

Risk Protection Arrangement

As per our notification on October 2020, the Risk Protection Arrangement (RPA) was discussed at the School's Forum on 17th September 2020 and **it was decided that NYCC will not offer the four Insurance Schemes to LAMS from 1st April 2021** and pending a review of the cover, recommend that LAMS are referred to the RPA.

Cover Offered by the RPA

- Full details of the RPA Rules (cover) can be found on the RPA website:
<https://www.gov.uk/guidance/the-risk-protection-arrangement-rpa-for-schools>
- The RPA advise that the cover of the LAMS arrangement will be the same as for academies. The Insurance and Risk Management Services has reviewed the RPA cover and we attach a summary comparison (**Appendix A**) with the current insurance offered by NYCC for information.
- The Insurance and Risk Management Service raised a number of queries with the RPA, which the RPA has now responded to a copy of this is attached (**Appendix B**).
- The RPA has provided the attached list of Frequently Asked Questions (**Appendix C**).
- The RPA has provided the attached list of Frequently Asked Questions in respect of cover for Covid-19 (**Appendix D**).

If any schools would like to join the RPA weekly information sessions, Wednesday 11-12noon please let the Insurance and Risk Management Service know and we will pass your details on to the RPA.

NYCC Insurance and Risk Management Service

When schools were charged for NYCC's former Insurance Schemes part of this charge included the management, administration and advice provided by the Insurance and Risk Management Service.

Once schools join the RPA cover the Insurance and Risk Management Service will no longer be paid for providing insurance, risk management or claims advice/management to schools. In light of this, NYCC's Insurance and Risk Management Service has produced the attached package to schools, which will provide this support in terms of advice and management, but with the cover in place by the RPA.

The cost of this will be in addition to the RPA charge, should schools wish to take this up. Details of this package are outlined on **Appendix E** and will soon be available on the NYES website.

Schools can either make claims directly with the RPA; instructions are on the above link. However, if schools have bought into the Council support SLA then the Insurance and Risk Management Service can assist with this process.

Issues for Schools to Note

Taking the above into account there are a number of issues that schools should be aware of:

- Under the RPA, the Employer's Liability policy Asbestos cover is claims made during the membership year and which occurred at a time 5 years before the commencement of the Membership. Employer's Liability claims for asbestos inhalation that takes place before 1st April

2021 will be considered by NYCC's Liability insurers and will liaise with the RPA where necessary. Whilst schools are covered with the RPA this is fine, but if schools choose to opt out of the RPA in the future, retrospective cover would need to be considered.

- The school will need to advise the RPA of any subsidiaries and companies owned by the school.
- The RPA is not an insurance, therefore if any hire or lease agreement requires the school to take out insurance, the school will need to agree with the owner that the cover is provided by the RPA, not insurance policy.
- The RPA will cover buildings that are leased by the school, where the school is responsible for the insurance under the lease or hire. The school must advise the RPA if the interests of the other parties at the time of any loss.
- **The RPA will only cover claims for works undertaken at schools upto £250,000. External cover will need to be arranged for any works that exceed this amount. Please contact the Insurance and Risk Management Service if you would like us to look into arranging this cover. In addition the RPA will not cover the interests of the contractor should this be required in the contract between the school and contractor. Schools will need to discuss this with their contractor and ensure this is reflected in the contract conditions.**
- Business Interruption cover is only in respect of Additional Expenses and not in respect of Loss of Revenue.
- The Business Interruption Indemnity period is only up to 36 months.
- Cultural assets e.g. art etc. is covered upto £10,000 any one asset and £250,000 any one loss of multiple assets, Please contact the Insurance and Risk Management Service should additional cover be required.
- **School trips commence before 1st April 2021 are not covered by the RPA (e.g a trip that might take place between 27th March 2021 and 3rd April 2021. If a school has a trip which begins prior to 31st March 2021 and finishes after 1st April 2021, please advise NYCC's Insurance and Risk Management Service and we will arrange for the current School Journey policy to be extended.**
- **If a school books a school trip involving an overnight stay (overseas or within the UK), this will currently be at their own risk due to Government Guidance against travelling.**
- **RPA will provide cover for trips booked prior to the 12th March 2020 or trips that were originally booked prior to the 12 March 2020 but subsequently deferred to a later date subject to terms and conditions.**
- Please note the Risk Management requirements of the RPA.
- Please note that the RPA may undertake Risk Management Audits.

Voluntary Aided Schools

The response from the RPA would appear to indicate that the RPA Liability cover will provide cover for any activity in which a member school may engage and that is related to the Business of the member school, including non-educational activities undertaken directly by the member school (if the activity is a permitted activity). However, separate insurance cover for Diocese non-educational activities is required.

The RPA has clarified that the cover will apply to school buildings that the school own or are responsible for, including property owned by the Diocese and used solely for the business of the school. But not to properties are the responsibility of another party or have mixed use with another party, including the Diocese. We recommend that Voluntary Aided Schools check with their respective Diocese to see if they still need to continue with their separate insurance arrangement. It may be that the Diocese are content that the RPA covers all responsibilities, but it also may be that they are unable to cancel the separate insurances immediately due to Long Term Agreements with the insurers.

Not Covered

- Motor Insurance – This will continue to be offered by NYCC’s Insurance and Risk Management Service.
- Contract Works where the loss may exceed £250,000 – Please contact the Insurance and Risk Management Service if you would like us to look into arranging this cover.
- Teachers Sickness insurance – This will continue to be offered by NYCC’s Staff Absence Scheme.
- Statutory Engineering Inspections – This will continue to be offered by NYCC’s Property Service.

Charges for the RPA cover

- The price per pupil with effect from 1st April 2021 will be £19.00.
- RPA deductions are predominantly based on the pupil numbers for which the school is funded in that particular financial year. The pupil numbers utilised will be based on the autumn Census (October 2020 for Financial Year 2021-22) and the subsequent APT submitted by the local authority i.e. the pupil numbers are ultimately based on the APT submitted by the LA.
- In the case of Pupil referral unit’s, Special schools etc. these will be based on the place numbers for which they are funded; please see <https://www.gov.uk/government/collections/section-251-materials> and the “Section 251 Budget Detailed Level: high needs table 2019 to 2020” (September to March) data which is used to determine HNs place numbers for allocations for financial year 2021-22.
- Although Early Year’s funding is predominantly, provided by local authorities, the DfE/RPA does obtain the Full Time Equivalent (FTE) Nursery pupils numbers from the autumn census (October 2020 for Financial Year 2021-22) and therefore will use this number, in conjunction with the above to calculate the RPA.

The DfE/RPA is aware that not all nursery pupils will be shown on the autumn census (i.e. some be shown on the early years census). **However, the Nursery schools will be covered by the RPA as per the membership rules i.e. providing the pre-school/nursery is ran by the school and not a subsidiary. Subsidiaries need to be referred to the DfE to confirm if the RPA will cover, as it is dependent on how the subsidiary is set up. Then such provisions as pre-schools/nurseries are included within the definition of ‘Business’ within the RPA membership rules and therefore the scope of RPA cover would be provided**

- The DfE/RPA calculate the RPA deduction for each school using the total number of pupils for a school i.e. FTE Nursery + Primary + Secondary + Post 16 (or alternatively HN’s place numbers) multiplied by the £19 charge (Financial Year 2021-22)
- The cost of a schools RPA membership including (LA Maintained Nursery Schools) will be deducted from the local authority's (LA) funding by the ESFA (Education and Skills Funding Agency) in 3 instalments throughout the financial year, depending on when RPA actually commences (March, November & March) and to cover any required adjustments.
- When a school converts to an academy after 1st April, the RPA charge for the period that the maintained school is a member of the scheme will be calculated. This is calculated as a daily charge then multiplied by the number of days in the financial year that the maintained school is a member of the scheme), then the difference will credited to the NYCC via the DSG (for them to refund the school, if the full charge has already been taken.

If the school then joins RPA as an Academy, then the RPA charge for the period they are a member of the scheme will be calculated. This is calculated as a daily charge then multiplied by the number of days in the academic year that they are a member of the scheme, then monthly deductions will be taken from their monthly GAG

Joining the RPA

The RPA is being offered by Government and DfE as an alternative to the insurances offered by NYCC and not by NYCC's Insurance and Risk Management Services. Therefore, schools will need to join the RPA scheme by **31st March 2021**, NYCC cannot do this on behalf of the school. However, once the school has joined NYCC's Insurance and Risk Management Service can provide support. Full details of the cover and instructions can be found on the RPA website:

<https://www.gov.uk/guidance/the-risk-protection-arrangement-rpa-for-schools>

When joining you will need to provide the email address for the Local Authority Insurance Team. Please use the following email address:

insurance@northyorks.gov.uk