

WHAT IS THE AXA MLP?

AXA is one of the world's largest insurance companies and the Management Liability Policy or MLP cover does more than any other in the market.

The MLP protects business owners and businesses against legal & regulatory claims made against them either in the running of their business/company or partnership.

As an individual, there is the personal liability aspect. Even if you are a company director, you are still covered.

Support against:

● All regulators including:

- Information Commissioners Office (ICO),
- Health and Safety Executive (HSE),
- Charity Commission
- HMRC,
- Food Standard Agency (FSA),
- Trading Standards,
- Local Authorities,
- DEFRA.

- Regulatory investigations
- Regulatory prosecutions
- Breaches of contract
- Fees for intervention
- Employment tribunal and ACAS claims

Key Features

- Legal defence for directors, trustees, partners and officers
- Defence for the organisation itself
- Defence against employment tribunal claims
- £25,000 pursuit cover for contract disputes and debt recovery
- £100,000 data protection breach customer/supplier contact cover
- £25,000 negative social media crisis and public relations costs
- £25,000 circumstance investigation/mitigation costs
- £100,000 employee theft cover
- Deprivation of assets
- Employment civil fines
- £25,000 pollution clean up cost cover
- Third party electronic funds transfer cover
- Unlimited access to the rradarstation
- 24 hours, 7 days a week crisis line straight to a solicitor at no additional cost

In addition to the various covers, having access to rradar's advice service can reduce the impact of non-monetary costs such as:

- Loss of directors' time
- Stress and worry for directors and managers
Lack of focus on the key business issues due to impending court hearings
- Brand damage
- Employee engagement impact

rradar

rradar

rradar is an award-winning company that embraces both traditional law and ultra-modern technology to the benefit of businesses seeking legal education and representation.

By combining professional legal representation and specialist advisory services, we help guide you through any obstacles that your business may come across. We believe understanding the law means being aware of what you can do, rather than what you can't.

Our advice service includes:



Telephone support lines



Email advice service



Legally privileged advice

CASE STUDY

An independent retail company had an employee fall from a ladder and were investigated by the Local Authority. The Authority demanded statements, reviewed policies and practices and took nearly a year to decide to prosecute the company.

Thankfully, the retailer had the AXA MLP so rradar, a leading law firm, supported them from the day the issues were raised, all the way to representation in court at no additional cost to the retailer. rradar were able to argue for reduced fines and provided risk mitigation at all stages.

In addition to the criminal fine, this case incurred legal fees of £17,500, which due to the AXA MLP policy being in place were paid by AXA.

Advisory Services

The **rradar**station offers an online business resource alongside our teams of specialist industry advisors and solicitors. A number of dedicated teams are available to offer support and advice to help resolve any situation that may arise whilst running your business.

As part of our rradarstation service, clients have unlimited access to a comprehensive database of compliance and risk management information in the following areas:

- ◆ Employment and Human Resources
- ◆ Health and Safety
- ◆ Environment
- ◆ Company and Commercial
- ◆ Compliance, Governance and Legal Duties
- ◆ Risk Management
- ◆ Motor and Vehicles
- ◆ Taxation and Finance

Comprehensive Legal Services

The legal services provided by our teams of lawyers utilise years of specialist knowledge to ensure you and your business have the right advice when you need it the most.

We provide:

- ◆ **24/7 service Crisis line**
- ◆ **Crisis call-out service**
- ◆ **Whole UK coverage**

Clients can call the Crisis Line and speak directly to our legal team who will advise on how best to work with any local authorities and official governing bodies. In the event of a tribunal, clients are represented by our teams of specialist solicitors and barristers.

**For more information, please
call your broker.**

AXA risk services clients have access to 40 online guidance modules and templates and 30 minutes of free legal advice via telephone on the topics detailed below. This helps you to control key areas of your business and improve risk management processes.



40 online guidance modules & templates

- Access equipment
- Active fire protection
- Agriculture safety
- Asbestos
- Bedrails safety
- Confined Spaces
- COMAH sites
- Construction safety
- Control of vibration
- Display Screen Equipment
- Driving for work
- Electrical work
- Excavations
- Fire safety
- Hazardous Substances
- Hot working
- Information, instruction and training
- Ionising radiation
- Leading in health and safety
- Legionella and pseudomonas
- Lifting operations
- Lone working
- Machine guarding
- Management of health and safety
- Manual handling
- Mechanical handling operations
- Noise at work
- Non Ionising radiation
- Passive fire protection
- Personal protective equipment
- Pressure systems safety
- Respiratory protective equipment
- Safe use of tower scaffolds
- Scaffolding
- Work equipment
- Work at height
- Workplace health, safety and welfare
- Work on or near water
- Work on roads and in the carriageway
- Young people at work

provided by **rradar**

If you need further legal advice or access to more radar risk management services, ask your broker.

Our specialist industry solicitors and advisors will provide you with practical, relevant advice, guidance and knowledge.



30 minutes of **FREE** legally privileged health & safety advice

Legal professional privilege.

rradar is a fully authorised and regulated legal practice. As such, clients with advice and litigation problems can ensure that certain documents and information provided to us cannot be disclosed at all.

How to access



Self-register at <https://www.riskoffer.co.uk> and radar will send you an email detailing how to access your online modules and information on your 30 minutes of free legally privileged telephone advice.

More detailed advice and access to radar's Advice Resource Centre is available to AXA MLP customers.



This offer provides access to the online guidance modules and 30 minutes of telephone support, between September to December 2017, and is open to any non-AXA MLP customer. This offer may be altered or discontinued at any time. Provided on behalf of AXA Insurance by radar Ltd.

Business risk is not just physical damage and liability

Top ten considerations for business owners & Directors

- Civil claims give rights to others including shareholders, investors, employees, customers and creditors to take legal action against you if they believe you have acted negligently or not in the interests of your company.
- Put in place procurement fraud measures to avoid collusion between corrupt employees and suppliers on purchase invoices.
- Written risk assessments that cover any hazards that pose more than a trivial risk. Involve employees and contractors when completing these assessments.
- Ensure that the correct fire-fighting equipment is installed and regularly inspected/serviced by a competent person.
- Investigations and prosecutions can come from government-led regulators or more industry specific ones, all of whom have the power to close your business or impose financially crippling fines.
- Have a register of manufacturers' hazard data and a suitable COSHH risk assessment for any chemicals you use or store on site.
- Ensure you have written risk assessments for work-related driving. The assessment should include the driver, the vehicles and the driving activities/conditions.
- Ensure your IT infrastructure uses appropriate cyber security measures to protect against data theft, malicious viruses/malware and defamation, breach of privacy or negligence in publication in electronic or print media.
- Identify what health and safety training staff need and arrange it for them.
- Ensure that all equipment provided by you (including vehicles) is suitable for the task, in good condition and in good working order.

AXA MLP

The AXA Management Liability Policy (MLP) is a ground-breaking insurance policy specifically designed to offer the right cover for your business. It is available to limited companies and partnerships, as well as sole traders.

The MLP covers 3 main areas:

- Legal defence, awards and settlements for:
 - directors
 - trustees
 - partners and officers
- Defence, awards and settlements for the organisation itself
- Defence, awards and settlements against employment tribunal claims.

It supports you against:

- Every regulator
- Regulatory investigations
- Regulatory prosecutions
- Breaches of contract
- Fees for intervention
- Employment tribunal and ACAS claims



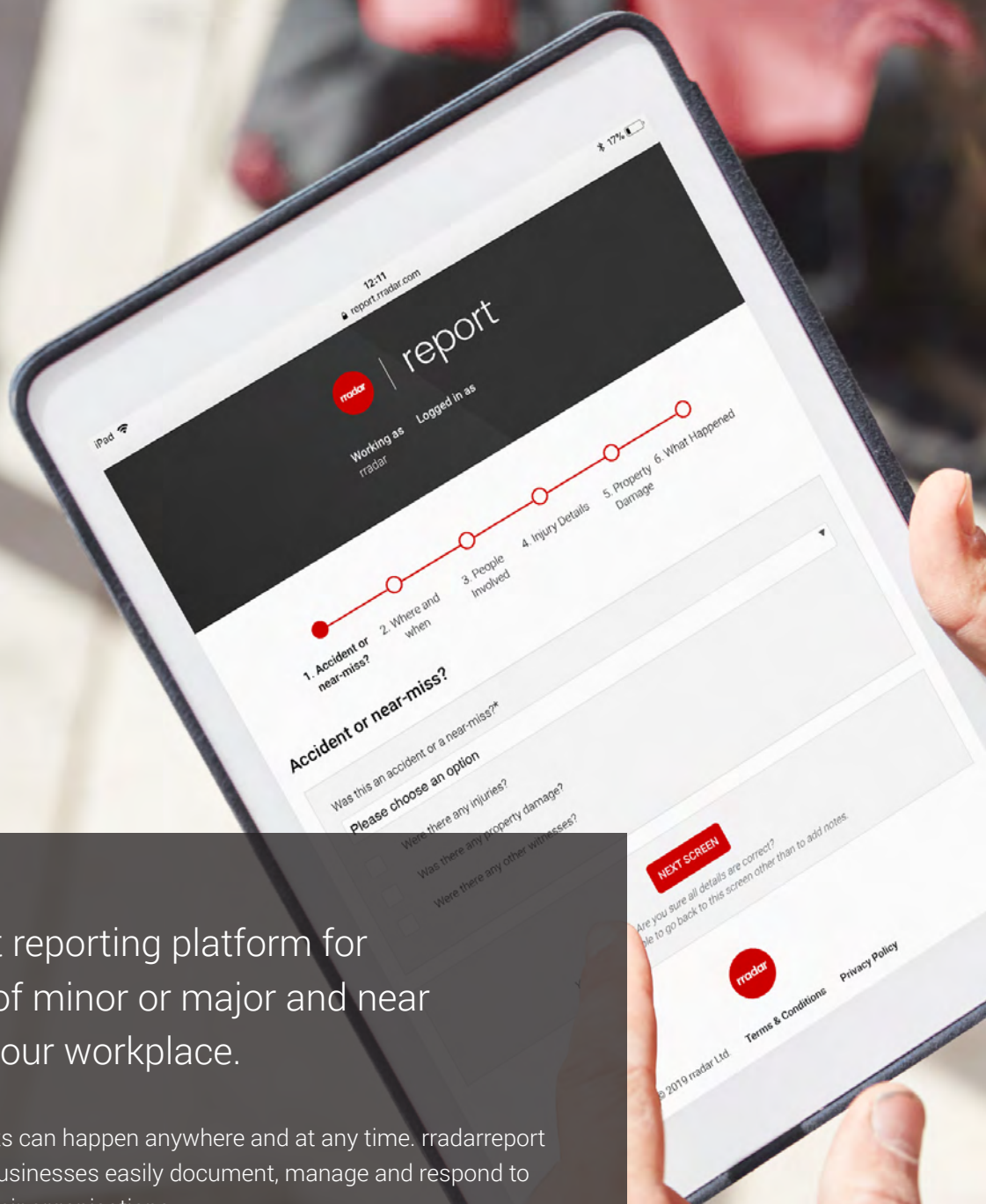
Broker contact

Ascend Broking Group Ltd
01245 449060
info@ascendbroking.co.uk

rradar



| report



Our digital incident reporting platform for prompt recording of minor or major and near miss incidents in your workplace.

We all know unexpected incidents can happen anywhere and at any time. rradarreport is designed specifically to help businesses easily document, manage and respond to health and safety risks across their organisations.

In the immediate aftermath of an incident, it's easy to forget to record vital information that may be needed later. Forgetting these details could prove the difference between success and failure in managing any claims or investigations which may follow.

Find out more: rradar.com/rradarreport

Identify your risks and improve workplace safety.

With rradarreport, users can accurately and quickly record the full circumstances of the incident, whether it is a near miss, a minor incident, or even a major incident that is reportable under RIDDOR regulations.

Other recordable details include location, date, time plus any related property damage. Additional notes and attachments such as pictures, audio and video files can also be uploaded, so everything is stored together.

Once an incident is recorded, rradarreport will generate an email notification that will be sent to an authorised staff member confirming the incident details and action notices. In the case of a RIDDOR reportable Incident, the record is protected by legally privilege*.

Our expert health and safety lawyers will also receive a copy of the notification and will make contact with you to provide your business with legally privileged advice around the incident.

The information gathered by rradarreport will allow your business to analyse accident data, trends and patterns over time and provides graphical and statistical MI to identify H&S spikes, allowing managers to take appropriate actions and limit future incidents occurring.

Let rradarreport help you see the risk areas across your business to address and improve your workplace safety.



Upload evidence,
images and witness
accounts



Fully optimised -
Available online or as
an app



Review Analytics -
Analyses data to help spot
trends and risks

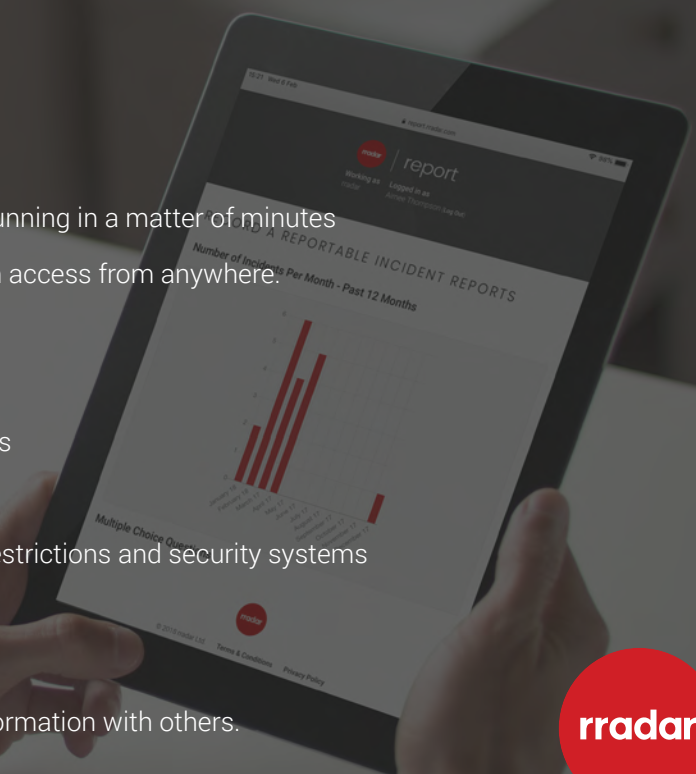


Educates -
Supports your internal
processes

*Legally privileged advice means that the record and discussions with and the advice provided by rradar's legal team is legally protected and confidential.

Key Features:

- Online digital incident reporting dashboard - set up and running in a matter of minutes
- Readily accessible incident records – 24/7 online system access from anywhere.
- Fully optimised for PC, tablet and mobile devices
- Multiple user accounts for your organisation
- Reduce report response time for onsite and field incidents
- Decreases duplication of incident reports
- Fully GDPR compliant and protected by access control restrictions and security systems
- Securely stored on fully hosted system
- Never misplace your accident book again
- Creates notifications - allowing you to instantly share information with others.



rradar

About rradar

We are AXA's exclusive legal services partner under its Management Liability Policy (MLP) or an associated scheme and a specialist litigation and commercial law firm which uses digital tools and legal expertise to proactively manage, advise and deliver business solutions to reduce legal risk.

We combine professional legal representation and specialist advisory services to offer AXA MLP policyholders a unique service at **no extra cost**.

Our team will answer your questions, educate your business and assist with legal and regulatory issues you might face. The team at rradar are here to assist by offering support and guidance when handling difficult situations as they arise and to help stop an issue escalating into a complex legal dispute and insurance claim.

Policyholder benefits include:

- Legal advice over the phone and email: Monday – Friday between 8am – 6pm
- 24/7 out of hours crisis line
- Legally privileged advice, support and representation
- Downloadable legal and regulatory advice, support guides, letters and templates
- Access to rradarstation, rradargrace, rradarreport
- Advice on all regulators and authorising bodies such as Health and Safety Executive, local authorities, Environment Agency, HMRC, FCA, CQC, OFSTED, DVSA, Police and more
- Access to online tutorial videos, webinars, podcasts and digital newsletters

Not sure if you can access our services?

Check with your insurance advisor that they have registered your policy for rradar's advisory services or get in touch with us on 03300 414 996 or email contactus@rradar.com

About these scenarios

We have put together some scenarios based on a range of issues our advisory and legal teams typically address. 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 should not be taken as legal advice in relation to a similar circumstance nor the results.

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

If you are unsure of the exact version of the policy that applies or the amount of cover you have please speak to your insurance advisor.

Long Serving Employee - Long Term Sickness

Sector: Hospitality

Cover: MLP / EPL section

The Insured was a family owned business which had a long-serving employee with over 30 years' service and had been with the company since it was founded in the late 1980s. The employee was seen very much as part of 'the family'.

In 2017 she was diagnosed with cancer and received treatment. Her condition stabilised, but it was unlikely that she will make a full recovery and she had been off sick for over a year with no imminent likelihood of returning to work. She had exhausted Statutory Sick Pay and dismissal on grounds of medical capability was a possibility.

The employer could not keep the job open forever and they needed to recruit a replacement. There was also the ongoing cost of the employee accruing annual leave whilst they were off sick. Her line manager was anxious about dismissing this long-standing employee and needed guidance regarding the correct approach to be taken.

rradar's response: rradarstation advisors via telephone and email

Dismissing an employee on grounds of ill health (medical capability) is rarely easy. Invariably, the employee has done nothing wrong and ends up losing their job because they are ill. In this case, the emotional issues were heightened due to the length of service and the close relationship with the employee. The situation was sensitive and difficult conversations were going to have to take place. The stress and anxiety of both the employee and the line manager had to be considered as well as the reaction from other employees who might feel upset that their colleague and friend had been dismissed.

Legally the employee would be classed as having a disability under the Equality Act. However, with the employee being off sick for over a year with no sign of a return, assuming the appropriate process is followed, dismissal is likely to be considered fair. To avoid possible legal consequences of dismissing an employee, the company could put her on garden leave enabling her not to come to work during her notice period, provided contractual provisions are in place.

Garden leave means the employer continues to pay the employee up to the date of when the notice period ends but asks her to stay at home and not do any work. Not following a full process could lead to a claim for unfair dismissal and disability discrimination.

Utilising rradarstation's ongoing support, ineffective HR processes and gaps in policies were identified and rectified ensuring the insured could deal fairly and respectfully with the employee and avoid an employment tribunal and insurance claim.

Example of resources available through rradarstation web portal:

- Managing long term sickness – Proactive steps
- Garden leave - Guide
- Dismissal and long-term disability benefits – Case study
- The Bradford Factor
- Implementing a phased return to work

TUPE and Employee Transfers

Avoiding problems when a new employer takes on existing staff

Sector: Agriculture

Cover: MLP / EPL section

The insured, an agricultural machinery and maintenance company was looking to purchase another farming business. Employees of the target business were all to transfer over with the sale.

The insured needed guidance on the TUPE procedure, so they could handle the transfer legally and effectively without damaging confidence in the employee relationships or triggering grievance claims or associated legal costs and financial penalties.

rradar's response: rradarstation advisors and web portal templates – Providing detailed advice to help understand TUPE duties and obligations

rradarstation advisors can offer expert guidance on all the key TUPE obligations before a business transfer takes place that can help reduce the risk of multiple grievance claims when taking over an organisation or service provision transfer.

rradarstation advisors and web portal can fully explain the regulations, duties and the required information new owners should request from the seller.

Due to the expert advice and guidance provided by rradarstation, no claims or grievances were notified during the purchase of the business. The acquisition took place without additional or unforeseen costs for the insured.

Example of resources available through rradarstation web portal:

There are several sample letters and TUPE guides and templates that can be downloaded from rradarstation's web portal and used by policyholders if when involved in a TUPE situation.

- TUPE Consultation
- TUPE templates
- TUPE Short Guide
- TUPE requirement to take employees on – Video

EXAMPLE 3

Constructive Unfair Dismissal

Sector: Education

Cover: MLP / EPL section

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.

rradar's role: rradarstation advisors and Employment team

The insured had sought rradarstation advice through a long grievance process, mediation between the parties was unsuccessful, and the case details were passed from the rradarstation 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 rradarstation, rradar's legal team recommended that the EPL section of the policy could respond.

As rradarstation advice was sought and followed before the claim was triggered, the insured did not have to pay the policy excess.

Example of resources available through rradarstation web portal:

- Instant dismissals
- Unfair dismissals
- Wrongful dismissals
- Disciplinary outcomes
- Redundancy, resignation and dismissal templates

Fatal Accident

Defence in the event of an employee's death at work

Sector: Construction

Cover: MLP / CLL section

The insured is 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 organisations and linked to rradar legal assistance for RIDDOR reportable incidents.

Example of resources available through rradarstation web portal:

- Accident investigation
- Incident analysis
- Health and Safety Penalties for non-compliance
- Interviews conducted under PACE (Police and Criminal Evidence Act 1984)
- The work-related death protocols
- Traffic – Careless and inconsiderate driving obligations and offences

EXAMPLE 5

Potential Manslaughter Incident

Expert guidance and representation can help you survive a crisis.

Sector: Manufacturing

Cover: MLP / D&O section

The insured is a manufacturer of display signs. 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 focused upon 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.

rradar's response: Crisis line and Business Crime and Regulation Team (BCR)

Following a call 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.

In addition to the legal expertise offered 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. Contact us to get access to rradarreport for no extra cost.

Example of resources available through rradarstation web portal:

- Corporate manslaughter and Corporate Homicide Act 2007 – Powers of regulators
- Supporting employees – Death in workplace
- Gross negligence manslaughter – case study
- Accident recording and reporting
- Inquests – Preventing further death reports

Recruitment Agent Invoice Dispute

Advice, investigation, representation – legal muscle to protect your business

Sector: Service sector

Cover: MLP/ CLL section

The insured operates in the service sector. They were approached with a CV from a recruitment agency introducing a potential employee for a vacancy within the organisation. The insured did not interview the candidate. Months later, the same individual applied directly to the insured. An interview resulted, and the individual was offered the position.

The individual notified the agency that they had now found a job which resulted in the recruitment agency sending an invoice to the insured for an introduction fee. The agent claimed that under their terms and conditions, they had sent a CV within the preceding 12 months of the company hiring the candidate which satisfied the criteria of an 'introduction', and they were due the fee. The insured contacted rradar for advice on how to proceed.

rradar's response: Commercial dispute legal advice and representation

rradar's commercial disputes team acted swiftly to investigate the claim. Liaising with the insured they were able to locate evidence and information needed on how the hire of the individual took place and created a strong defense against the claim.

The legal team contacted the agent citing details of emails and attachments, the timeline of events relating to the candidate's introduction, interview process, salary negotiation, offer and acceptance.

Through the involvement of rradar's legal team the agent's claim was subsequently withdrawn and no legal proceedings were started.

Example of resources available through rradarstation web portal:

- Civil disputes - the letter before claim
- Alternative dispute resolution clauses in contracts
- Civil disputes – counterclaims
- Recruitment and selection templates
- The recruitment interview process