

1. PRODUCT / SCOPE OF WORK / WORKS INFORMATION KNOWLEDGE

a) Plan and implement loss investigation

❖ Activity 1 – Receive instructions from client

- Comprehensive terms of reference or instructions that meet the requirements of the relevant parties are established prior to engagement.
- Relevant parties are promptly advised of decisions to accept or reject terms of reference or instructions and the reasons for such decisions.
- Acceptable terms and instructions that are within client, company and legislative guidelines, codes of practice and personal authorities are negotiated, confirmed and clearly documented.

❖ Activity 2 – Establish relevant facts

- Facts; evidence and information relevant to the circumstances of loss/damage/injury, are collected thoroughly, systematically and accurately.
- Information deficiencies are identified and additional information is sought from appropriate sources.
- Validity of loss situation and/or claim is assessed fairly and impartially against reported circumstances, available evidence, facts and information.
- Insurance cover for loss/damage/injury where applicable is determined and policy conditions are reviewed to ensure loss falls within policy coverage.
- Contractual and/or other obligations of each party to the circumstances under enquiry are established.
- Fraud indicators are identified accurately and consistently.
- All relevant facts, evidence and information are organised and documented confidentially into a coherent body of case knowledge.

❖ Activity 3 – Plan and implement loss investigation

- Available facts, evidence and information are analysed to determine viable course of action and appropriate investigative activities.
- Investigative activities are assessed for appropriateness to loss situation and compliance with relevant legislation, codes of practice, insurers, client, company or other guidelines.
- Requirements for urgent action to protect client interests are identified and determined.
- Appropriate and confidential channels of communication are established with clients and other relevant parties.
- Professional and cordial relationships are established and maintained with all relevant parties during the investigation.
- Comprehensive records are established and maintained of investigative activities, methodology and time spent during investigations.

❖ Activity 4 – Preserve evidence

- All evidence gathered is progressively collated and recorded promptly and accurately.
- Evidence gathered is preserved by appropriate means for subsequent assessment and enquiry.

❖ **Activity 5 – Liaise with authorities**

- Liaison with all appropriate authorities is established whenever and wherever required.
- When and where required, clearance or authorisation for investigative activities is received from appropriate authorities and recorded promptly.

❖ **Activity 6 – Verify and document information**

- Facts, evidence and information gathered is regularly reviewed and assessed for thoroughness and consistency.
- All appropriate methods within client, company, legislative, code of practice or other guidelines are employed to clarify conflicting evidence or information.
- Investigative actions, procedures and outcomes are documented and recorded promptly and accurately

❖ **Activity 7 - Appoint specialists**

- The need to appoint specialist assistance is identified and determined promptly and accurately and conveyed to the client and other relevant parties.
- Appointed specialists are engaged as required and thoroughly briefed.

b) Evaluate collection information

❖ **Activity 1 – Determine whether loss is covered by insurance or other criteria**

- Relevant evidence, facts and information are collected accurately and thoroughly.
- Insurance policy/policies conditions are reviewed to determine whether loss falls within policy coverage.

❖ **Activity 2 – Apply and analyse established facts**

- Validity of claim is assessed against reported circumstances and policy specifications.
- Fraud indicators are identified accurately and consistently
- Appropriate analysis techniques are applied and data is prioritised and assessed thoroughly.
- Data analysis techniques and procedures are documented and recorded promptly and accurately.

❖ **Activity 3 – Determine extent of loss/injury/damage**

- Extent of liability and loss is determined against available evidence and facts and in accordance with legislative and/or insurers, or clients, or company policy and guidelines.
- Extent of loss/damage determined is consistent with the assessment of and nature of claim and is within legislative, insurer, client or company constraints.

❖ **Activity 4 – Establish recovery rights**

- All other contributory insurances are identified.
- All cases for potential subrogation action are identified and assessed.
- Sources and rights of recovery are identified and likelihood of recovery success is evaluated.
- Recovery demands are correctly issued where necessary.

c) Report findings and provide guidance to involved parties

❖ **Activity 1 – Report findings**

- Relevant evidence, facts and information gathered during investigative activities are documented, prepared into reports and promptly forwarded to all involved parties.
- Reports are prepared thoroughly, accurately and in a professional format according to client or company policy, guidelines, relevant legislation or codes of practice.
- Documented reports are updated periodically to accurately reflect the current status of the investigation and to identify a range of options relating to the investigation.
- Cost-benefit analysis is carried out on various options identified and is documented in reports.
- Where necessary, involved parties are personally briefed or have opportunities to discuss the reports.

❖ **Activity 2 – Provide interim information and guidance to involved parties**

- Involved parties are informed accurately and thoroughly on aspects of security, loss prevention and risk management strategies.
- Involved parties are promptly and accurately informed on matters of loss mitigation and estimates of potential liability.
- Prompt information and guidance is given to clients and other parties on their legal position and potential to incur liabilities as a result of the loss, damage or injury.
- Guidance provided is based on objective assessment of client needs and risk exposure factors.

❖ **Activity 3 – Provide information and guidance regarding salvage/disposal to involved parties**

- All cases for potential subrogation action are identified and assessed.
- Methods of salvage/disposal and potential returns from such are identified and evaluated, and clients.

d) Negotiate/effect settlement

❖ **Activity 1 – Prepare for negotiation**

- All relevant issues and options for settlement are accurately identified in advance.
- Additional information support identified options is obtained from relevant sources and parties.
- Cost-benefit analysis is carried out on the various options identified.
- Settlements options are documented and prepared accurately in a professional format prior to negotiations, and are in accordance with client or company policy and guidelines and with relevant legislation or codes of practice.

❖ **Activity 2 – Attend meetings with involved parties**

- All information and data needed for the settlement meetings are documented and prepared accurately and in a professional format prior to meetings.
- Meetings of involved parties are arranged and conducted in an orderly, courteous and professional manner to ensure resolution of issues and settlement.

- Outcomes of meetings between involved parties are documented accurately and promptly and are conveyed to clients and all other parties.
- Whenever appropriate, all documents and information processed as part of the loss adjustment activities are made available to other involved parties promptly.

❖ **Activity 3 – Represent clients in cases where disputation rises**

- Clients or organisational interests are satisfactorily represented and all relevant documents and information are provided to other involved parties.
- Disputations are managed courteously and professionally to ensure the best and most expeditious outcome for clients or organisations at minimum monetary and other costs.

e) Provide ancillary services

❖ **Activity 1 – Provide guidance on prevention of similar losses in future**

- Opportunities to provide guidance on loss prevention are identified while current loss situations are being assessed.
- Client and relevant third parties are interviewed to identify potential risk and hazard indicators.
- All relevant risk information is identified and assessed to determine the integrity of its source, if it is comprehensive, valid, reliable and pertinent to the nature of the risk and meets client needs.
- Risk types are assessed against known exposure factors and for compliance with relevant legislation and client or company policy guidelines.

❖ **Activity 2 – Provide guidance on the application of risk management techniques where appropriate**

- Client product, service types and environment are determined so that nature of risk can be identified and appropriate techniques can be applied.
- A range of viable risk management strategies and techniques and the benefits and disadvantages of the various options are presented to the client.
- Cost benefit analysis is carried out on the various options identified.
- Guidance is provided that is based on objective assessment of client needs and risk exposure factors.
- Guidance on risk management strategies and techniques provided to clients are documented and recorded promptly and accurately.
- Appropriateness and adequacy of current insurance cover are discussed with client.

- The detailed scope will relate to the insurance covers as underwritten by Escap Ltd, including but not limited to:

- i. Assets
- ii. Liabilities including Directors and Officers liability
- iii. Crime classes
- iv. Aviation, hull and liabilities
- v. Contractors All Risk
- vi. Marine Cargo
- vii. Nuclear property and liability

- The detailed scope will also relate to Eskom's business portfolio – the services apply to the Eskom Group, wherever situated unless stated as excluded.