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# Introduction





# Introduction

## Helping clients through turbulent times

### Helping clients through turbulent times

Business closures are spiking throughout the UK. Compared with 2020, the private sector business population has decreased by 6.5% according to statistics from the UK Department for Business, Energy & Industrial Strategy.

Organisations have never been so exposed. The pandemic, unexpected losses, expensive employment tribunals, regulatory investigations, contract disputes, insolvency related D&O claims, fraud issues and accidents, have all created greater levels of vulnerability.

That's why it's so important to insure with a market leading policy that will help clients to mitigate their risks and increase financial and legal resilience. The AXA Management Liability Policy (MLP) proactively helps our policyholders manage their people, contracts, premises and data.

It also empowers them to confidently identify the risks and vulnerabilities that could cause them difficulties -

and should a claim arise, provides protection against them. A key element of this is our partnership with rradar, a specialist litigation and law firm.

With rradar's clear and holistic vision to educate, policyholders can make smarter choices and gain greater control to confidently decrease claims and reduce risk. Having access to rradar's leading legal professionals for privileged advice can have a significant and positive impact on their organisation.

As an insurance broker with specialist industry knowledge, this playbook can help you take a closer look at every aspect of the AXA MLP, so you can prepare your clients for the risks they may face and help ensure they have the most appropriate cover.

Callum Taylor - Head of Management Liability, AXA Insurance



# Introduction

## UK Regulators

### UK Regulators

With over 90 Regulators in the UK, not including Local Authorities, spending a combined £4.9 billion, no business can ignore their regulatory responsibilities.

The AXA MLP covers investigations from all UK Regulators including the Health & Safety Executive, Police, HMRC, ICO and Environment Agency as well as regulatory mitigation cover as standard.

AXA MLP policyholders can access Business Crime and Regulation advice through rradar's Legal Advice Line Monday – Friday from 8am – 6pm. There's also a dedicated crisis line available 365 days a year, 24 hours a day, 7 days a week for legal advice should a business crime or regulatory incident occur out of business hours.

**90+**

REGULATORY BODIES  
IN THE UK

**£4.9bn**

SPENT BY REGULATORS  
EACH YEAR





## Introduction

### Why Management Liability is needed

### Why Management Liability is needed

With increased regulatory investigations, contract disputes, insolvency related D&O claims, fraud issues and serious accidents, it's no wonder organisations are turning to their insurance providers to help them recoup and recover from unprecedented risks.

Below are some of our awards that demonstrate the scale of the risk and the commitment we have for our policyholders, now and in the future.



**Claim paid £365,000**

**D&O & CLL Cover: Explosion at production facility, leading to RIDDOR reportable accident**

Employee suffered serious life changing injuries, resulting in HSE and EA investigation to identify cause and assess extent of safety measures in place.



**Claim paid £274,000**

**CLL & Crisis PR Cover: Fatality at manufacturing and equipment installation, RIDDOR reportable accident**

Workplace fatality resulting in HSE investigation, police interview under caution for company directors and inquest.



**Claim paid £150,000**

**Civil Liability & Professional Negligence Cover: Fatality within an educational sector environment**

Establishment benefited from Professional Indemnity extension under the MLP. This is only available to charities and the Education sector.



# The AXA MLP solution with rradar





## The AXA MLP solution with rradar

Our unique solution with rradar



### Our unique solution with rradar

rradar is AXA's exclusive legal services partner under the MLP. It's a litigation and commercial law firm that specialises not only in the management of legal crises, but also in the education and prevention of them in the first place.

rradar offers a wide range of proactive services under the policy to manage and support policyholders through any business issues they may face. Using the rradar services will enable policyholders to understand and address matters that, if left or not handled correctly, could potentially lead to a claim being made against them or their organisation.





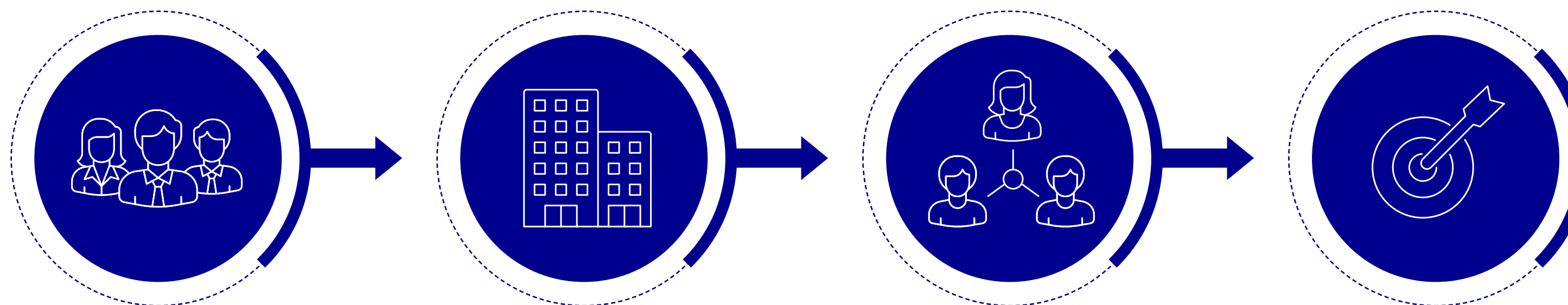


# The AXA MLP solution with rradar

## Problem and solution



### Problem and solution



#### Directors' and Officers' Liability

Claims that affect you, your fellow directors, officers and even employees who have an unlimited personal liability for decisions and actions made on behalf of your company.

#### Company Legal Liability

These claims are made involving the company, either as the sole target or jointly with one or more individuals.

#### Employment Practices Liability (EPL)

With an average cost of £20,000, EPL claims can be extremely financially damaging as well as draining management resource and potentially harmful to your company's reputation.

#### AXA MLP Solution

Provides comprehensive protection combined with rradar's proactive legal advice and representation against common and evolving risks for UK registered businesses, charities and Housing Associations.



# The AXA MLP solution with rradar

## Features and Benefits Summary

### Features and Benefits Summary

- ✓ **Support against:**
  - All UK Regulators
  - All investigations
  - All prosecutions
- ✓ **Wide cover as standard:** Cover for employment, regulatory, pensions, circumstance investigation, contractual defence and pursuit, pollution and employee dishonesty claims as standard
- ✓ **Innovative covers include:** Brexit, tax investigation, Restrictive Covenant and property dispute pursuit and Third Party fraud covers
- ✓ **Any one claim limits:** Each section gives cover up to the selected limit for any one claim. There's no limitation on the number of claims that can be made in any one period of insurance
- ✓ **Flexibility:** Cover automatically responds to most changes in your business such as the purchase of another company
- ✓ **Access to rradar:** Expert legal, regulatory and proactive risk management advice and representation. Legal Advice Line for 1:1 guidance on how to stop or avoid legal problems escalating into claims. Unlimited access to legal and business resources, and risk management tools



Regulatory intervention



Employment claims



Employee theft /  
Third Party fraud



Pensions



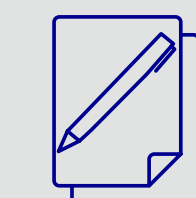
Pollution



Data Protection cover  
& GDPR advice



Brexit



Contract disputes



# The AXA MLP solution with radar

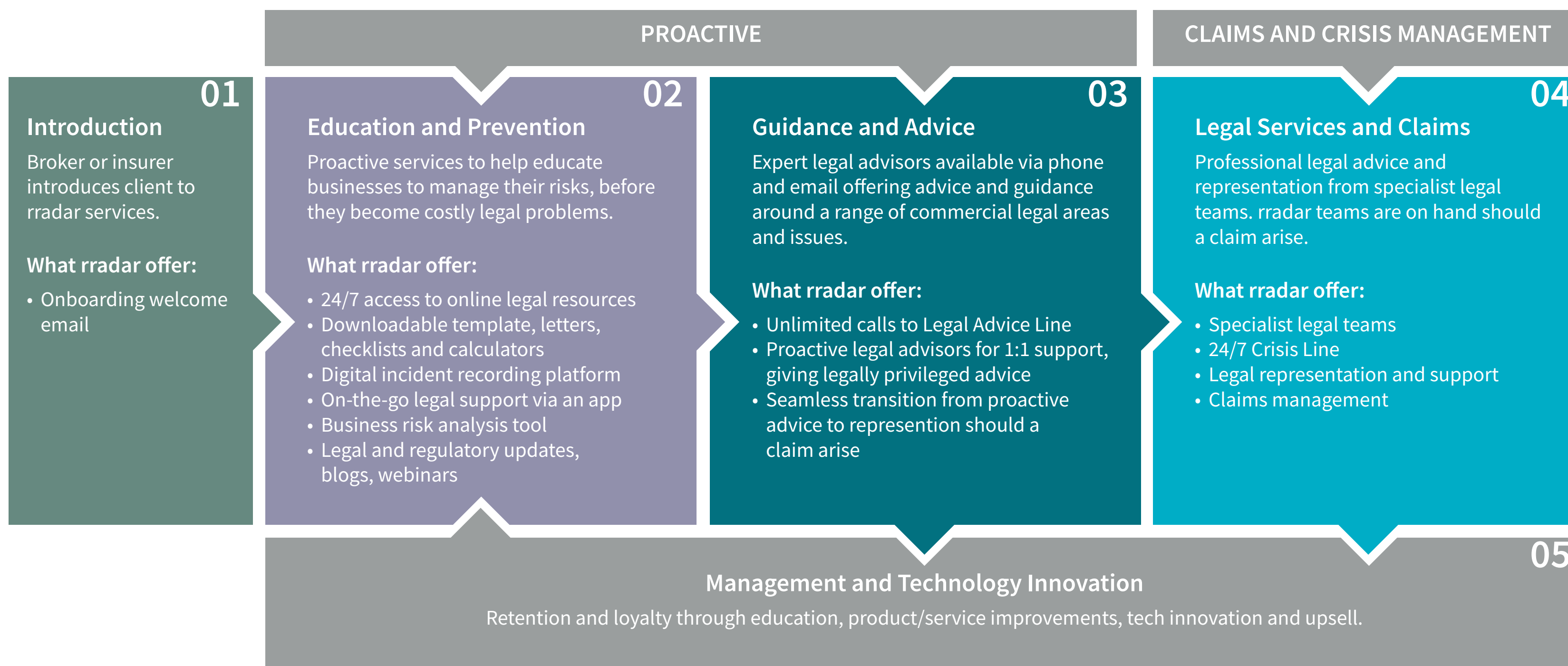


## Integrated customer journey with rradar under the AXA MLP

Policyholders have access to rradar's advice and services to limit the effect of legal issues and even potentially prevent a claim from developing in the first place.

If a claim does arise, then the transition from proactive advice to representation is seamless. In the event of a tribunal or court case, policyholders are represented by rradar's teams of specialist solicitors.

### Integrated customer journey with radar under the AXA MLP





## The AXA MLP solution with rradar

### rradar Features and Benefits Summary: Proactive Service Features



### rradar Features and Benefits Summary: Proactive Service Features



#### LEGAL ADVICE LINE – UNLIMITED CALLS

Expert legal advice and support across a wide range of legal sectors. Accessible through a dedicated Legal Advice Line and email service available Monday – Friday, between 8am – 6pm.



#### DIGITAL AND BUSINESS RISK MANAGEMENT TOOLS

- **Online Legal Resources:** 24/7 access to downloadable legal, business and risk templates, checklists, guidance documents, letters, videos and articles
- **Digital Incident Recording:** Access to a digital incident platform to record minor, major and near-miss incidents in the workplace
- **On-the-go Support:** Through an intelligent legal assistant app
- **Business Risk Analysis Tool:** Access to a risk analysis tool that can highlight potential risks associated with businesses



#### LEGAL AND REGULATORY UPDATES

- Relevant legal and regulatory updates and alerts delivered through a variety of channels including blogs, case studies, webinars and podcasts

#### Benefits to the policyholder:

- ✓ Helps to increase efficiency, productivity and profitability
- ✓ Aims to reduce number of claims brought against them
- ✓ Improves their risk management processes
- ✓ Effectively communicate and consult with their staff
- ✓ Cuts down on disciplinary and grievance hearings
- ✓ Avoids costly court cases and employment tribunals



## The AXA MLP solution with radar

### rradar Features and Benefits Summary: Claims and Crisis Management



### rradar Features and Benefits Summary: Claims and Crisis Management

No business can anticipate every threat but accessing rradar's experienced and dedicated legal teams is essential if facing a claim or crisis situation to help prevent reputational, legal and financial consequences.

rradar's team of legal professionals are on hand to provide advice directly to policyholders where support is needed during a claim.

#### Services include:



#### LEGALLY PRIVILEGED ADVICE

Advice and discussions provided by rradar's legal teams are confidential and protected from disclosure to others.



#### OUT OF HOURS CRISIS LINE

Access to a 24/7 365 days out of hours crisis line in the event of unexpected visits or investigations from the Police, other authorities and regulatory bodies.



#### LEGAL REPRESENTATION

Full legal representation from rradar's specialist legal services teams for claims and investigations, with UK-wide coverage.



#### CLAIMS SERVICE

Delivery of end-to-end claims service from notification to conclusion.

When facing an emergency or unfolding crisis, the scale and extent of the problem need to be quickly assessed, and immediate measures put in place to stabilise the situation.

rradar's Business Crime and Regulation team acts swiftly to be by the policyholder's side and support them on the best course of action, such as:

- ✓ Assessing potential criminal exposure and dealing with immediate next steps; for example, where individuals have been arrested or are being interviewed under caution
- ✓ Providing practical solutions to help prevent escalation, defusing tensions and liaising with relevant Third Parties to mitigate further action
- ✓ Preserving the policyholder's legal privilege
- ✓ Notifying and interacting with relevant regulators and authorities on behalf of the policyholder



## The AXA MLP solution with radar



### Areas of expertise

The policyholder will get direct access to rradar's expert legal teams and have continuity of service. As a full-service law firm, rradar has the skills and knowledge to advise and represent policyholders in the areas of expertise below:



#### BUSINESS CRIME AND REGULATION

Proactively supporting and representing policyholders when dealing with all regulators and enforcement authorities.



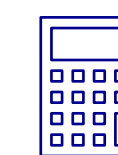
#### COMMERCIAL DISPUTES

Supporting organisations when facing disputes in the ever-changing commercial landscape.



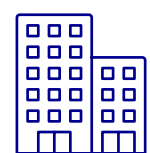
#### HR AND EMPLOYMENT

Covering all aspects from initial, proactive advice through to the Employment Tribunal and beyond.



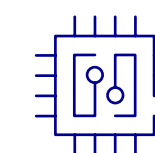
#### TAX

Clarifying tax planning to help an organisation manage its tax liabilities, payroll and benefits.



#### CORPORATE AND COMMERCIAL

Advice on compliance, managing trading relationships and business growth.



#### DATA AND INFORMATION LAW

Advice on all aspects of Data Protection and security, and support through to responding to regulatory actions.



#### HEALTH, SAFETY AND ENVIRONMENTAL

Risk management support and advice on navigating the wide-ranging Health and Safety regulations and legislation.



#### INTELLECTUAL PROPERTY

Advice on protecting creations made by businesses or individuals.

### Areas of expertise



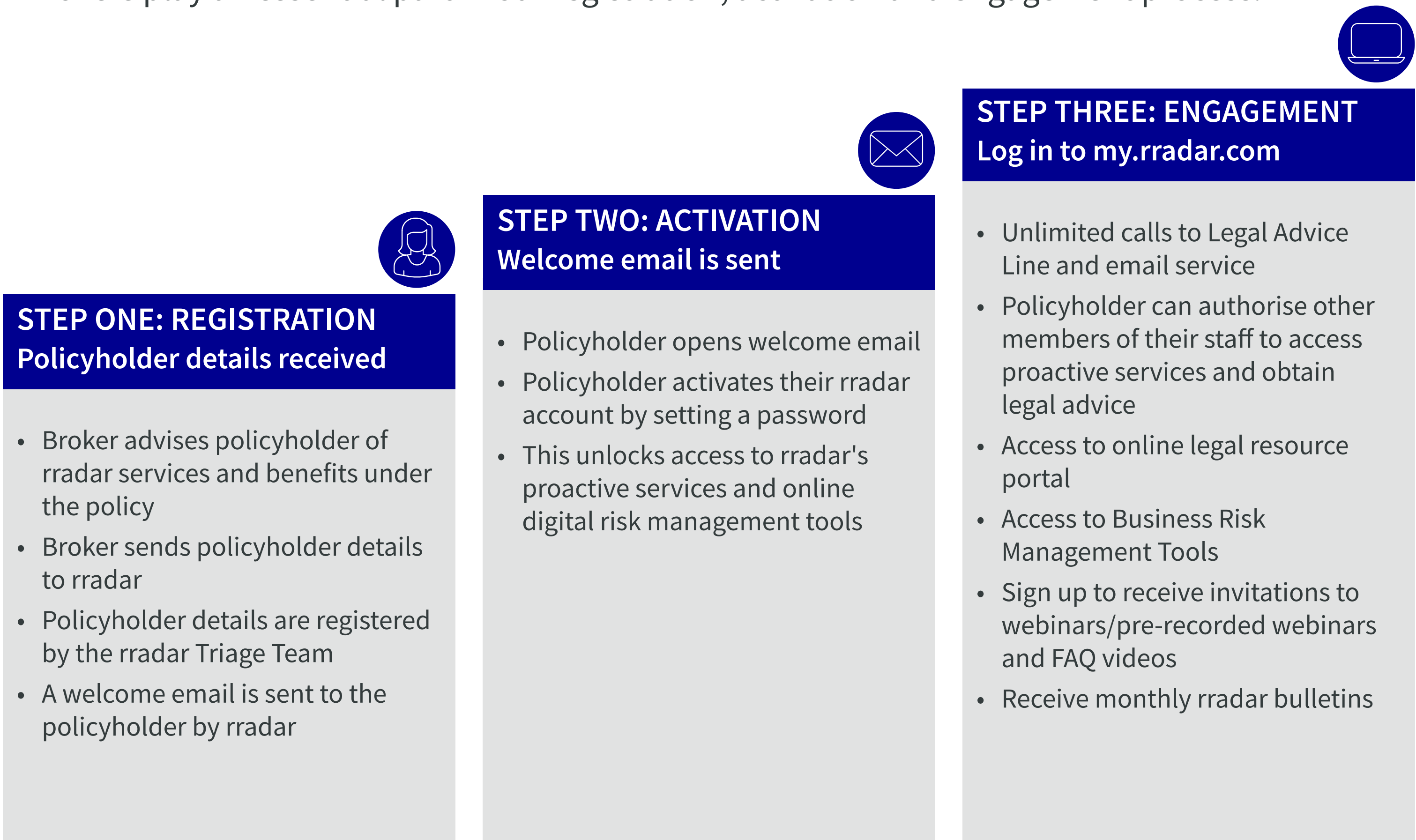
## The AXA MLP solution with rradar

### How policyholders access rradar services



### How policyholders access rradar services

Brokers play an essential part in our registration, activation and engagement process:





## The AXA MLP solution with rradar



### Should a claim arise

- Should a claim arise, rradar's team of experienced legal experts will work with brokers, the policyholder and AXA to determine policy cover, as quickly as possible in all the circumstances
- Pending a decision on cover, rradar will take any necessary steps to protect the policyholder's position
- rradar has authority from AXA to determine policy cover in many of the claims notified to them. rradar will work with the AXA claims team where they don't have that authority, but any final decisions always rest with AXA
- To notify rradar of a claim, please email [claims@rradar.com](mailto:claims@rradar.com)

#### BROKER SUPPORT

- ✓ Point of contact within rradar on all claims
- ✓ Senior escalation points within AXA and rradar
- ✓ Regular reviews with rradar's Business Development and Commercial team

Should a claim arise

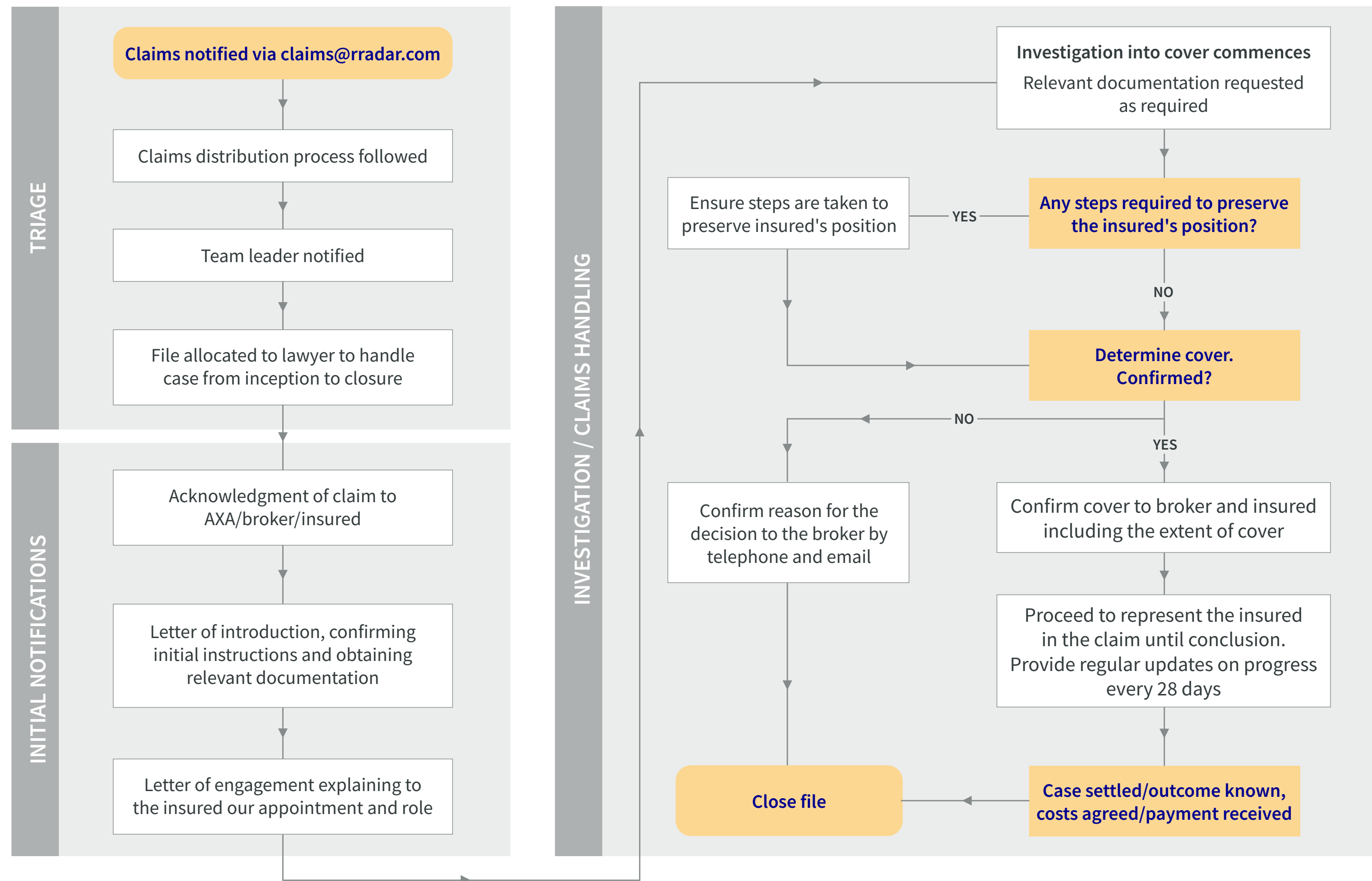




# The AXA MLP solution with rradar



## rradar Delegated Authority Claims Process



### rradar Delegated Authority Claims Process



## The AXA MLP solution with rradar



### Broker support

To further support AXA MLP engagement with policyholders, rradar provides broker partners with a range of value-added services.

#### These include:

- ✓ Policyholder marketing and onboarding campaigns: A welcome pack including information on rradar's services, brochures and user guides, are available to help maximum engagement with policyholder
- ✓ Access to rradar tutorial videos, webinars, podcasts and digital newsletters
- ✓ Face-to-face or online AXA MLP training sessions; these can be recorded on request
- ✓ MI data, insights into broker and policyholder usage of rradar services
- ✓ Bespoke marketing collateral, email campaigns and sector-specific case studies
- ✓ Quarterly Legislation and Regulation updates: covering a range of topics including employment, property, tax, commercial disputes and legal judgments that can be shared by broker partners to their clients
- ✓ Live demonstrations of rradar's legal and risk management tools
- ✓ Regular contact and support from rradar's Business Development and Commercial Team to discuss ongoing client needs, registration, engagement etc
- ✓ To contact a member of rradar's Business Development and Commercial Team, email [brokers@rradar.com](mailto:brokers@rradar.com)



# Risks and vulnerabilities





# Risks and vulnerabilities

## Risks and vulnerabilities: Key Exposures

### Risks and vulnerabilities: Key Exposures

Business decisions and activities are increasingly scrutinised by clients, investors, employees and regulators. All organisations are vulnerable to a multitude of risks and exposures.





## Risks and vulnerabilities

### Directors' and Officers' Liability: Key Exposure definitions

### Directors' and Officers' Liability: Key Exposure definitions

These claims affect them, their fellow directors, officers and even employees who have an unlimited personal liability for decisions and actions made on behalf of their business.

Key Exposures include:

#### INSOLVENCY

When a company is insolvent and liquidators or administrators are appointed, they can pursue Directors on behalf of the company's creditors for breach of their statutory duties. Once a company is insolvent, claims may be brought by the administrator or liquidator under the Insolvency Act 1986.

#### REGULATORY INVESTIGATIONS AND PROSECUTIONS

The complex regulatory landscape affects all Directors' and Officers' with regulators having the power to sanction, fine or even imprison for the most serious offences.

#### BREACH OF DIRECTORS' DUTIES

Directors owe various duties to a company; those duties are now largely set out in the Companies Act and if there's a directors service agreement. Where a Director breaches their duties, it's usually the company itself which takes action to seek a remedy. In some circumstances, one or more shareholders can make a claim against a Director if they have suffered direct personal financial loss that's different from the loss suffered by the company, or if they believe that other Directors will prevent a claim being brought by the company.



# Risks and vulnerabilities

## Corporate Legal Liability: Key Exposure definitions

### Corporate Legal Liability: Key Exposure definitions

These claims are made involving the business, either as the sole target or jointly with one or more individuals.

Exposures include:

#### CONTRACT DISPUTES

Minor disputes can escalate, damaging relationships or even threatening the survival of a business. No matter how hard they try to avoid it, the owner and their business may unfortunately end up in court over a contract dispute.

#### EMPLOYEE AND THIRD PARTY FRAUD

Almost one in five small businesses has suffered from loss as a result of fraud by an employee at some point during their history. This can cause significant loss and, in some cases, can even destroy a business.

#### DATA PROTECTION BREACHES

If a business holds and processes information about their clients, employees or suppliers, they're legally obliged to protect that information. Failure to do so can lead to claims from the Information Commissioners Office or the Third Parties affected by any breach.

#### REGULATORY INVESTIGATIONS AND PROSECUTIONS

Most regulatory investigations or prosecutions are against companies rather than their directors or officers. Regulators have the power to close a business or impose financially crippling fines. There's been an increase in activity over recent years and this trend is likely to continue.



## Risks and vulnerabilities

### Risks and vulnerabilities: Key Exposures

#### Employment Practices Liability: Key Exposure definitions

### Employment Practices Liability: Key Exposure definitions

Protects the business against financial loss from claims made by employees for a wide range of employment practice violations.

#### Exposures include:

##### UNFAIR DISMISSAL

Every employee who has the qualifying period of service has the right not to be subject to an unfair dismissal.

If an employee feels their dismissal was unfair, they can bring a claim to the Employment Tribunal.

Even where there's a justified reason to dismiss an employee, if a business doesn't follow correct procedure or process, the dismissal may still be deemed unfair.

##### HARASSMENT OR DISCRIMINATION

Workers are protected under Employment Law against unlawful discrimination by the Equality Act 2010.

Claims can be made in the Employment Tribunal on the grounds of sex, pregnancy/maternity, marriage/civil partnership, gender reassignment, sexual orientation, religion or belief, race, disability and age.

This can also include claims brought by unsuccessful candidates applying for roles.

##### DEDUCTIONS FROM WAGES

Typically arising following dismissal, an employee (or former employee) can bring a claim for unlawful deduction of wages if certain criteria under the Employment Rights Act aren't met.

Typical disputes arise as a result of holiday pay, bonus or commission pay and statutory payments e.g. time off to attend antenatal appointments.



# Industry specific risks







## Industry specific risks

### Industry specific claims scenarios

#### Industry specific claims scenarios

It's important that policyholders understand when to consult rradar for advice so that they can try and avoid a claim and, if a claim does follow, rradar is already involved and aware of the issues so they can be ready to support.

The following examples show the implications of some typical claim scenarios. These scenarios are for example purposes only and aim to provide general information on a relevant topic in a concise way. The outcome of the situations within this document shouldn't be taken as legal advice in relation to a similar circumstance nor the results.

Action shouldn't be taken without first obtaining legal advice. Cover under the policy is always subject to the conditions and exclusions set out within the policy document.



## Industry specific risks

### Legal Advice Line services and use in claims

#### Legal Advice Line services and use in claims

- Registering policyholders with rradar, activating an account and taking advice from rradar's Legal Advice Line across the different areas of policy cover can help policyholders to avoid a claim entirely
- In relation to HR and employment matters, a potential additional benefit is that seeking advice at the right time can reduce the policy excess amount payable
- In some instances, there might be an endorsement requiring advice to be sought and followed to enable the policy to respond to the claim at all



## Industry specific risks

### Leisure and Hospitality



## Leisure and Hospitality

### Overview

The face of leisure and hospitality has been changing for a number of years. The pandemic and Brexit have combined to accelerate these changes at a rate no one could predict. With much of the sector unable to trade or only able to operate with reduced capacity, the risk of insolvency or mass redundancies has been an all too real threat for this sector.

With all of this on top of the usual concerns for leisure venues such as food and hygiene standards, licensing, regulation and employment procedures, Management Liability protection has never been more important.

### Key exposures

**Redundancy** – employees claiming unfair selection process.

**Insolvency** – claims from creditors.

**Pandemic** – increasing restrictions on business with resulting prosecutions.

**Regulatory** – investigations from regulators.



# Industry specific risks

## Leisure and Hospitality



### Real life examples:

What happened?	Benefit of rradar within the policy	How does the policy respond?
<p><b>Trading standards</b></p> <p>Following a series of complaints, the Directors of a chain of pubs were investigated by Trading Standards for food hygiene issues.</p>	<p><b>Proactive steps:</b> rradar’s proactive support could help the policyholder to ensure the evidence required for their hygiene procedures will comply with the law and prevent this from becoming a formal claim against the Directors. Policyholders can call or email rradar’s Legal Advice Line for 1:1 support.</p>	<p>AXA MLP provide Directors' and Officers' liability cover for the costs of rradar defending the investigation into the Directors.</p>
<p><b>Theft by employees</b></p> <p>A group of hotel employees acted together to steal £100,000 of stock over a 6-month period.</p> <p>The loss was only discovered during an annual stock check.</p>	<p><b>Claim response:</b> In this circumstance, once cover is confirmed rradar’s team would investigate the employee dishonesty claim and would look to cover the loss up to the limit of indemnity.</p> <p><b>Proactive steps:</b> To reduce the risk of a theft happening in the first place, rradar’s Legal Advice Line support and guidance can help policyholders to identify vulnerable processes and would provide online guidance documents through their online resource portal to be downloaded and help provide ways a policyholder could mitigate the risk of theft.</p>	<p>With the benefit of Employee Dishonesty cover under AXA's Company Legal Liability section, the business would be covered for their direct financial loss caused by the dishonesty of their employees and would be entitled to a claim payment for the full value of the loss up to a maximum of £100,000 where cover is confirmed.</p>
<p><b>Harassment by a Third Party</b></p> <p>A receptionist of a leisure complex made a claim against her employer. She claimed that they had failed in their duty by allowing repeated abuse from customers.</p>	<p><b>Proactive steps:</b> rradar’s online resources, templates and checklists include a 'Guide to avoiding workplace discrimination and harassment', checklist for preventing harassment, guidance on harassment and victimisation under the Equality Act 2010. Grievance procedure examples and access to 1:1 advice through the Legal Advice Line for support regarding duty of care issues and welfare of employees from HR and employment experts.</p>	<p>The Employment Practice Liability section provides cover for a wide range of employment matters such as unfair dismissal, breach of contract and discrimination. This claim could be covered for defence costs and compensation up to the selected limit of liability under this section.</p>



## Industry specific risks

### Leisure and Hospitality



### Case study: Discipline of an employee after theft

SECTOR: HOSPITALITY AND LEISURE  
MLP COVER SECTION: EPL

A new bar manager inherited two members of staff, one of whom had over twenty years' service and had the responsibility for stock control and general security of the club. The new manager suspected that someone had been stealing stock from the bar and observed that some delivery notes had been amended or lost, making it unclear how many items had been delivered. He also witnessed the staff member loading stock into his car when there were fewer people around.

The new manager challenged the stock record-keeping and demanded an improvement. As the papers were tidied up, many discrepancies in the stock records came to light and the member of staff confessed to his activities. Although the weekly sums stolen were

relatively small, the cumulative effect over the many years was significant.

The Insured sought advice from rradar's Legal Advice Line team as soon as they suspected the theft. They received advice on the correct disciplinary and dismissal process and guidance on gathering evidence that linked to a particular person. Once the manager believed he had enough information to show that the employee had committed the theft, rradar's team were consulted again and the employer notified the Police. rradar's team was able to advise the insured on how to deal with the employee and the Police and how the subsequent investigation and any prosecution would develop.



#### PROACTIVE SUPPORT

##### Example of proactive resources available through the rradarstation Online Resource Portal:

- Guidance on how to conduct an investigation into employee theft
- Signs of theft in the workplace articles and checklist
- Cash security procedures
- Guidance on when to involve the police in employee theft
- Disciplinary and grievance procedures - complying with the ACAS code
- Downloadable disciplinary and grievance templates and letters



## Industry specific risks

### Professional Services



### Professional Services

#### Overview

As a highly regulated sector with increasing requirements around risk and compliance, Data Protection and changing dynamics in the way we work combine with an ever more litigious society, Management Liability provides peace of mind protecting both your business and reputation.

#### Key exposures

**GDPR** – data breaches.

**Insolvency** – allegations of wrongful trading.

**Regulatory** – investigations from regulators.



# Industry specific risks

## Professional Services



### Real life examples:

What happened?	Benefit of rradar within the policy	How does the policy respond?
<p><b>Regulation</b></p> <p>An estate agency group faced a number of investigations from the Advertising Standards Authority after complaints from customers alleging that a sales campaign had been deliberately misleading.</p>	<p><b>Proactive steps:</b> rradar’s online guidance offers specific support on the ASA’s remit, time limits for complaints, complaints procedures, pre-clearance guidance for TV and radio advertising, non-broadcast advertising and access to Legal Advice Line for 1:1 support.</p>	<p>The AXA MLP provides cover for legal and other professional costs and expenses agreed with us incurred by our policyholders in preparing for and attending any investigation, official hearing, examination, official enquiry or enquiry into their business.</p>
<p><b>Unfair dismissal</b></p> <p>An IT consultancy faced a claim from a former employee who had been made redundant. The employee claimed he shouldn't have been selected for redundancy as he had taken a salary sacrifice in the last year.</p>	<p><b>Proactive steps:</b> rradar’s online guidance and document templates and letters on redundancy, includes: a breakdown of the redundancy process, examples of identifying those at risk of redundancy and the selection criteria, how to structure a redundancy consultation meeting, ways of looking at suitable alternative work to redundancy, the redundancy appeals process, guides to compulsory redundancy, voluntary redundancy, ways of avoiding redundancies. There's also a suite of documents and guidance on fair and unfair dismissals, automatic unfair dismissal, constructive dismissal and wrongful dismissal. Policyholders have access to the Legal Advice Line service for 1:1 guidance and support from one of rradar’s advisory team specialising in HR and employment matters.</p>	<p>The Employment Practice Liability section provides cover for a wide range of employment matters such as unfair dismissal, breach of contract and discrimination. This claim could be covered for defence costs up to the selected limit of liability under this section.</p>



## Industry specific risks

### Professional Services



### Case study: Jurisdiction - Scotland

SECTOR: PROFESSIONAL SERVICE  
MLP COVER SECTION: D&O

One of the Directors of the insured was driving during the course of business when he was pulled over by police and charged with using a mobile phone while driving.

The Director contacted rradar for advice and made a claim when a court citation arrived. The Director was facing 6 penalty points if convicted of the offence, which would have resulted in a ban from driving under the

totting-up provisions of the Road Traffic Offenders Act 1988. Cover under the Directors' & Officers' Liability section of the policy was confirmed and rradar represented the director at court.

rradar's BCR team was able to negotiate an acceptable plea of guilty to an amended charge which reduced the number of penalty points imposed to 3, resulting in the Director retaining his licence.



### PROACTIVE SUPPORT

#### Example of proactive resources available through the rradarstation Online Resource Portal:

- Article about Employees using mobile phones whilst driving
- Driving Offences guidance - Totting up and Exceptional Hardship
- Templates to download include:
  - Company Car Drivers Questionnaire Form, Workplace Transport Road Risk Audit, CRIM - Driver Handbook, Incident Report Form, Vehicle Inspection Checklist
  - Driving at work articles
  - Fleet and Road Risk guidance





## Industry specific risks



### Property

#### Overview

Whether you're a property developer or a Resident Association, you will have a number of legal obligations including fire safety, Legionella assessments, environmental concerns and contractual disputes. With a wide range of responsibilities to protect both your tenants and shareholders combined with an unlimited personal financial liability as a Director or Officer, Management Liability provides vital protection when it's needed most.

#### Key exposures

##### Actions brought by tenants.

**HSE actions** – including fire safety or injury caused to others.

**Environment agency** – pollution or disturbing protected wildlife during property development.

**GDPR** – Data Protection breaches.



## Industry specific risks

### Property



### Real life examples:

#### What happened?

##### Scope of authority

When a Director of a Resident Association appointed a company owned by a family member to carry out work, they failed to disclose their personal interest. Proceedings were issued by the company for non-payment of fees following cancellation of the contract.

##### Misrepresentation

The former Directors of a commercial property group faced a claim from its new owners. It was alleged that there had been deliberate misrepresentation over the true value of land and planning permission.

##### Tenant action

Tenants of a block of flats brought an action against the residents committee for failing to appoint a building company in a timely fashion to repair external brick work to the building. This resulted in further damage following a rainstorm.

#### Benefit of rradar within the policy

**Proactive steps:** rradar's online resources on property facilities management provides guidance and information on the various legal concepts that are vital to the litigation process, resources look in depth at the business contract terms, civil litigation process, managing contracts and dealing with debt recovery. Policyholders can also access the Legal Advice Line for 1:1 support.

**Claim response:** rradar's online resources provide information about Civil Court procedure, as well as guidance on how to avoid litigated disputes. Overview of the various legal requirements relating to civil claims such as defamation, negligent misstatement and negligent misrepresentation. Policyholders can access the Legal Advice Line for 1:1 support.

**Proactive steps:** rradar's online resources explain the different means of alternative dispute resolution as well as the different Civil Court systems. It provides practical pre-action advice, such as in relation to the Landlord and Tenant Act 1954. Policyholders have access to the Legal Advice Line service for 1:1 guidance and support from one of rradar's advisory team specialising in property matters.

#### How does the policy respond?

AXA provide cover for costs in defending a contractual liability claim.

The policy provides cover for the costs of defending this type of claim. Defence costs include the costs to investigate or defend any claim including funding an appeal against a ruling.

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## Industry specific risks

### Property



### Case study: Disciplinary action

SECTOR: PROPERTY  
MLP COVER SECTION: EPL

A manager of an insured property association suspected an employee of various disciplinary offences involving bullying staff and taking money from them and suspended the employee to allow an investigation to take place.

Although the employee attended an investigative meeting, their conduct during that meeting was unhelpful and before any disciplinary action could be

taken, the employee resigned. The employee then brought an Employment Tribunal claim for unfair dismissal.

From the outset, the claim lacked merit and was robustly defended by rradar's employment team. After discussions with the employee's representative, the claim was withdrawn shortly before the Tribunal Hearing took place.



### PROACTIVE SUPPORT

#### Example of proactive resources available through the rradarstation Online Resource Portal:

- How to conduct an investigation into employee thefts
- Dismissing an Employee following theft
- Health and Safety – Violence, Bullying and Harassment
- Disciplinary Action downloadable templates and letters
- Unfair Dismissal: guidance and letter templates
- Giving evidence in Employment Tribunals guidance



## Industry specific risks



### Education

#### Overview

The Education sector covers a broad range of businesses from nurseries all the way up to higher education. The sector includes private education/tutors and employers providing apprenticeship programmes. Educational establishments can include a broad range of activities such as: counselling services, acting as tour operators, care and respite services etc.

With a heavily unionised workforce, safeguarding duties and increasing financial pressures on educational establishments, this has led to a significant rise in claims in recent years for this sector. The sector has a number of regulators, the main two being OFSTED and ISI. The regulators have the power to remove senior staff members and the power to take control over the establishment until standards are met.

#### Key exposures

**Regulatory investigations** – this includes those specific to the Education sector and all other regulators e.g. HSE, Police.

**Heavy PI exposure** – Failure to Educate.

**Employment claims.**

**Discrimination Claims.**

#### Education



# Industry specific risks



## Real life examples:

### What happened?

#### Malpractice – Staff member

At a boarding school, a member of staff alleged that two of their colleagues weren't preparing students for an exam correctly and accused them of malpractice. This member of staff then alleged against the policyholder that they were subjected to detrimental treatment, specifically hostile treatment by colleagues as a result of making a protected disclosure.

#### Formal complaint

A nursery was issued with a formal complaint and parents withdrew their child following the child being served with a cake containing known allergens on two occasions. An inspection by Trading Standards followed with an interview under caution.

#### Disability Discrimination Claim – Pupil

The school policy was that all pupils had to wear a face covering when traveling on the school bus. The transport is provided by the school. A student refused to wear a face covering due to a disability. The bus driver refused to allow the pupil onto the bus stating the pupil was breaching school policy.

#### Coroner's Inquest – Pupil death

Pupil took their own life shortly after leaving the school. The school was named as an Interested Party as part of the coroner's inquest. The coroner required the full report of all the insured's contact with the pupil.

### Benefit of rradar within the policy

**Proactive steps:** Policyholders can call or email rradar's Legal Advice Line for 1:1 support regarding employee disputes from investigating allegations of misconduct in the workplace to guidance on whistleblowing and protected disclosures. rradar's online resources cover a variety of relevant employment and HR guidance including Gross Misconduct, downloadable Whistleblowing policy template and guidance on what counts as Whistleblowing.

**Claim response:** rradar's online resources include Food Safety checklist template, guidance on Food Safety Act 1990 - Duties and Defences, The Food Safety and Hygiene (England) Regulations 2013, food safety system guidance. Policyholders have access to the Legal Advice Line for 1:1 support.

**Proactive steps:** rradar's online resources include policies and procedures on: discrimination issues in schools and the Equality Act 2010, Safeguarding in schools. Policyholders have access to the Legal Advice Line for 1:1 support.

**Proactive steps:** Access to 24/7 crisis line where policyholders can speak direct to rradar's legal team who will advise on how to best work with the police, HSE and other regulatory bodies. rradar's online resources provide information on regulatory Investigations, Inquests and inquiries on civil or criminal liability. It's essential that employers and Directors understand procedures for Work-Related Death Protocols and have processes in place to ensure the safety of staff and the public. Policyholders have access to the Legal Advice Line for 1:1 support.

### How does the policy respond?

The Employment Practice Liability section provides cover for a wide range of employment matters such as unfair dismissal, breach of contract and discrimination. This claim was covered for defence costs up to the specified limit of liability.

The Company Legal Liability section of the policy provides investigation costs to defend the nursery against any investigation by Trading Standards.

Under the Company Legal Liability section, this allegation of disability discrimination fell into the definition of a wrongful act. The policy could respond and ultimately pay any award if the school was found to be in breach of the Equality Act 2010.

Under the Company Legal Liability Section, the policy could respond by providing investigation costs to represent the school at the Inquest, given its status as an interested party.

## Education



## Industry specific risks

### Education



### Case study: Constructive unfair dismissal

SECTOR: EDUCATION  
MLP COVER SECTION: EPL

A claim was triggered when a senior manager of an insured company within the education sector made allegations of serious bullying and harassment. The employee resigned and subsequently made a claim for holiday pay which had not been paid and compensation for unfair dismissal for over £300,000.

As awards for unfair dismissal are capped in the Employment Tribunal, the claim had a potential value of c.£70,000 taking into consideration the employee's length of service.

The insured had sought advice from rradar's Legal Advice Line through the long grievance process.

Mediation between the parties was unsuccessful, and the case details were passed from the Legal Advice Line team to rradar's Employment Team.

They were able to skilfully negotiate and defend the allegations resulting in a modest settlement of only £600 plus holiday pay owed to the employee.

In this instance, following rradar's assessment of the documents provided by the insured and of the information gathered by the Legal Advice Line team recommended that the EPL section of the policy could respond.



### PROACTIVE SUPPORT

#### Example of proactive resources available through the rradarstation Online Resource Portal:

- Supporting a bullied employee articles and procedures
- Regulation of teachers in England and Wales guidance
- Calculating holiday entitlement
- School holidays and Teachers' Contracts
- Withdrawing from the Teacher's Pension Scheme guidance



## Industry specific risks



### Charities/Not for Profit

#### Overview

Volunteers are the heart of a charity but unfortunately well-meaning action by volunteers without the relevant expertise in their field can bring exposure to Trustees.

A number of high-profile scandals have shone a light on the actions of Trustees in recent years. Charities risk reputational damage as a result of investigations which can have a devastating effect on income even where an investigation doesn't result in any formal action. AXA's Management Liability Policy can provide peace of mind reacting quickly to investigations to minimise the exposure.

#### Key exposures

Damage to reputation.

Regulatory investigations.

Employment claims.

Third Party fraud and forgery e.g. phishing scams.

Charities/Not for Profit



# Industry specific risks



## Real life examples:

What happened?	Benefit of rradar within the policy	How does the policy respond?
<p><b>Reputational damage</b></p> <p>A former Trustee claimed an organisation had released misleading statements about him on their website which had tarnished his reputation. Each of the Trustees received individual letters of complaint from the former Trustee’s solicitor which threatened legal action if the matter wasn’t resolved by issuing an apology and financial settlement.</p>	<p><b>Proactive steps:</b> rradar’s online resources include guidance on duties of charity Trustees and provides an overview of the various legal requirements relating to civil claims such as defamation. Policyholders also have access to the Legal Advice Line for 1:1 dispute support and advice.</p>	<p>In this example, AXA’s MLP would pay the costs for rradar to investigate the complaint against the Trustees and take any steps in mitigating and or averting a claim against them.</p>
<p><b>Whistleblower</b></p> <p>Investigation by the Charity Commission after a whistleblower informed them the charity's activities were being adversely affected because of the actions of some Trustees. The investigation resulted in the chairperson's resignation, who then faced potential personal liability from a Breach of Duty claim from the charity members.</p>	<p><b>Claim response:</b> rradar’s online resources include a range of guidance on the Charity Commission, Duties of Charity Trustees, what counts as whistleblowing? Reporting Serious Incidents, downloadable whistleblowing policies and useful whistleblowing procedures. Further support is available to policyholders through the Legal Advice Line for 1:1 guidance.</p>	<p>The policy provides investigation costs cover to defend a charity in an investigation by the Charity Commission. In this example, the individual chairperson might also be covered for the costs of defending the Breach of Duty claim and any potential damages that might arise.</p>
<p><b>Health and Safety</b></p> <p>A charity appoints one of its Trustees to be responsible for Health and Safety. Following the injury of an employee, the Health &amp; Safety Executive (HSE) brings action against the charity for not complying with Health and Safety requirements and for failing to remedy problems that had been identified in a previous inspection. The charity isn’t financially able to support the Trustee in defending the claim leaving the Trustee burdened with defending the claim on their own.</p>	<p><b>Proactive steps:</b> rradar’s online resources provide information on legislation, guidance articles and templates and procedures to ensure that policyholders are applying the correct safety standards. There's guidance on adopting rigorous environmental controls to reduce workplace risks, limit liability and demonstrate social responsibility. Policyholders have access to Legal Advice Line for 1:1 Health and Safety and Employment Law support.</p> <p>Policyholders have access to a 24/7 crisis line where they can speak directly to rradar’s legal team who will advise on how to best work with the Police, HSE and other regulatory bodies.</p>	<p>The policy provides investigation costs if an organisation is investigated by the HSE. It will also provide cover for individuals if they are an “insured person” and they are investigated in their personal capacity.</p>

### Charities/Not for Profit





## Industry specific risks

### Charities/Not for Profit



### Case study: Unfair dismissal/gross misconduct

SECTOR: CHARITY  
MLP COVER SECTION: EPL

An employee was dismissed for gross misconduct when it was discovered that he had taken a van belonging to the Insured, without permission.

The van had been driven during the strict lockdown measures where the advice was for essential journeys only. The employee was also seen in the van with another person which caused concern due to the pandemic. The insured were concerned the claimant had put himself at risk of potentially bringing COVID-19 into the workplace.

**rradar's response:** The insured contacted rradar's advice line service for guidance with dealing with the employee and for carrying out a disciplinary process. The employee admitted taking the van, resulting in his dismissal on the grounds of gross misconduct.

With less than 2 years' service in the company, the employee was unable to claim for Unfair Dismissal but nevertheless, he persisted, despite being advised that he had no chance of success.

After receiving an ACAS notification, the insured contacted rradar and discussed with our Employment team and subsequently the Cyber, Data and Information Law team after the claimant also made a Subject Access Request seeking to have personal data erased.

rradar was able to advise the insured and put their mind at rest regarding their legal obligations and Data Protection laws and the claimant eventually accepted a reference as means of settlement. This was a very good result, and the insured was very happy with the outcome and the advice they received from rradar.



### PROACTIVE SUPPORT

#### Example of proactive resources available through the rradarstation Online Resource Portal:

- Guidance articles on the termination of employment
- Downloadable letter templates for all types of dismissals including Gross Misconduct
- Procedures on Disciplinary, Grievance and Investigations into Misconduct



## Industry specific risks



### Clubs

#### Overview

Clubs registered as a charity or that have Trustees are exposed to claims for defending against disqualification for allegations of a wrongful act, employment disputes, official investigations (including HMRC) and crisis management. Most clubs won't have the funds to defend these accusations which is why AXA's Management Liability policy provides vital protection.

#### Key exposures

Damage to reputation.

Regulatory investigations.

Employment claims.

Third Party fraud and forgery e.g. phishing scams.

### Clubs



# Industry specific risks



## Real life examples:

What happened?	Benefit of rradar within the policy	How does the policy respond?
<p><b>Reputational damage</b> A former committee member claimed the club had released misleading statements about him on their AGM minutes which tarnished his reputation. The club received a letter of complaint from the former member's solicitor which threatened legal action if this was not resolved and demanded an apology and financial settlement.</p>	<p><b>Proactive steps:</b> rradar's online resources provide an overview of the various legal requirements relating to civil claims such as defamation. Policyholders also have access to the Legal Advice Line for 1:1 dispute support and advice.</p>	<p>In this example, AXA's MLP would pay the costs for rradar to investigate the complaint against the trustees and take any steps in mitigating and/or averting a claim against them.</p>
<p><b>Bullying, Harassment and Discrimination</b> A tribunal heard that a former employee had been the subject of bullying and harassment by managers after becoming pregnant.</p>	<p><b>Claim response:</b> rradar's online resources provide an overview of the legal requirements in relation to maternity or paternity. It also explains the legal background to employee disputes as well as providing practical guidance on how to implement effective procedures when dealing with bullying, harassment and discrimination issues. Further information on discrimination, grievance, disciplinaries and workplace investigations is also available. Policyholders have access to the Legal Advice Line service for 1:1 employment law guidance and support.</p>	<p>The Employment Practice Liability section provides cover for a wide range of employment matters such as unfair dismissal, breach of contract and discrimination. This harassment claim was covered for defence costs and compensation up to the specified limit of liability under this section.</p>
<p><b>Theft by employees</b> A group of employees acted together to steal £100,000 of stock over a 6-month period. The loss was only discovered during an annual stock check.</p>	<p><b>Proactive steps:</b> Policyholders have access to the Legal Advice Line for 1:1 guidance. rradar's online resources can provide an overview of ways of Identify vulnerable processes, how to perform an audit on company procedures and information needed to update company handbook and policies accordingly.</p>	<p>With the benefit of Employee Dishonesty cover under AXA's Company Legal Liability section, the business would be covered for their direct financial loss caused by the dishonesty of their employees and would be entitled to a claim payment for the full value of the loss up to a maximum of £100,000 where cover is confirmed.</p>

### Clubs



## Industry specific risks

### Clubs



### Case study: Making a fact-based dismissal decision

SECTOR: CLUBS  
MLP COVER SECTION: EPL

An employee has been employed in a club for 2 months and is still in her probation period. Issues start to arise with her performance, and it becomes clear that the job is not right for her.

A meeting is arranged with a view to dismissing her based on an unsuccessful probationary period due to her performance. In the meeting, the employee accepts that she is not up to the job and wants to resign but if she does so, it will affect her benefits, so she asks to be made redundant instead. As a gesture of goodwill, and so she can claim benefits, she is made redundant.

A few weeks later, a call from ACAS informs your organisation that the employee is looking to bring a discrimination claim at the Employment Tribunal on the grounds that she was dismissed for taking time off

to look after her children. She also submits a Subject Access Request. It is later found out that she has done the same with her previous employer.

**rradar's response:** Dismissing an employee should be done for real reasons. It should not be fabricated and should not be based on personal emotions.

Policyholders should seek advice from rradar's Legal Advice Line Service for guidance on the need to be consistent and follow the appropriate process. In this case, a probation review would have been the correct method, dismissing the employee due to a failed probation period.

Employers should not be manipulated by employees or be coerced into making incorrect decisions.



#### PROACTIVE SUPPORT

##### Example of proactive resources available through the rradarstation Online Resource Portal:

- Managing employees during probationary period – guidance on procedures and suite of downloadable letter templates and checklists
- Termination of employment
- Extending probation periods – guidance and letter templates
- Failed review period letter examples
- Probation dismissal letter example and guidance



## Industry specific risks



### Construction

#### Overview

Workplace injuries and fatalities are an unfortunate reality facing many construction firms and Directors can find themselves being personally investigated and prosecuted. Combined with increasing environmental concerns, contractual disputes being commonplace and an unlimited personal financial liability as a Director or Officer, Management Liability provides vital protection when it's needed most.

#### Key exposures

Corporate manslaughter.  
Health and Safety investigations.  
Contractual disputes.  
Environmental prosecutions.

Construction



# Industry specific risks



## Real life examples:

What happened?	Benefit of rradar within the policy	How does the policy respond?
<p><b>Manslaughter</b></p> <p>The policyholder’s employees were installing the drainage system on site which involved excavating a 3m trench. Unfortunately, the head of an employee who was standing within the excavations was crushed by the bucket of a digger shovel and he died instantaneously. The Police and the HSE commenced investigations against the policyholder regarding the incident.</p>	<p><b>Proactive steps:</b> Access to 24/7 crisis line where policyholders can speak direct to rradar’s legal team who will advise on how to best work with the Police, HSE and other regulatory bodies. rradar’s online resources include a guide to accident investigations at work, investigations into accidents and near misses and look at what accidents to report and the powers of the HSE. Further guidance on Health and Safety responsibilities for employers, managers, directors, Corporate Manslaughter penalties and sentencing guidelines and Work-Related Death Protocol. Access to rradarreport - the digital incident recording platform.</p>	<p>The Company Legal Liability section of the policy provides investigation costs cover to defend the policyholder in an investigation by the Police and the HSE. If a prosecution ensues, the policy will also cover defence costs.</p>
<p><b>Discrimination</b></p> <p>A HR co-ordinator for a large construction firm returned from maternity leave to find that their temporary replacement was being paid more than them. Upon requesting a pay increase, they were refused due to being pregnant again. An Employment Tribunal was brought under the Equality Act 2010.</p>	<p><b>Claim response:</b> rradar’s online resources have specific guidance on the Equality Act 2010, introduction to the gender pay reporting requirements, equal opportunities policy templates. Legislation explaining articles to help policyholders promote equal opportunities and diversity in the workplace. Policyholders have access to the Legal Advice Line service for 1:1 guidance and support from one of rradar’s advisory team specialising in HR and employment matters.</p>	<p>The Employment Practice Liability section provides cover for a wide range of employment matters such as unfair dismissal, breach of contract and discrimination. This discrimination claim was covered for defence costs and damages up to the specified limit of liability under this section.</p>
<p><b>HSE prosecution</b></p> <p>The policyholder is involved in the construction and installation of specialist liners for industrial boilers and furnaces. A stirring bar was placed inside a mixing machine which caught on something and was flung out of the machine and struck the employee on the head, causing a brain bleed. The HSE investigated and reported that there had been breaches of Health and Safety legislation and that the policyholder would be prosecuted.</p>	<p><b>Proactive steps:</b> Policyholders have access to a 24/7 crisis line where they can speak direct to rradar’s legal team who will advise on how to best work with the Police, HSE and other Regulatory Bodies.</p> <p>rradar’s online resources include practical information on accidents and near misses in the workplace. Employers must know how to report serious injuries, occupational illnesses and diseases. All accidents at work should be recorded to ensure that details are gathered to enable the organisation to investigate and is why policyholders have access to the rradarreport - the digital incident recording platform. There is also guidance on helping employers prepare for inspections by regulatory bodies and understand the powers regulators possess to conduct investigations. Access to rradar’s Health &amp; Safety advisors can be sought through the Legal Advice Line service for support.</p>	<p>The policy would provide investigation costs cover to defend the policyholder in the HSE investigation. The policy would also respond to defend the policyholder in any subsequent prosecution.</p>

### Construction



## Industry specific risks

### Construction



### Case study: Fatal accident

SECTOR: CONSTRUCTION  
COVER SECTION: CLL SECTION

The insured ran a haulage company, operating a large fleet of lorries and earth movers. During a routine excavation project, one of their drivers was crushed and killed when the truck that was shifting earth fell on him. Immediately following the accident, the company contacted the emergency services, rradar's crisis line and the Health and Safety Executive. A full investigation into the incident was launched and was followed by a subsequent fatal accident inquiry. The site was closed and remained so until the investigation was completed.

**rradar's response:** 24/7 Crisis line and Business Crime and Regulation team (BCR): rradar's experienced BCR team provided legal representation during the investigation, interviews and the inquiry. Through a robust defence strategy and by presenting evidence that the company's health and safety policy and procedures

were compliant with the regulations, it was accepted that the insured was not to blame for the accident as the driver had acted outside the company's instructions and procedures.

rradar's involvement with the case meant that there were ultimately no criminal proceedings and the company was able to continue operating their business.

In addition to the legal expertise offered by rradar's legal teams and inclusive under the AXA MLP is the digital incident recording platform: rradarreport for recording of near miss, minor and major incidents in the workplace. It is designed by rradar specifically to help businesses easily document, manage and respond to health and safety risks across their organisation and linked to rradar legal assistance for RIDDOR reportable incidents.



### PROACTIVE SUPPORT

#### Example of proactive resources available through the rradarstation Online Resource Portal:

- Guidance articles on the termination of employment
- Downloadable letter templates for all types of dismissals including Gross Misconduct
- Procedures on Disciplinary, Grievance and Investigations into Misconduct



## Industry specific risks



### Manufacturing

#### Overview

The face of UK manufacturing is constantly changing. In an ever more litigious society, contractual claims are increasing and regulatory red tape is tightening.

The pandemic and Brexit have combined to accelerate these changes, causing disruption to supply chains and significant delays in the ability to fulfil demands.

Adding to the increased regulation will be your company's duties to meet the new carbon neutral deadlines set by the UK Government. All of this has resulted in an increased risk of regulatory prosecution, redundancies, restructures and insolvency.

#### Key exposures

Health and Safety investigations.

Contractual disputes.

Environmental prosecutions.

Insolvency.

Employment claims.

### Manufacturing





## Industry specific risks

### Real life examples:

#### What happened?

##### Action against frozen food manufacturer

The Food Standards Agency took action against a frozen food manufacturer, alleging that unsafe practices at their plant had allowed toxic dye to contaminate a number of the products.

##### Theft by Finance Director

A fancy goods manufacturer was the victim of lengthy fraud carried out by their former Finance Director. He stole more than £72,000 over an 18-month period.

##### Unfair Dismissal

After a number of redundancies, a luxury yacht builder faced a claim from one of its former employees. The employee alleged he had been unfairly chosen because of his age.

#### Benefit of rradar within the policy

**Proactive steps:** rradar's online resources include information on the role of the Food Standards Agency and other regulatory bodies and provides further guidance such as food safety and hygiene, duties and defences, punishments and penalties.

Policyholders have access to the Legal Advice Line for 1:1 support, and 24/7 crisis line where they can speak directly to rradar's legal team who will advise on how to best work with the Police, FSA and other Regulatory Bodies.

**Claim response:** rradar's online resources help explain the various rules in relation to fraud, bribery and money laundering. It further highlights practical corporate policies and various regulations that may affect a business as well as giving practical advice on identifying the circumstances in which fraud can occur and guidance on recognising other types of business fraud. Policyholders have access to the Legal Advice Line for 1:1 support.

Policyholders have access to a 24/7 crisis line where they can speak directly to rradar's legal team who will advise on how to best work with the Police, and other Regulatory Bodies.

**Proactive steps:** rradar's online guidance on fair and unfair dismissals, automatic unfair dismissal, constructive dismissal, wrongful dismissal is extensive. There is also a suite of documents and letter templates that can be downloaded and used by the policyholder. Guidance is also available on how to identify those at risk of redundancy and the selection criteria, ways of structuring redundancy consultation meetings, looking for suitable alternative work to redundancy, the redundancy appeals process, compulsory redundancy and voluntary redundancy.

Policyholders have access to the Legal Advice Line service for 1:1 guidance and support from one of rradar's advisory team specialising in HR & Employment matters.

#### How does the policy respond?

The policy provides investigation and/or defence costs to defend a policyholder in an investigation and/or prosecution by a Regulator.

With the benefit of Employee Dishonesty cover under AXA's Company Legal Liability section, the business would be covered for their direct financial loss caused by the dishonesty of their employee and would be entitled to a claim payment for the full value of the loss up to a maximum of £100,000 where cover is confirmed.

The Employment Practice Liability section provides cover for a wide range of employment matters such as unfair dismissal, breach of contract and discrimination. This claim would be covered for defence costs and damages up to the specified limit of liability under this section.

### Manufacturing



## Industry specific risks



### Case study: Potential manslaughter after fatality

SECTOR: MANUFACTURING  
COVER: MLP / D&O SECTION

LEGAL DEPARTMENT: BCR TEAM CRIMINAL  
AND REGULATORY INVESTIGATION

The insured ran a manufacturing company. Two employees had climbed onto a roof to cover skylights so that the temperature in the workshop could be reduced. One of the employees slipped and fell through a skylight to his death.

The Police launched an investigation that focussed on the Production Manager and Fabrication Department Manager. It was alleged that they were aware the two men were going onto the roof. Evidence provided by the two managers conflicted with the position of the company, which was being separately represented.

Following a call by the insured to rradar's crisis line, our BCR team represented both men and with less

than one day's notice, were required to represent them at Police interviews on suspicion of gross negligence manslaughter.

Following a subsequent investigation, rradar was notified that there was insufficient evidence against either individual to bring charges. The matter was passed to the HSE for further investigation. rradar assisted the individuals throughout this investigation and through a Coroner's Inquest and ultimately, the company was prosecuted for breach of its duties under the Health and Safety at Work Act 1974.

No prosecution was brought against either individual.

### Manufacturing



#### PROACTIVE SUPPORT

In addition to the legal expertise given by rradar and inclusive under the AXA MLP is the latest digital incident recording platform, rradarreport for recording near miss, minor and major incidents in the workplace. It is designed specifically to help businesses easily document, manage and respond to health and safety risks across their organisations and is linked to rradar's legal assistance for RIDDOR reportable incidents.



## Industry specific risks



### Retail

#### Overview

UK retail has been changing for a number of years, with the move to online shopping and the demand for instant supply increases.

The pandemic and Brexit have combined to accelerate these changes, causing disruption to supply chains, as has the change in shoppers' spending habits.

All of this has resulted in an unprecedented closure of physical stores, redundancies, restructures and insolvency.

#### Key exposures

Insolvency.

Employment claims.

Health and Safety investigations.

Environmental prosecutions.



# Industry specific risks



## Real life examples:

### What happened?

#### Pension investment error

A recently retired employee made a claim against his former employer. He alleged the company had failed to amend his investment risk profile as he had asked, leading to a loss of £15,000 from his pension pot. It was clear that an error had indeed been made and the company was required to settle the claim.

#### Bullying, Harassment and Discrimination

A tribunal heard that a former employee of a car parts retailer had been the subject of bullying and harassment by managers after becoming pregnant.

#### Company Failure

A household goods retailer collapsed leaving debts of more than £1m. The Official Receiver made a claim against the group's former directors alleging that they had continued to trade whilst insolvent and asserting that they should be held personally liable for the debts of the company.

### Benefit of rradar within the policy

**Proactive steps:** rradar's online resources cover the basics of setting up workplace pension schemes, the types available and have enrolment FAQs. Additionally, rradar provides a Tax and Payroll section to help employers ensure that their staff's work status and tax contributions comply with current legal requirements as well as access to the Legal Advice Line service for 1:1 guidance and support on Tax and Payroll issues.

**Claim response:** rradar's online resources provide an overview of the legal requirements in relation to maternity or paternity. It also explains the legal background to employee disputes as well as providing practical guidance on how to implement effective procedures. Further information on discrimination, grievance, disciplinaries and workplace investigations is also available. Policyholders have access to the Legal Advice Line service for 1:1 guidance and support on employment matters.

**Proactive steps:** rradar's online resources provide information on the processes and outcomes of various insolvency procedures, including administration, liquidation and bankruptcy. Policyholders have access to the Legal Advice Line service for 1:1 guidance and support from one of rradar's advisory team specialising in corporate and commercial insolvency matters.

### How does the policy respond?

The Company Legal Liability section of the policy provides defence costs and cover for damages and claimant costs in relation to a claim for a wrongful act in connection with the operation or administration of your pension schemes (other than a Defined Benefit scheme).

The Employment Practice Liability section provides cover for a wide range of employment matters such as unfair dismissal, breach of contract and discrimination. This harassment claim was covered for defence costs and damages up to the specified limit of liability under this section.

The Directors' and Officers' Liability section of the policy provides defence costs for allegations of wrongful acts including allegations of Directors not acting with reasonable care, skill and diligence under the Insolvency Act.

Retail



## Industry specific risks



### Case study: Sexual harassment

SECTOR: WAREHOUSING  
MPL COVER: EPL

This was a claim started by a former agency worker employed by an MLP policyholder in their warehouse. The worker had raised a grievance concerning the conduct of their line manager, alleging that they had subjected them to sexual harassment – allegations included inappropriate comments made to them and inappropriately seeking to contact them outside work via WhatsApp and text messages.

The Insured received an ET1 claim form and rradar assisted with the defence of the claim including preparation for a Preliminary Hearing and compliance with case management directions.

The Claimant was aiming to claim £40,000 in compensation – for injury to feelings caused by

discrimination and although this was considered to be an exaggeration of the true value of the claim, a suitable reserve was determined at £49,000 (including £27,000 for damages).

rradar's legal team negotiated with the Claimant who eventually agreed to accept a sum of £9,000 in an out of court settlement – for which the Insured were liable for £6,750 legal fees and the line manager as an individual Respondent paid the balance. The total liability to AXA under the MLP for the claim came to £9,604.82.

The insured was pleased with the outcome and was grateful for the advice they received from rradar.



#### PROACTIVE SUPPORT

The client was advised to provide future training to all staff and managers and update their policies in respect of equality, diversity and harassment and monitor equality and diversity in the workplace.



## Industry specific risks



### Motor Trade

#### Overview

The motor industry attracts a lot of criticism from the public with allegations of poor customer service bringing about reputational issues that can be damaging to your business.

With an increased environmental focus, motor traders can find themselves particularly at risk for allegations of pollution from Regulatory Bodies.

AXA's Management Liability policy can provide peace of mind reacting quickly to investigations and providing crisis risk management to minimise your exposure.

#### Key exposures

Employee dishonesty.

Regulatory investigations.

Reputational damage.

Third Party fraud e.g. phishing scams.

Environmental prosecutions.



# Industry specific risks



## Real life examples:

What happened?	Benefit of rradar within the policy	How does the policy respond?
<p><b>Employee death following tyres collapsing</b></p> <p>A fatal accident led to an investigation by the Police and the Health &amp; Safety Executive. Charges of manslaughter and Health &amp; Safety breaches were made against the company and its directors.</p>	<p><b>Proactive steps:</b> rradar’s online resources include a guide to accident investigations at work, investigations into accidents and near misses and look at what accidents to report and the powers of the HSE. Further guidance includes health and safety responsibilities for employers, managers, and Directors. Corporate manslaughter penalties and sentencing guidelines. Policyholders have access to a 24/7 crisis line where they can speak directly to rradar’s legal team who advise on how to best work with the police, HSE and other regulatory bodies.</p> <p>Access to rradarreport digital incident recording platform.</p>	<p>Under the Company Legal Liability section, the policy would provide cover for investigation and defence costs for the investigation and prosecution of the HSE against the Insured.</p>
<p><b>Action by Vehicle and Operator Services Agency</b></p> <p>The company and two of its Directors faced action after a number of their vehicles were stopped. It was alleged on a number of occasions they had failed to ensure that their drivers took proper rest.</p>	<p><b>Claim response:</b> Vehicles at work are a major cause of fatal and major injuries. Businesses have a responsibility to ensure the health, safety and welfare of employees in the workplace so far as reasonably practicable. This Duty of Care extends to those who drive as part of their job, to ensure both their own safety and the safety of other road users. Risks can be effectively managed through access to rradar’s online legal and business risk solutions to help them put safe systems in place as well as getting 1:1 support through the Legal Advice Line service.</p>	<p>AXA provide cover for legal and other professional costs and expenses agreed with us incurred by our policyholders in preparing for and attending any investigation, official hearing, examination, official enquiry or enquiry into their business.</p>
<p><b>Theft through employee collusion</b></p> <p>A vehicle rental group was the victim of a lengthy fraud carried out over 18 months. During this time, a number of employees at one of its locations colluded to steal more than £90,000.</p>	<p><b>Proactive steps:</b> rradar’s online resources explain and give practical advice on identifying circumstances in which fraud can occur and guidance on recognising and mitigating business fraud. Policyholders have access to rradar’s online legal and business risk solutions to help them put procedures and policies in place as well as 1:1 support through the Legal Advice Line service.</p>	<p>With the benefit of Employee Dishonesty cover under AXA’s Company Legal Liability section, the business would be covered for their direct financial loss caused by the dishonesty of their employees and would be entitled to a claim payment for the full value of the loss.</p>

Motor Trade



## Industry specific risks



### Case study: Disability discrimination

SECTOR: MOTOR TRADE  
MPL COVER: EPL

An employee was dismissed for non-performance after being employed with an insured motor trade company for only 3 months. The insured contacted rradar, who provided advice on the process and dismissal. After being dismissed, the claimant brought an Employment Tribunal claim against the insured for disability discrimination and a failure to make reasonable adjustments for their diabetes.

During preparation for the Tribunal, the claimant submitted a document that the employer had evidence was fabricated. This led to delays in the Tribunal whilst a Police investigation was undertaken.

The case proceeded to full hearing at the Employment Tribunal with the allegedly false evidence being excluded. The judge considered that the claimant had failed to show that they had requested reasonable adjustments or that the company was aware that any adjustments were required, and the case was dismissed.

The employee then sought a reconsideration of the case by the Employment Tribunal on the basis that he disagreed with the Employment Tribunal decision and had new evidence in the form of emails that suggested the employer did know about his need for adjustments. This was robustly defended by rradar and the employee eventually withdrew his request for reconsideration.



#### PROACTIVE SUPPORT

##### Example of proactive resources available through the rradarstation Online Resource Portal:

- The Equality Act 2010 – Disability Discrimination
- Dealing with Poor Performance
- Giving evidence in Employment Tribunals
- Disability, Reasonable Adjustments and Pay





## Industry specific risks



### To summarise

Effective communication and early action is key.

- Clients should be encouraged to interact with the MLP, particularly accessing the rradarstation online resources and rradar's Legal Advice Line service which could help avoid a claim arising and can, in some instances, reduce the excess payable should a claim arise, or ensure that the policy can respond where seeking advice is a condition of the policy
- The more familiar a policyholder is with the cover it has and the key requirements of the policy, the greater the understanding the policyholder will have of the importance of compliance with those key requirements and the more likely it is that the policy will be able to respond



# Policy cover





## Policy cover

### Policy cover: Directors' and Officers'

#### Policy cover: Directors' and Officers'

- Legal costs, awards and settlements for any claim or regulatory action brought against any past, present or future Director, Officer or employee
- Legal costs of representing any Director, Officer or employee at an official investigation
- Claims arising from the exit of the United Kingdom from the European Union (Brexit)
- £100,000 additional limit for non-indemnifiable loss for each insured person
- Costs of up to £50,000 for radar to investigate any new circumstance
- Costs of up to £25,000 for Directors' personal tax investigations (where a covered claim could follow)
- Costs of up to £250,000 for deprivation of assets
- Up to £25,000 for an insolvency hearing
- Automatically gives cover on the same terms for all UK subsidiary companies including any subsidiaries bought during the period of insurance
- Includes claims brought in any jurisdiction, including the USA
- Claims against Directors, Officers or employees caused by the operation or administration of any pension scheme, employee benefit scheme or trust fund
- Claims against Directors for an unlimited period following retirement during the period of insurance
- Claims against Directors for personal roles with any charity or Not for Profit organisation
- Automatically includes 30 days' cover on the same terms following a management buy-out
- Claims by parent company included



## Policy cover

### Policy cover: Company/Charities Legal Liability

#### Policy cover: Company/Charities Legal Liability

- Legal costs, awards and settlements for any claim or regulatory action brought against you
- Claims arising from the exit of the United Kingdom from the European Union (Brexit)
- Legal costs of representing you at an investigation
- Automatically gives cover on the same terms to all subsidiary companies including any UK subsidiaries bought during the period of insurance
- Claims against your business caused by the operation or administration of any pension or employee benefit scheme
- Cover up to £100,000 for all claims in each period of insurance for loss to your business due to employee dishonesty or Third Party funds fraud (cover must be selected for etrade risks)
- Cover up to £10,000 for Third Party funds transfer and telephone fraud included (cover must be selected for etrade risks)
- Automatically includes 30 days cover on the same terms following a management buy-out
- Up to £25,000 for tax investigations
- Costs of up to £50,000 for rradar to investigate any circumstance
- Cover for Fees for Intervention (FFI), Environment Agency fees and Pension civil penalties
- Costs of up to £100,000 for rradar to contact your customers and/or suppliers where legally required following a breach of Data Protection law
- Crisis Public Relations costs of up to £25,000 following sustained negative social media
- Defence costs up to £100,000 for Breach of Contract claims
- Costs of up to £25,000 for rradar to pursue your legal rights in a contract dispute or to recover a debt
- Defence costs up to £50,000 for infringement of copyright claims
- Pollution clean up costs of up to £25,000
- Regulatory mitigation cover added for self-reporting
- Allegations of professional negligence/civil liability (charities wording only)



## Policy cover

### Policy cover: Employment Practices Liability

#### Policy cover: Employment Practices Liability

- Legal costs, awards and settlements for any employment claims brought against you or any past, present or future Director, Officer or employee
- Legal costs of representing any Director, Officer or employee at an official employment investigation
- Automatically includes all subsidiary companies including any subsidiaries acquired during the period of insurance
- Automatically includes 30 days' cover on the same terms following a management buy-out
- Civil fines and penalties included
- Only knowledge of Directors, Human Resources and legal applied to the company in the event of a claim
- Definition of circumstances defined to not include routine employment disciplinary events and dismissals



## Policy cover

### Trading appetite

## Trading appetite

We have a wide appetite to write UK registered companies in the following industries:

### Green

- Wholesale
- Manufacturing
- Leisure
- Charities
- Manufacturing
- Retail
- Software & tech
- Motor trade
- Construction
- Property owners
- And many more

### Amber

- Law firms
- PLCs
- Waste and recycling
- Housing Associations
- Care services
- Research and development
- Private hospitals
- Education establishments
- Professional services
- Insurance brokers

### Red

- Financial services
- Mining
- Nuclear related
- Agriculture & farming
- Professional sports clubs
- Oil production & exploration
- Weapons related
- Sports regulatory bodies
- Tobacco manufacturing
- Animal testing



## Policy cover

### Online appetite

### Online appetite

#### MAXIMUM TURNOVER

- Limited companies.....£50m
- Charities, Clubs & Associations .....£2m
- Partnership.....£2m
- Sole Trader.....£1m

#### LIMITS

- £100k - £5m all sections
- Max £100k EPL for residents associations
- Max £250k Third Party fraud and forgery covers

#### REFER

- Not made a profit in last 12 months/new start up
- Redundancies made in last 3 months or planned in the next 12 months

#### DECLINE

- Charities providing management or supervision of children or vulnerable adults
- Risks with a USA turnover over 40%
- Risks with USA assets
- Claims or circumstances in last 3 years
- Publicly listed companies

#### NOT AVAILABLE ONLINE

(in addition to trades we will not write manually)

- Care
- Education
- Farming and agricultural
- Financial services
- Legal sector
- Professional sports
- Waste and recycling
- Housing Associations



## Policy cover




### Ways to trade: Online or through a branch

- ✓ Personal liability
- ✓ Company risks
- ✓ Employment claims
- ✓ Access to radar
- ✓ Regulatory investigations and prosecutions

#### MLP

Trade through a branch




#### Acceptance Criteria

-  No maximum turnover for tailor-made solutions and more complex risks.
-  Standard and bespoke wording available.
-  We have experienced, specialist underwriters on hand to help you and your customers with complex risks.

#### MLP ONLINE

Trade direct or through a software house

#### Acceptance Criteria

-  Maximum turnover £50m for Limited and Public Companies, £2m for Charities, Clubs and Associations and £1m for Partnerships and Sole Traders.
-  Easy access to quick quotes through our Connect Extranet, Acturis and Applied. You'll also benefit from up to a 10% premium discount on policies placed online!
-  Instant policy documentation provided in an electronic format.

#### Speak to your local branch for more information:

Email: [MLPUnderwritingcentre@axa-insurance.co.uk](mailto:MLPUnderwritingcentre@axa-insurance.co.uk)

Tel: 0345 366 5528

Visit: [axaconnect.co.uk/commercial-lines/branch-traded/management-liability-policy/](https://axaconnect.co.uk/commercial-lines/branch-traded/management-liability-policy/)

#### Speak to our Online Trading team for product & system advice and support:

Email: [OnlineTradingCentre@axa-insurance.co.uk](mailto:OnlineTradingCentre@axa-insurance.co.uk)

Tel: 0800 051 8001

Visit: [axaconnect.co.uk/commercial-lines/connect-etrad/management-liability-online/](https://axaconnect.co.uk/commercial-lines/connect-etrad/management-liability-online/)

Ways to trade: Online or through a branch





# rradar testimonials





## rradar testimonials

rradar testimonials – page 1



### rradar testimonials

“Our disciplinary process is back on track! rradar goes over and above expectations and helped us to keep on top of the process. I’ve downloaded the template letters from the website so that we don’t make the same mistakes in future. I really haven’t been this impressed by a company in a very long time!”

Sodha & Company, Dec 2020



“I would recommend everyone check their business insurance policy to see if rradar is included. I got clear, efficient legal advice from knowledgeable and friendly advisors at rradar. They put me at ease from the start and gave me the confidence to make the right decisions for my business - and it didn’t cost me a thing.”

RBL Hawkhurst Club Ltd, Nov 2020





## rradar testimonials

rradra testimonials – page 2



### rradar testimonials

## 10/10

“Our rradar solicitor went above and beyond to ensure that we were up to date at all times throughout a complex unfair dismissal dispute. rradar are excellent.”

Commercial Waste Sector policyholder,  
October 2021

## 10/10

“We were impressed with rradar’s high quality service, attention to detail and the outcome!”

Education Sector policyholder, April 2021

## 9/10

“Good communication, professional and approachable team – thank you rradar.”

Charity Sector policyholder, June 2021

## 9/10

“The team at rradar were extremely helpful and professional. I felt well informed and trusted their advice and judgement. rradar are easy to deal with and give strong legal advice and are always very professional.”

Not For Profit / Professional Services Sector  
policyholder, March 2021



## rradar testimonials

rradar testimonials – page 3

### rradar testimonials

## 9/10

“We are so grateful that we had the support from rradar; their solicitors were so professional and understanding with our circumstances and provided us with the help, guidance and expertise to guide us through a very difficult situation and in resolving the issues we faced. I would highly recommend their services.”

Hospitality and Leisure Sector policyholder,  
January 2021

## 10/10

“For client care and attention, knowledge and pragmatism from the Employment Law team.”

Manufacturing Sector policyholder, May 2020

## 10/10

“Very, very good. Our rradar solicitor was extremely helpful and nothing was too much trouble. Just what we needed, someone who took the issue and resolved it without taking up masses of our limited time. Delivered a good result as well. Thank you.”

Hospitality and Leisure Sector policyholder,  
November 2020

## 9/10

“The advice is excellent, clear and realistic. Helpful at all times and personable to deal with. I had complete confidence in their knowledge and experience. Would recommend rradar.”

Retail Sector policyholder, February 2020



## Contacts



### AXA MLP Underwriting Centre

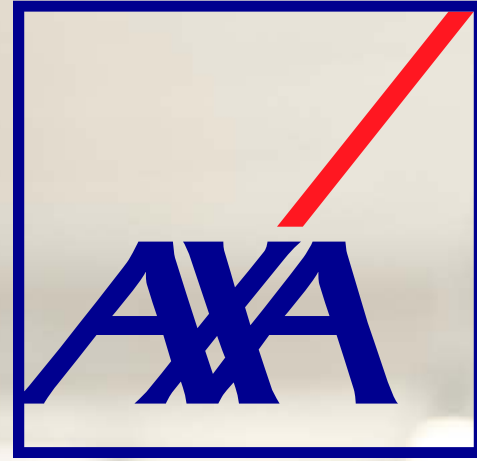
MLPUnderwritingcentre@axa-insurance.co.uk  
0345 366 5528

### Online Trading Centre

OnlineTradingCentre@axa-insurance.co.uk  
0800 051 8001

### rradar

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03300 414 996



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