

Beazley Claims Safeguard

Real life claims examples including Beazley scenarios showing how our claims managers and service providers work closely with our clients to better understand their business and claims needs.



Case studies

Healthcare

A California jury awarded \$13m to three plaintiffs who sued a psychiatric facility, its parent company and one of the facility's employees alleging that the employee, a mental health worker, had committed sexual acts while they were admitted to the facility for treatment for bipolar disorder and psychosis. The employee had previously pleaded guilty to three criminal charges in relation to his conduct at the facility. The parent company sought to deny liability on the basis that it provided only management services and guidance, but this was rejected by the jury.

The Beazley difference

Litigation was filed in Pennsylvania against a neuro rehab center, as well as several other defendants, including the state Department of Health. The complaint alleged that while the plaintiff was a patient at the rehab center, he was sexually assaulted by another resident. The causes of action against the rehab center included negligence, intentional infliction of emotional distress and negligent infliction of emotional distress. The matter was ultimately settled.

Education

A California school district agreed to settlements exceeding \$15m in connection with lawsuits involving three teachers accused of the

molestation of eight former students. The settlement for one of the victims exceeded \$7m and was described at the time as the largest pretrial settlement involving sexual abuse allegations against an educator.

A former kindergarten teacher, an elementary school principal and a school district were sued by a family in Washington alleging that four years earlier a 5 year old kindergartner had been sexually abused by a classmate. The plaintiff's lawyer alleged that the teacher had permitted an atmosphere in the classroom where "aggressive kindergarten children were sexually abusing other children on a chronic and repetitive basis" and that the school principal failed to act upon numerous complaints against the teacher.

The Beazley difference

A private school in the Northeast learned that a female school volunteer had sexually assaulted a 17 year old female student. Beazley immediately deployed Safeguard service providers, and engaged a crisis management company and a law firm, who were both on site at the school within one day of being contacted. The crisis management company and law firm assisted the school with an internal investigation, the criminal investigation, and the messaging to both the media and school employees. They also offered counseling to the victim and worked with the family to counsel the victim so she could return to school at her own pace.

Not for profit

A federal court in Connecticut approved a \$60m settlement in relation to litigation brought on behalf of 170 alleged victims of sexual abuse perpetrated by the founder of a charity for homeless children in Haiti which aimed to offer food, shelter and education. The school was set up in the early 2000's by a former student of a US university with financial support from the charity as well as several other religious and charitable organizations. These organizations, as well as various individuals, were alleged to have been negligent in their supervision.

The Beazley difference

The Beazley insured runs service trips for high school students to foreign countries. They called the Safeguard hotline and reported that a 15 year old female in the program alleged that, while in Central America, she was raped by a local male who was employed by the insured's partner organization. Beazley deployed Safeguard service providers, including crisis managers and an attorney. A local investigator was also brought in and plans were put in place to fly the student back to the US. The student was also offered counseling and support services upon her return. The Safeguard service provider also monitored social media and news outlets for any mentions of the incident and crafted messaging to the families of the other students on the trip. No claim has been made to date.

Transportation

A Mid Atlantic school bus company was sued by a 21 year old woman who alleged that she had been assaulted by the driver of her school bus while she was an elementary school student. The suit was also brought against the individual driver as well as the school district. The plaintiff alleged that the driver would turn off the on-board video surveillance camera while the abuse occurred and that neither the bus company nor the school district had any system in place for monitoring the video surveillance system.

The Beazley difference

A suit was filed against a Beazley insured, a driving school, by a minor following an alleged sexual assault by a driving instructor during a driving lesson. The claimant alleged negligent supervision, retention and hiring and general negligence against the driving school. The matter settled at mediation.

Litigation was filed in California against a taxicab company as well as the taxicab driver. The plaintiff alleged that the driver took her to an abandoned building while she was intoxicated and sexually assaulted her, while the driver alleged that he and plaintiff engaged in consensual sexual relations. A criminal trial resulted in a hung jury. Beazley worked with the insured and the matter settled at mediation.

Religious institutions

Several individuals sued their church in relation to sexual abuse perpetrated over a seven year period by a youth group leader, who was also convicted and imprisoned on related criminal charges. As well as suing the church, the plaintiffs also named the local and state associations of the church and the national convention itself, alleging that the minors would not have been allowed to join the youth group if they had been aware of the failure to implement and adhere to standards. The total damages sought were upwards of \$9m.

A synagogue staff member made accusations of abuse of minors attending a preschool at the synagogue. An investigation by public authorities found various failings on the part of the synagogue, including dismissal of concerns raised by other staff and a failure to enforce a ban on staff using cell phones. A cease and desist letter was issued by the authorities. The parents of eight children who attended the preschool brought suit against the congregation and its former director.

The Beazley difference

The insured, an organization that provides mobile Sunday school to children in low income areas, reported a circumstance to Beazley, where a student alleged that another student put his hand down his pants. Safeguard services

deployed immediately upon the circumstance being reported to Beazley. A local attorney was retained to assist with the investigation, communication with the students' family and to assist the organization with putting into place best practices when recruiting and supervising minor volunteers. No claim was made.

Leisure

A karate academy was sued by the parents of a minor child in relation to alleged sexual abuse of a minor student by an instructor who was employed by the school. The suit alleged in particular that the academy had failed to undertake background checks, provide training or have formal policies governing employee interaction with minors using the academy.

The Beazley difference

A 23 year old male swim coach used his cell phone to video a 17 year old swim instructor in a staff only changing room at a gym. Unknown whether any students or minors were also taped Beazley provided Safeguard services. Safeguard service providers spoke with the client and law enforcement, interviewed witnesses, reviewed relevant documentation and put in place a communication plan. No claim resulted.

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Beazley Group

Plantation Place South
60 Great Tower Street
London EC3R 5AD
United Kingdom

T +44 (0)20 7667 0623
F +44 (0)20 7674 7100

Beazley Group

45 Rockefeller Plaza
16th floor
New York, NY 10111
USA

T +1 (212) 801 7100
F +1 (212) 586 2028



Paul Nash
Focus group leader
T +44 (0)20 7674 7255
paul.nash@beazley.com



Afsana Ali
Underwriter
T +44 (0)20 7674 7054
afsana.ali@beazley.com



Christina Herald
Underwriter
T +1 770 351 1689
christina.herald@beazley.com



Daniel Martin
Underwriter
T +44 (0)20 7674 7780
daniel.martin@beazley.com



Harriet Turner
Underwriter
T +44 207 674 7794
harriet.turner@beazley.com



Alyssa Pianelli
Claims team leader
T +1 267 534 8472
alyssa.pianelli@beazley.com

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