Department for Education

TopMark Claims Management Ltd

Risk Protection Arrangement

How Do I?

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Contents

Introduction....3
Who we are working with....3
TopMark Claims Management Ltd....3
TopMark Customer Promise....3
Your role in the claims process....4
Claims Process....4
Settlement....5
Complaint Procedure....5
Claims Against You - MoJ Claims Portal....5
How to Notify Incidents....7
Urgent Incidents....7
Cyber incidents Incident Response Hotline: 0800 368 6378....7
Online Incident Notification....7
Post, Email and Telephone....8
Overseas Travel Emergencies & Urgent Incidents....9
Overseas Travel Support Services....9
Overseas Travel Emergency Helpline Card....9
RPA Cover and Risk Management Queries....10
RPA Membership Rules....10
RPA Funding Queries....10
Frequently Asked Questions....11
Insurance Requirements During Refurbishment....12
RPA cover during refurbishment works....12
Joint Names Insurance/Subrogation....12
Possible Solutions....13
Refurbishment – Decision Tree....14
Cultural Assets Valuation Service....15
Valuation Decision Tree....17
Additional cover and buying help....18

Introduction

This How Do I? document has been created to help and support schools through a number of Risk Protection Arrangement (RPA) processes.

Who we are working with

TopMark Claims Management Ltd

TopMark Claims Management Ltd handle RPA claims on behalf of the Department for Education.

Email: RPA.CM@Davies-Group.com

Phone for emergencies and urgent incidents (excluding overseas travel) 03300 585 566

Phone for overseas travel emergencies and incidents 020 3475 5031. Please also read the Risk Protection Arrangement – Overseas Travel Support Services document.

TopMark Customer Promise

TopMark are delighted to have been appointed by the Department for Education (DfE) to administer claims under the (RPA).

We are committed to providing a speedy, effective and high-quality service and will provide all members of the RPA with support, advice and regular communication, both pre, and post, the claims process.

In all our dealings with you, we promise to:

- Communicate clearly, effectively and regularly so you know what is happening, at every stage, and what the key milestones are.
- Tell you what is required of you, from the outset, so quick and accurate decisions can be taken.
- Deliver an excellent customer focused service that is professional, polite, fair and prompt.
- Be objective, flexible and work in partnership with you to resolve claims.
- Promptly respond to any requests or questions you have.
- Speedily make any compensation payments to which you are entitled.
- Protect the security and integrity of your data and information at all times.

To achieve this, we will:

- Provide an efficient, well resourced, customer focused and experienced claims team.
- Measure the quality and speed of our performance regularly to ensure high standards are maintained.
- Invite constructive feedback from you and other stakeholders to continuously improve the customer experience.
- Provide 24-hour ongoing support for your claims and service needs.
- Work with a diverse pool of experts to advise and guide you through every claim scenario.
- Put an infrastructure in place for prompt attendance on site and advice for major and emergency claims.
- Place paramount importance on maintaining your privacy and confidentiality by aligning to the highest security, cyber essentials and GDPR standards.

Your role in the claims process

- Please immediately notify us of any urgent incidents.
- When making a claim, provide your Unique Reference Number (URN), contact information, and as much relevant detail, supporting information and documentation as you have available.
- When contacting us, thereafter, quote your assigned reference number (this will have been provided when we acknowledged receipt of your claim).
- Allow us adequate opportunity to review, consider and respond to any query or request.
- Notify us of any changes to the supplied information, as soon as possible.

Claims Process

Once received, each claim will be added to our system and assigned to a specific claims handler.

An acknowledgement will be sent to you within three working days providing you with your dedicated claims handler's contact details and the assigned claim reference. We will also explain how we intend to progress your claim.

At any point during the claims process, if you require clarification, guidance or information, then please do not hesitate to contact us on 0330 058 5566 or via e-mail to RPA.CM@Davies-Group.com . We will be happy to assist.

The dedicated RPA email inbox (RPA.CM@Davies-Group.com) will be monitored 09:00 till 17:00 Monday to Friday and we will acknowledge, by phone or in writing, all member enquiries within two working days.

Settlement

Subject to meeting various criteria, and while we are accountable to the RPA Administrator, we have delegated authority to settle claims on their behalf.

If we intend to make a payment to someone who is claiming against you, we will do so within our delegated authority limits. Once a claim has been settled, we will notify you of the outcome.

Complaint Procedure

We aim to provide an excellent service but if you are dissatisfied with our service, then please do not hesitate to contact us. We will do our utmost to explain and quickly arrive at a satisfactory resolution.

Should you wish to make a formal complaint, please submit this in writing to RPA.CM@Davies-Group.com

The complaints process and the timescales within which we will respond can be found in the RPA membership rules.

Claims Against You - MoJ Claims Portal

TopMark Claims Management is committed to helping you as a Member of the RPA to contain the costs of any claims made against you.

Third parties and employees who believe that they have been injured through the fault of an RPA Member can make lower value (£1,000 to £25,000) personal injury claims directly against you through a mechanism called the Ministry of Justice (MoJ) “Claims Portal”.

The MoJ Claims Portal is a separate and additional system to the two existing portals with which you will already be familiar.

These two existing portals are:

1. The TopMark Claims Management incident reporting online portal. Further information can be found here: https://www.rpaclaimforms.co.uk

2. The Willis Risk Management Blue portal. Further information can be found here: https://access.willis.com/site/education/SitePages/Home.aspx

Whilst the TopMark Claims Management and Willis portals are for your use as an RPA Member, the MoJ Claims Portal, is used by ‘third parties or their solicitors’ to submit claims against you the RPA Member (and also non-RPA Academies and local authorities). It is important that claims notified through this Claims Portal mechanism are identified as early as possible by TopMark Claims Management, so that we can investigate thoroughly and mitigate the risk of any cost penalty associated with this claim without any delay. The claimant or representative from the third party or their solicitor will access the Claims Portal directly to submit their claim against you.

A person or organisation making a claim against you must take reasonable steps to understand the details and Portal ID of the defendant to make this claim. As an RPA Member, this will be administered by TopMark Claims Management and we therefore advise that you put something on your website to direct any claimant as appropriate to the correct Portal ID.

We suggest that the following text and link be included on your website:

"If a Third Party or Third-Party representative wishes to make a Public Liability (injury) or an Employer's Liability (injury) claim, it should be submitted through the MoJ Claims Portal using the TopMark Claims Management Ltd ID – D00073. The compensator should be marked as 'Department for Education – RPA only

www.rpaclaimforms.co.uk/mojportal

If anyone has any questions regarding the information above, please email us at RPA.CM@Davies-Group.com

How to Notify Incidents

Urgent Incidents
For urgent incidents please call 03300 585566, a sample of what an urgent incident could be is listed below:

- Significant damage / or loss of property where operations are significantly affected
- Major injuries
- Serious assaults
- Fatality
- Allegations or knowledge of abuse
- Pollution incidents
- Media involvement, or
- If you are in doubt whether something is serious.

We will always have professionals on hand to deal with urgent incidents, such as a serious fire.

If such an event occurs then please dial our main contact number above, the facility provides for 24/7/365 coverage.

If a loss adjuster is required to attend site at any time of day or night, then this can be arranged immediately. In most cases, the loss adjuster will be on site within 2 hours.

Cyber incidents

Incident Response Hotline: 0800 368 6378

Incident Response Email: RPAresponse@CyberClan.com

Online Incident Notification
If your incident is less urgent, our online incident facility enables you to access incident forms in a secure manner, meaning you can now notify us of any new incidents 24 hours a day, 7 days a week.

To access the portal please click the following link: www.rpaclaimforms.co.uk

You will be taken through a short notification process entering details about the incident. Please have your Unique Reference Number (URN)/Membership Number to hand and relevant contact details.

If you need help gaining access to the portal, please call TopMark Claims Management on 03300 585566.

Post, Email and Telephone

Incidents can be reported by post, email and telephone.

Topmark Claims Management
2nd Floor
The Forsyth Building
5 Renfield Street
Glasgow
G2 5EZ

Phone: 0330 058 5566

Email: RPA.CM@Davies-Group.com

In the event of an occurrence that may give rise to a claim or legal proceeding under the RPA, the Member shall:

i) as soon as reasonably practicable notify the Third-Party Administrator (TPA – currently TopMarks) of such occurrence and provide details and information as the TPA requests.

ii) Immediately:

a) Send the TPA every letter, claim, written summons or process connected with it

b) Notify the TPA of any impending prosecution, inquest, fatal inquiry or proceedings in any court

iii) Where appropriate, contact the TPA prior to occurring legal costs

Overseas Travel Emergencies & Urgent Incidents

Phone: 020 3475 5031

Overseas Travel Support Services

For details of how to access the pre-travel advice, please see the reverse of your RPA Membership document.

Website: https://traveltracking.northcottglobalsolutions.com/default.aspx

For details of TopMark NGS multi-dimensional medical and security model, which as an RPA member you will benefit from, please access the RPA Welcome Pack – Overseas Travel document which includes:

- Emergency App – download and usage instructions
- Instructions on how to access Country Information Profiles & Alerts
- Information on E-Learning Travel Safety and Security

Please note that you must not access or utilise these services if you are not a member as you may be charged a fee. Access to these services is also subject to a 3G/4G or Wi-Fi internet connectivity.

Overseas Travel Emergency Helpline Card

Below is an Emergency Helpline card. Event leaders may wish to cut this out, laminate and keep it on their person in case of an emergency. You could also take a picture with your mobile phone and share it with all event organisers.

Travel Emergency

NGS

24-Hour Emergency Helpline for overseas medical and security emergency:

+44 (0) 203 475 5031

- Confirm your location and current situation
- Describe what has happened/when/details of those affected
- Tell us exactly what assistance/help you need
- If real time translation is required, confirm which language is required
- Contact/notify your chain of command - if not possible we will contact them on your behalf

RPA Cover and Risk Management Queries

Phone: 0117 9769 361 Email: RPACover@wtwco-gsp.com
Access to the RPA cover and risk management helpdesk is available 9.00 to 17.00 Monday to Friday, excluding UK bank holidays.

For assistance accessing the RPA Risk Management Portal email: **RMBlue.Support@wtwco.com**

Please also access the Risk Protection Arrangement – Managing Risk document

RPA Membership Rules

The RPA Membership Rules can be found on the RPA Guidance page: https://www.gov.uk/guidance/the-risk-protection-arrangement-rpa-for-schools

For Academies and Free Schools:
- Standard
- Church

For local authority schools:
- Community schools, nursery schools, community special schools and pupil referral units
- Voluntary aided, foundation and foundation special schools
- Voluntary controlled schools

Accessing your RPA documentation

You will have been sent a copy of your membership certificate with your confirmation email when you opted into the RPA. You can access and download further copies of your current certificate by accessing the RPA Service through DfE Sign-in.

For help or support with DfE Sign-in https://help.signin.education.gov.uk/contact-us

RPA Funding Queries

For all funding queries please email rpa.dfe@education.gov.uk

Frequently Asked Questions

RPA Frequently asked questions can be found via the following link:
https://www.rpaclaimforms.co.uk/faqs

Insurance Requirements During Refurbishment

This note applies to situations where an RPA Member requires alteration or refurbishment work to its property.

RPA cover during refurbishment works

The RPA will continue to provide cover for Member property (buildings and contents) whilst refurbishment works are being undertaken. Cover will continue to be for the full reinstatement value of the property and there is no requirement to notify the RPA that works are being undertaken. The RPA will also extend to cover loss or damage to the contract works, to a limit of £250,000 any one claim.

RPA Members will need to review and amend as necessary any contract terms with its chosen contractor. A number of industry standard template clauses in contracts for refurbishment work oblige the RPA Member to take out insurance cover for the existing structures and contract works in joint names with the contractor for the period of the agreed works. As set out below, to ensure the works and existing structures are covered correctly these template clauses cannot be accepted without amendment.

Joint Names Insurance/Subrogation

Subrogation is the right of one person, having indemnified another under a legal obligation to do so, to stand in the place of that person and pursue, in the indemnified person's name, a recovery action against the entity responsible for the insured loss or liability.

Where insurance cover is in joint names or a waiver of subrogation has been provided to a specified third party (e.g. contractor) by the insurer the insurer is prevented from pursuing rights of recovery in the name of the insured party against that specified third party.

Generally, whenever the RPA pays a claim the RPA accepts/assumes the rights of the RPA Member in any rights of recovery that the Member may have. If the damage or loss was not the Member's fault, the RPA can seek to recover the claim value from the third party (e.g. contractor) deemed responsible for causing the damage.

RPA Members cannot agree to insure the existing structure in 'joint names' with the contractor, nor can it agree to obtain a waiver of subrogation for the contractor from its insurer. RPA is not insurance and is unable to provide 'joint names' cover or waive subrogation rights against any party including the contractor.

Please see below options to RPA members in relation to cover for contract works. If the RPA member opts for cover for contract works under the RPA, as above RPA members cannot agree to insure the contract works in 'joint names' with the contractor, nor can it agree to obtain a waiver of subrogation for the contractor from its insurer.

The considerations set out above and options below need to be addressed prior to a school putting a project out to tender. Failure to do so will result in losses not covered by the RPA, the school being in breach of contract with its contractor and potentially high additional insurance costs later on in the project.

Possible Solutions

The options available to the RPA Member are as follows:

1. Contract works – either the:

    a. RPA Member relies on the cover provided by the RPA (limited to £250,000 any one claim) and the contractor to retain any responsibility for any damage that he causes to the works. The contractor can cover this risk by way of a third-party public liability insurance policy; or

    b. RPA Member takes out insurance for loss of or damage to the works in joint names with the contractor to cover the full reinstatement value of the works for the duration of the works; or

    c. RPA Member requires that the contractor takes out insurance for the works in joint names with the RPA Member to cover the full reinstatement value of the works for the duration of the works.

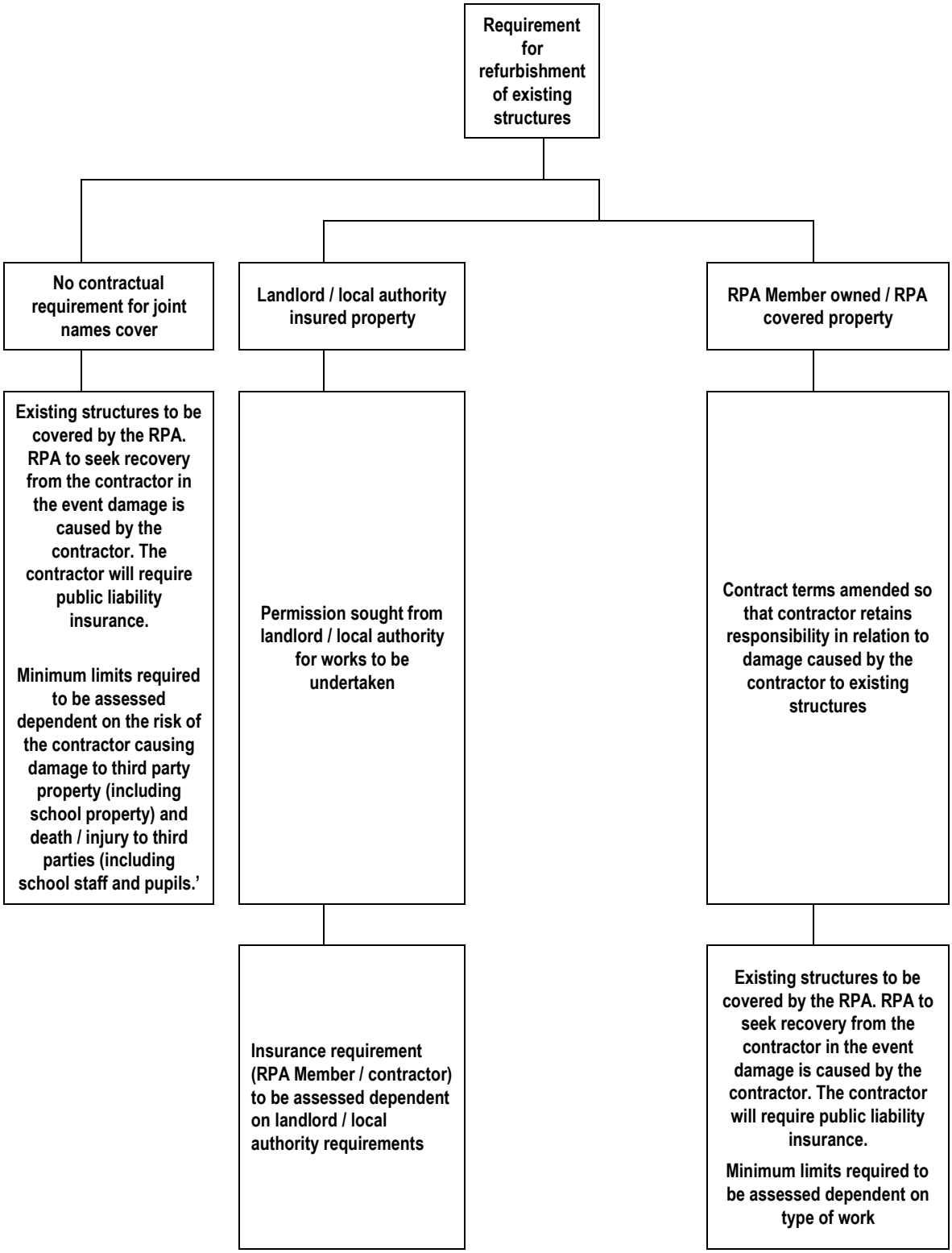
If opting for an insurance solution for the cover for contract works, RPA Members should think about and build insurance costs into their overall project costings to ensure the overall costs remain transparent and are fully budgeted for.

Further information on how the RPA member can arrange insurance cover can be accessed via the RPA welcome pack. To discuss the cover provided by RPA, you can contact the RPA cover advice line on 0117 9769 361 or email RPACover@wtwco-gsp.com.

2. Existing Structures

RPA Member to cover the existing structures under the RPA, the contractor to retain any responsibility for any damage that he causes to the existing structure. The contractor can cover this risk by way of a third-party public liability insurance policy. A decision tree in relation to the existing structures follows below:

Refurbishment – Decision Tree



Cultural Assets Valuation Service

How do I determine what a Cultural Asset is?

Cultural asset means Work of Art, Collectable, Heritage Asset or Antique and may include (list is not exclusive): paintings, sculptures, jewellery, china, curiosities, celebrity items, trophies, rare books, manuscripts, antique furniture, and tapestries.

How do I decide if I need a valuation?

The RPA Cultural Assets Valuation Service has devised a valuation decision tree tool (see below) for the use of RPA members who are considering having a cultural asset (CA) valued. Following the route through the tool will help you decide what action to take for valuing any cultural asset you have identified. It will help your school identify which items do not need a valuation at all, which need to be valued now and which may need a valuation done in the future.

Members can access the valuation service by going to:
www.rpaclaimforms.co.uk/culturalassetsva

How do I know what information is required for the valuation?

Request for Valuation: This is undertaken by using the RPA portal, which is designed to capture the information about your cultural asset necessary for an initial valuation to take place. Typically, you will need to provide supporting evidence (photographs and documents) as specified in the portal. If the initial assessment indicates that a more detailed assessment is required, the RPA team will contact you to arrange this.

How do I know what my assets are worth?

Once you have submitted your valuation request, your details will be assessed and passed onto a third party fine arts restoration company, who will provide one of three levels of valuation:

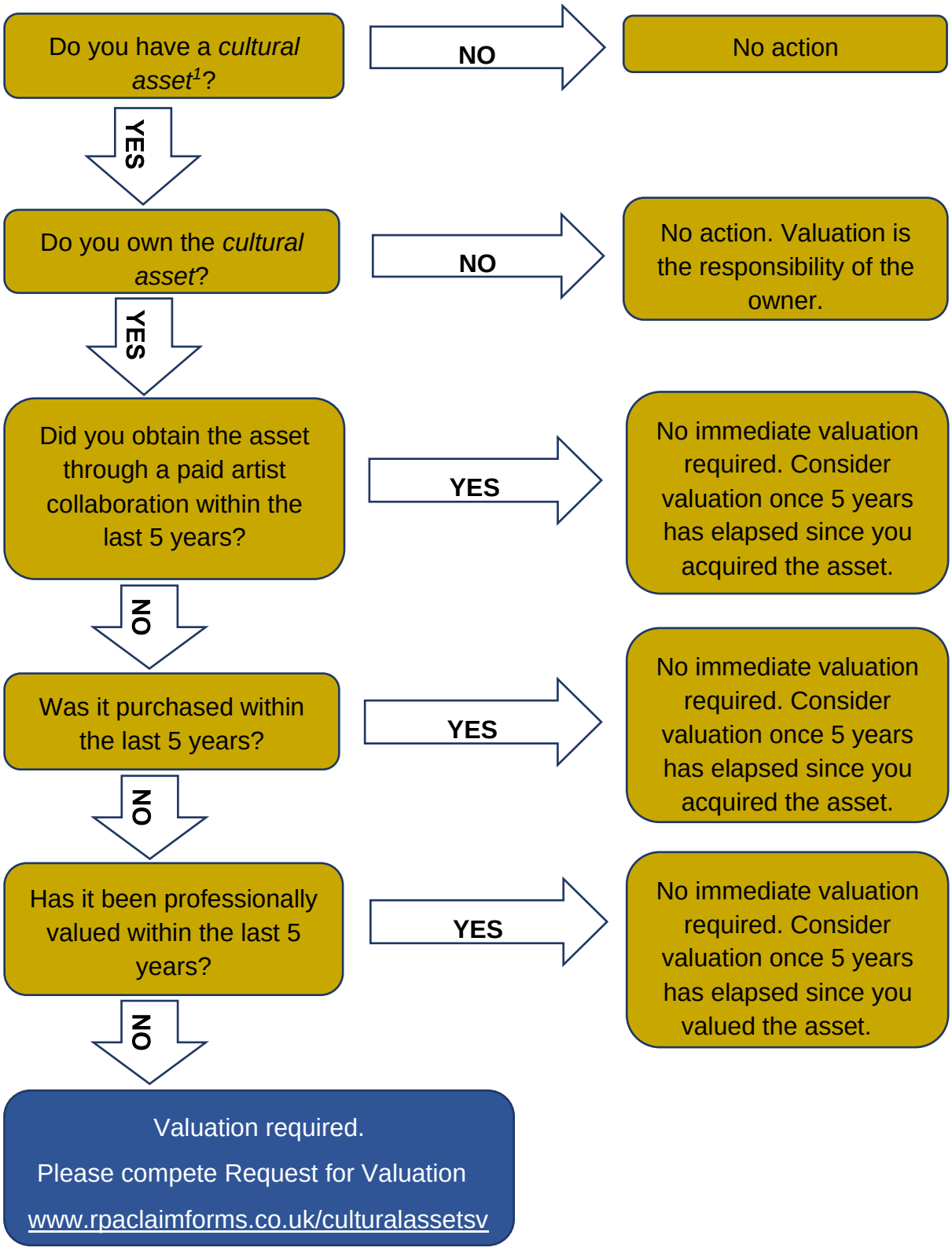
- Evidential Desk Valuation (EDV)
- Formal Valuation (FV)
- Valuation site visit or transport of item to valuers

Once the valuation is complete, a report will be produced and issued to your school. This will provide you with a breakdown of each CA in the format of a photograph, description/measurement and valuation. The sum placed against each item or collection of items represents the value that they believe the item or items should be currently insured. This is based on the cost of replacement in the retail market or, where appropriate, in the second-hand retail market with items of a similar nature, age, condition and quality.

How can I be assured we have the relevant level of cover for the assets?

Should your valuation exceed the RPA limit of £10k per item, it will then be your school's decision whether to procure commercial insurance based on your risk assessment.

Valuation Decision Tree



Additional cover and buying help

If there's something you need cover for that's not included in the RPA, you can use DfE approved frameworks to save time and money on the things you buy for your school.

Statutory inspections

The RPA does not cover statutory inspections, often known as engineering inspection. By law, you must make sure that statutory inspections are done. Get help buying for schools can help you procure this.

Get help buying for schools

If you require additional help DfEs Get help buying for schools is made up of various resources to help you buy goods and services efficiently and compliantly.
This is a free advice and guidance service for state schools. There is no cost to access it and could help to save you money on your existing contracts.