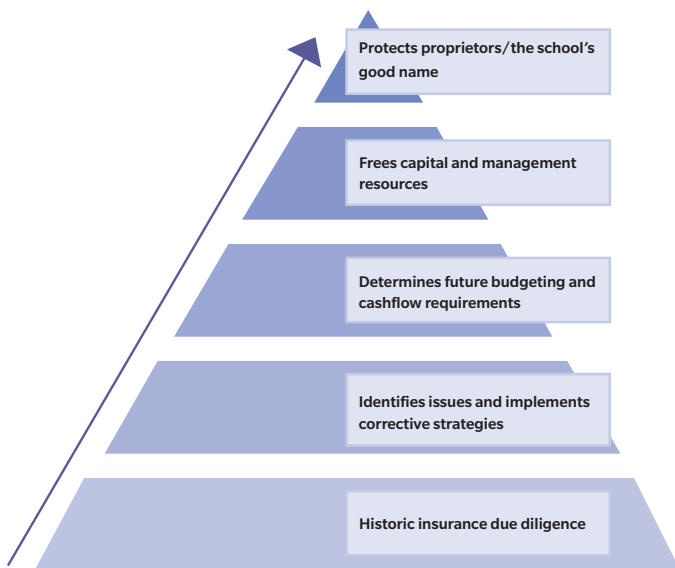
WHAT WE DO

InSolutions is a wholly owned subsidiary of Marsh and is an Insurance Archaeology & Consultancy Company with access to the largest Lloyd's Broker policy archive in the world. We help locate historical insurance coverage. Identifying protection that exists for legacy liability claims and developing a historic insurance profile provides certainty around claims transfer and resolution. Having assisted clients since 1988, we have developed a comprehensive understanding of the historic insurance market. A typical review takes two to three months, during which we can provide:



WHAT WE CAN DELIVER

Protection for schools and colleges from unexpected legacy liabilities.



THE VALUE YOU GET

The ability to redirect legacy claims to third parties or insurance carriers in a timely fashion reducing the risk of reputational damage and unexpected legacy liabilities.

However, it is important to remember that it is not always possible to locate insurance policies and there is no guarantee that a search will reveal the information required.

*Marsh Historic Liabilities Research Survey 2017

** Marsh Claims Data 2007-2017

CASE STUDY – INDEPENDENT SCHOOL ACQUISITION

Facilitating an historic public liability search for a private school group.

CLIENT SITUATION

- A private school group had acquired a prep school in England.
- The group received an historic sexual misconduct claim, which covered five years in the 1980s. As this was a period prior to their acquisition of the school, the client had no details relating to the school's historic public liability cover.

OUR APPROACH

- InSolutions conducted a thorough review of the combined Marsh Group archives, during which an historic debit note was located.
- While this debit note identified the public liability policy for the year 1996, the carrier was a major insurer known to cover private schools from the 1970s onwards.
- InSolutions approached the successor to the insurer (the insurer had merged) and they were able to subsequently confirm public liability cover from the late 1970s to the early 1990s.

KEY BENEFITS TO CLIENT

- The client was able to instruct their solicitors to approach the insurer and tender the claim for the period identified.
- As a result of this engagement, the client has a greater understanding of the school's historic insurances prior to their acquisition, enabling protection against any future claims.

CONTACT US

For further information on the dedicated insurance archaeology service, or a discussion regarding your school's historic liabilities, please contact your usual education client executive or email:

development.team@marsh.com



Registered in England and Wales Number: 1507274, Registered Office: 1 Tower Place West, Tower Place, London EC3R 5BU. Marsh Ltd is authorised and regulated by the Financial Conduct Authority.

The information contained herein is based on sources we believe reliable and should be understood to be general risk management and insurance information only. The information is not intended to be taken as advice with respect to any individual situation and cannot be relied upon as such.

© Copyright 2018 Marsh Ltd All rights reserved. Design Ref:SC00365