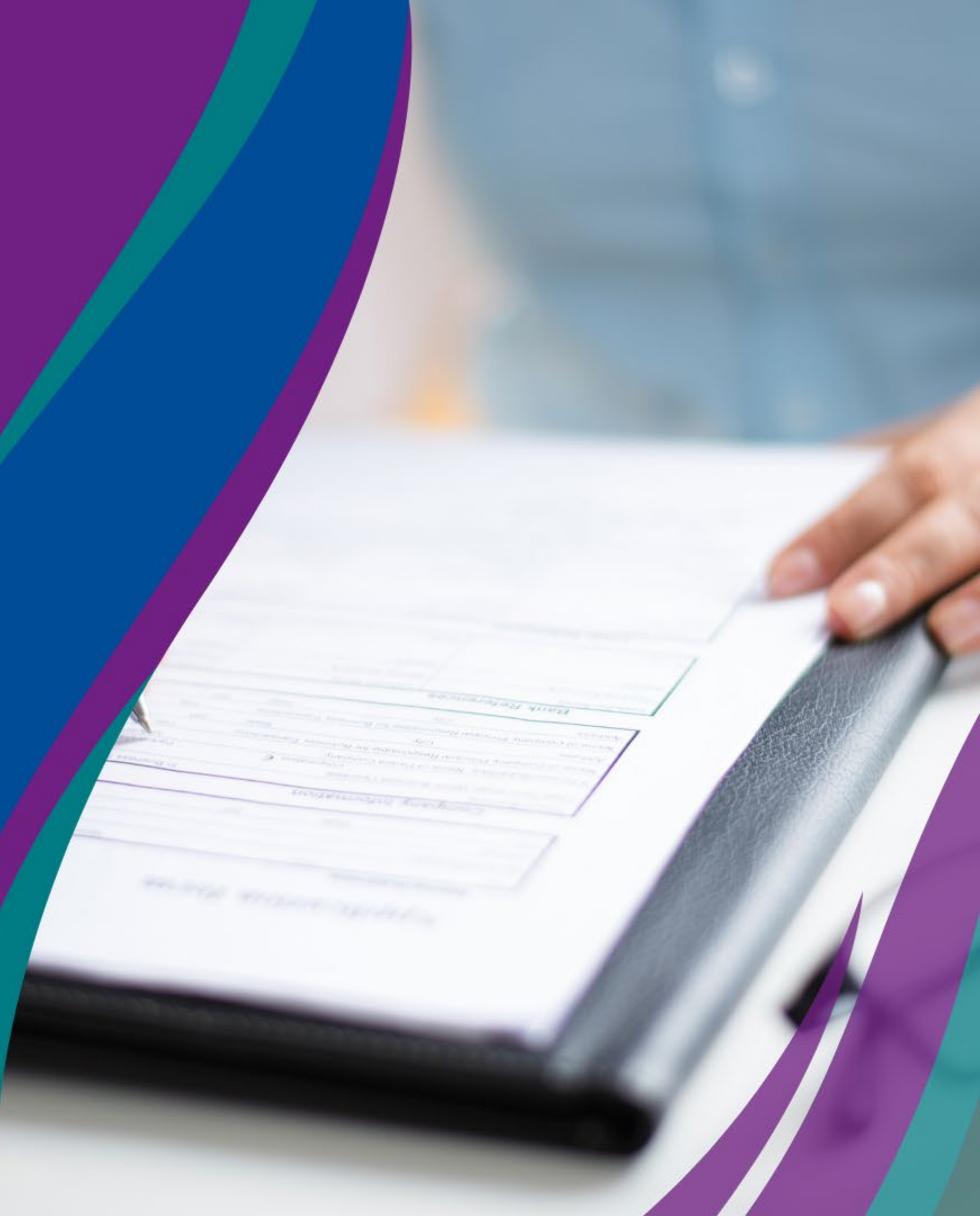




Communities  
& Justice

# Special Liability Insurance Scheme Briefing session

September - 2024





# **Acknowledgement of Country**

**I acknowledge the Traditional Owners of the land on which I am hosting this webinar from today.**

**I also acknowledge the Traditional Custodians of the various lands on which you all work today and the Aboriginal and Torres Strait Islander people participating today.**

**I pay my respects to Elders past, present and emerging and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.**



# Presenters



**Matthew Gordon**  
icare NSW  
Client Engagement  
Manager



**Leeanne Lynch**  
icare NSW  
Senior Underwriter  
(Financial Lines)



**Melinda Norton**  
NSW Department of  
Communities and  
Justice  
Executive Director  
Partnerships



**Sophie Holloway**  
NSW Department of  
Communities and  
Justice  
Director, Policy and  
Practice



# Agenda

- **Background & Overview**
- **Eligibility criteria and how to join.**
- **High-level overview of the scheme coverage and benefits**
- **The proposal form and application process**
- **Summary of the process**
- **Q&A session**

By the end of today's briefing, you will understand how to join the scheme, what supporting documents are required, and have a high-level overview of coverage and expectations.



# Background

Since 2021 many out-of-home care (OOHC) and youth homelessness service providers have been unable to get insurance cover for physical and sexual abuse (PSA) claims.

Commercial insurers have withdrawn PSA cover because of the increasing number and size of claims.

The Department of Communities and Justice short-term indemnity scheme (STIS) was established in late 2021 as a temporary measure to mitigate risk to service delivery.

An interjurisdictional working group (IJWG) explored viable longer-term solutions with expert advice from Finity Consulting and an NGO advisory group.

Cover provided by state and territory governments was determined to be the most viable longer-term option.





# NSW longer-term solution

- The NSW Government is establishing the Special Liability Insurance Scheme to provide PSA insurance cover specifically for NGOs contracted by DCJ to deliver out-of-home care and youth homelessness services.
- The Special Liability Insurance Scheme will be operated by icare on behalf of the NSW Self Insurance Corporation and will replace the STIS which expires in December 2024.
- This insurance scheme will: provide comprehensive protection for service providers; financial support for victims; and provide clear roles and responsibilities for government and participating providers.



# The Special Liability Scheme

The Scheme is designed to simplify the insurance process, reducing administrative burdens and providing clear roles and responsibilities. It offers higher coverage limits and fewer exclusions than commercial options, providing comprehensive protection at a competitive price.

**By participating in the Scheme, NGOs:**

## **Ensure business continuity**

Protect your organisation from financial risks associated with physical and sexual abuse claims, so you can continue operating and delivering essential services to young people in your care.

## **Support survivors**

Provide financial compensation to victims of abuse, enabling them to access resources for healing and recovery.

## **Meet mandatory requirements**

Comply with mandatory insurance requirements for NGOs contracted by the NSW Department of Communities and Justice.

## **Access dedicated support**

Benefit from our experienced claims management team and receive assistance throughout the claims process



# What's required to join the Scheme

## Eligibility?

Your Organisation must be contracted by the NSW Department of Communities and Justice to provide out-of-home care and/or youth homelessness services to be eligible.

## Is the Scheme compulsory?

While the Scheme is not mandatory, NGOs contracted with DCJ to provide out-of-home care and/or youth homelessness services must have PSA insurance. This requirement can be fulfilled either through the Special Liability Insurance Scheme, or by obtaining commercial coverage.

## What do I need to do to obtain a quote?

We will be distributing proposal forms and policy wording to all DCJ-contracted NGOs by mid to late September. Please review these documents carefully and prepare the required supporting information, which will be outlined in the proposal form.

## Incomplete proposals

If your proposal form is incomplete, we may still be able to provide you with an indicative quote and premium estimate. However, please note that a formal binding quotation cannot be issued until all required information is provided, including claims history reports and risk management policies.



# Overview of cover



## Liability limit

The limit of liability is \$10 million per occurrence and in the aggregate during the policy period. The retroactive period is from 30 June 2007.



## Policy wording

The intent of the policy is to cover physical and sexual abuse in relation to DCJ contracted out-of-home care and youth homelessness services only. The policy covers both civil matters and redress scheme matters.



## Deductible

The deductible has already been presented as \$10,000 for organisations who have revenue under \$20 million and \$50,000 for organisations who have revenue over \$20 million.



## Policy benefits

Up to \$1 million in counselling services for victims (per policy period).



# Proposal form application process



Special Liability Insurance Scheme for  
NSW NGO's Physical & Sexual Abuse (PSA)

For Out-of-Home Care & Youth Homelessness  
Service Providers

## Demonstration

We are now going to take you through a quick live demonstration of the proposal form.

Thank-you for your patience while we change over to a live proposal form to walk you through the process.

### Proposal Form (Long Proposal)

#### Important Notices

Please read the Important Notices at the end of this form before completing the Proposal.

Icare relies upon your responses to the following questions to determine your risk maturity to be part of the Non-government organisation Physical and Sexual Abuse Scheme for Special Liabilities (NGO PSA Scheme) related claims against your Organisation. Icare can assist you with identifying and addressing areas that need to be met as being part of the NGO PSA Scheme.

#### Instructions

Please answer all questions. If the answer to any question is 'Not Applicable', please write N/A. For any detailed responses please attached supporting documents separately. The proposal must be signed and dated with two signatures, either the Chief Executive Officer, Managing Director, Chief Financial Officer, or Chief Risk Officer.

Along with submitting the long proposal form please attach your Organisation's latest Annual Report (if applicable) along with the following risk management supporting material:

- Copy of your Organisation's Code of Conduct—this document sets out clear expectations of appropriate behaviours for all staff, contractors and volunteers.
- Copy of your Organisation's training guidelines and or manual for prevention of physical and sexual abuse.
- Copy of your Organisation's policy and procedures for details of the roles and responsibilities of your Organisation's board, executive and other leaders in receiving and managing incidents or complaints of abuse and/or reasonable suspicion of abuse.

### General Information

1	Name of Application/Insured Organisation			
2	Address			
	Post Code			
	Contact Phone		Email Address	
	Contact Name	(Who Compiled the Proposal)		
	Website		Date Established	
	ABN			



# **Proposal form**

## **Proposal form and supporting documents**

If you have not submitted your proposal form and supporting information by mid-October, there may be a delay in receiving your quotation terms. This could potentially impact your ability to have coverage in place by the scheme's start date, 1 January 2025.

## **Scheme duration**

The initial policy period will extend from 1 January 1 2025 to 31 March 2026. This longer period is to accommodate the Christmas shutdown. Subsequent policy periods will be from March to March.

## **Quotation timeline**

icare will begin issuing quotations on 28 October 2024. You will have 30 days to review and consider the quote terms.



# **Quote acceptance**

## **Quote acceptance**

To accept the quote terms, your organisation must provide written confirmation to icare. This confirmation should specify the date on which you agree to the terms outlined in the quote.

## **Next steps**

Once icare receives your acceptance, we will issue a policy schedule and invoice. Please ensure that the invoice is paid by the due date.

## **Late payment**

If you fail to pay the invoice on time, you may request a 7-day extension. However, if the invoice remains unpaid after the extension period, icare reserves the right to cancel the policy. We will provide you with written notice of cancellation at least 14 days in advance.



# Claims

## **Dedicated claims management**

Our experienced claims team is equipped to handle abuse claims with sensitivity and professionalism.

## **Trauma-informed approach**

We are committed to conducting investigations in a way that minimises trauma for survivors.

## **Therapeutic support**

We offer up to \$1 million in coverage per NGO policy period for therapeutic support for victims, ensuring they have access to essential resources for healing and recovery.

## **Fairness and transparency**

We are committed to fairness and transparency throughout the claims process.

## **Expert assistance**

When necessary, we appoint medical experts to provide insights and support the claims process.



# Contact

For all email, proposals, enquiries and requests you can contact us:

 **NGOPSA@icare.nsw.gov.au**

Our webpage is currently under construction. We'll send an email once it's live.

 **icare.nsw.gov.au**



**Questions?**



# Tell us what you think

