

Loss Prevention Working Group

Terms of Reference and *modus operandi*



The Aims of the Loss Prevention Working Group

To enable improved management of our Members' business risk exposure and financial performance by providing procedural support and good practice guidance. This will be achieved through the publication of advice in:

- Magazine articles
- Loss Prevention Guidance
- Loss Prevention Alerts
- Client Guides, and
- AGS Publications and Position Papers.

Permanent Objectives

1. To keep under review the following areas affecting members' business risk exposure:
 - a. the law
 - b. insurance policies and claims
 - c. the commercial environment, and
 - d. business risk management issues.
2. To identify:
 - a. new developments in the areas under review (such as new legislation)
 - b. areas of risk to members' businesses
 - c. trends in good or bad practice in the industry (in the UK and other countries)
 - d. changes in the trading environment, and
 - e. opportunities to influence and educate clients and practitioners in allied fields, including the law and insurance.
3. To produce:
 - a. documents informing members of changes or emerging trends
 - b. advice on how to deal with such changes or trends
 - c. guidance on the current legal, insurance and business risk issues
 - d. documents promoting good practice on contractual and risk management issues, and
 - e. response to government consultation documents where issues of risk and liability exposure arise.
4. To communicate to members and others using:
 - a. the AGS Magazine
 - b. Loss Prevention Alerts – short papers on specific topics of immediate concern
 - c. Loss Prevention Guidance – informative papers on specific topics which together form a useful guidance document
 - d. published booklets – more substantial published documents on specific topics
 - e. Client Guides – leaflets on topics which the AGS would like to bring to clients' attention
 - f. the AGS website
 - g. the AGS Legal Helpline service provided by Beale and Co
 - h. the AGS Chemical Hotline provided by Marquis and Lord, and
 - i. formal and informal contacts with other trade associations, government bodies and other organisations and individuals

Terms of Reference

1 Identification

The LPWG is, until such times as a re-arrangement of the Association takes place, one of the Standing Working Groups.

2 Composition and Membership

In common with all working groups, the LPWG consists of the WG Leader appointed to the Executive by the Members of the Association, and who is supported by an appropriate number of Members of the Association, supplemented as necessary, by individuals from the wider industry, such that the WG can function efficiently and effectively.

Most members of the LPWG are appointed directly by the Working Group Leader from among the Practitioners within the Membership, to serve for a year at a time. They may be appointed for further terms.

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The WG Leader will review the membership of his or her WG directly after the AGM – usually in March or April each year. At this review, those who have not significantly contributed to the work of the WG over the past year will be retired and new members will be sought to replace them.

In addition to those members of the WG who are appointed by the WG Leader, Members of the Association who wish to serve on any of the WGs may inform the Administrator of their interest, which will, in turn, be conveyed to the WG Leader for his or her decision to accept or decline.

There is no fixed number of members of the LPWG, but it would not normally exceed, say 20 members, unless the creation of a new *ad hoc* WG, for example, requires differing talents of areas of knowledge. Other WGs may have different optimum membership numbers.

3 Duties

The duties of the LPWG (and all other WGs) are:

- i) to fulfil the brief given to it by the AGS Chair, via its WG Leader, and
- ii) to communicate and engage with the Membership of the Association and the wider industry on matters relating to their Working Group.

The members the LPWG and all WGs and their various sub-committees are expected to participate actively and contribute to the work of their WG. Thus, membership of a WG is not a virtual sinecure – it will not be sufficient merely to be present at meetings – everybody should expect to have tasks assigned to them, for completion outside the meetings.

4 Line of Responsibility

All Standing WGs report to the Executive Committee via their WG Leader.

Modus operandi

- 1 The Byelaws require that each WG shall arrange to meet, at least two times annually, and that the Administrator shall consult with the WG Leader and choose the location, date and time. The Administrator will communicate this with the members of the Working Group at least 30 days prior to the meeting.
- 2 In the interval between physical meetings, the WG members will continue to communicate with each other by whatever means and at such frequency that will enable them to conduct their business efficiently. The WG Leader will co-ordinate such communication, with the assistance of the Administrator.
- 3 The Byelaws specify that the Leader of the LPWG (and Leaders of all other WGs) will make the decisions of their WG, having considered the arguments and advice given to them by the members of the Group.
- 4 Working with the Administrator, the LPWG Leader will formulate and finalise the agenda for all of the LPWG's meetings.
- 5 Each member of the LPWG who has an action from the previous meeting against their name, or a member who wishes to raise a substantial issue, shall provide a brief paper on their subject to the Administrator. These papers must be submitted in accordance with the published timetable of actions referred to in item 8, such that they can be issued with the Agenda for the meeting. The former practice of providing *ad hoc* verbal reports at meetings is now actively discouraged.
- 6 In an effort to streamline the proceedings of meetings, all papers will be taken as read and, if for information only, will be annotated thus and will not be discussed further in the meeting. Self-evidently, this does not apply to papers for further discussion or matters for decision.
- 7 The WG Leader shall arrange with the Administrator to organise, distribute and make available the records of all activities of the Working Group, as appropriate.
- 8 When the finalised record of a meeting is distributed to the WG members, it will, as a matter of routine, be accompanied by a list of actions arising from the meeting for members to progress, together with a timetable for those actions leading up to the next meeting.

Activities for the Current Year (2022-2023)

- 1 To alleviate the AGS Chair's burden, the LPWG Leader will draft an outline programme of work or list of activities for the current year. This draft will be discussed with the AGS Chair and agreement reached on the final listing, after which the information will be conveyed to the LPWG members. There will be an opportunity for the WG members to see and add other business to the programme before it is finalised.

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- 2 The Byelaws state that 'The Working Groups shall undertake such activities as enable them to fulfil their duties' and that the WG Leader will co-ordinate these activities, with the assistance of the Administrator.
- 3 The currently known activities of the LPWG for 2022-2023 are listed below. They have already been seen by the WG members and agreed with the AGS Chair. Inevitably, there will be other activities added through the year, as they arise.
 - a. Resolve issues around the Coal Authority [potential conflicts of interest & new permitting forms]
 - b. Carry out 2022 review / up-date of the Loss Prevention Guidance
 - c. Consider implications of climate change at each meeting and provide advice as appropriate
 - d. Provide articles on; Gorebridge, reliance on other reports, Triple Point case, Waste Code of Practice. LPA71
 - e. Publish LPAs on Fraud (once authorisation obtained), Indemnities (LPA 30 up-date)
 - f. Publish Client Guides on; Use of AGS Digital Data, and Ground investigation process flowchart.

Published October 2022