

1 OVERVIEW OF THE INSURANCE POLICIES PROVIDED BY THE THIRD AGE TRUST FOR U3As

Public and Products Liability

Ecclesiastical Insurance – policy number 02/CBP/0069255.

Indemnity limit - £5,000,000 for any one incident.

Excess - £250 per claim.

This cover indemnifies all U3A members against all sums you could become legally liable to pay as a result of

- Accidental injury to or death of any person.
- Accidental loss or damage to material property not belonging to you, which arises or is caused in connection with the 'business' of U3As.

Money Cover

Ecclesiastical Insurance – policy number 02/CBP/0069255.

A limit of £300 U3A cash held in members' homes.

A limit of £1000 U3A cash in transit and at hired premises.

Excess - zero.

Charity Indemnity Insurance

Ecclesiastical Insurance – policy number 02./CBP/0149781.

Limit - £100,000 in any one period of insurance.

Excess - £250.

This cover provides

- Indemnity for the legal liability of a trustee or the charity for loss which results from a wrongful act when carrying out the duties of a trustee.
- Investigation costs.
- Indemnity for the legal liability of a trustee or the charity for the physical destruction of or damage to documents.
- Indemnity for any reasonable cost incurred as a result of restoring or replacing the documents.

Tour Operators' Liability

Royal Sun Alliance – policy number AF499004.

Excess - £250 on all sections.

This policy consists of

- Public and Products Liability – limit £2,000,000 any one event – which provides indemnity against the legal liability for accidental injury to third parties or loss or damage to their material property arising in connection with the product/event.
- Legal Defence – liability £100,000 – which provides indemnity for costs arising and costs awarded in connection with the defence of proceedings brought or an appeal against a conviction relating to an alleged offence in the course of the business in respect of the Health and Safety at Work Act, Part 11 of the Consumer Protection Act, the Trade 2

Descriptions Act 1968 and the Package, Travel, Package Holiday and Package Tour regulations 1992, where there has been no actual injury or damage.

- Emergency legal assistance – limit £5000 – which provides indemnity to the insured in respect of costs and expenses incurred in providing emergency assistance to the passenger where such passenger suffers bodily injury or in the event of the death of the passenger, the passenger's legal personal representatives.
- Professional indemnity – limit £1,000,000 – which provides indemnity to the insured for the legal liability for damages and claimants' costs and expenses in respect of claims arising for breach of professional duty by reason of neglect, error or omission occurring or committed in good faith. This also includes the cover required for 'packages' as defined in the Package Holiday Package Tour and Package Travel Regulations 1992.

NB This insurance is to cover a group leader/co-ordinator who wants to arrange a short study trip for his/her group, involving overnight accommodation.

If you want to organise a U3A holiday, do it through a bonded travel agent.

OPTIONAL PROPERTY INSURANCE ARRANGED BY THE THIRD AGE TRUST

This policy provides cover for or damage to property owned by a U3A, other than wear and tear depreciation, wherever it is held, providing reasonable precautions are taken and also in transit.

The cover is on the basis of new for old and the premiums are based on value bands, for example, up to £750, £751 to £1500, £1501 to £2500 etc. There is no requirement to list the equipment unless you need cover for property exceeding £20,000.

The policy has an excess of £50.

FREQUENTLY ASKED QUESTIONS

PUBLIC & PRODUCTS LIABILITY INSURANCE

All Local U3As which have paid their annual membership subscription to the Trust have the benefit of a nationally organised Public & Products Liability Insurance Cover, which is underwritten by Ecclesiastical.

Indemnity Limit - £5,000,000. Excess - £250

BACKGROUND INFORMATION

What is meant by Public Liability Insurance?

In general, Public Liability Insurance is intended to indemnify the insured against compensation, which they become legally liable to pay, following injury or property damage sustained by a third party, as a result of an activity. Legal liability to another person can arise in a number of ways but by far the most common is negligence. A third party is a person or legal entity who is not party to the contract of insurance. Public liability does not cover pure accidents where no legal liability has been established. 3

What is meant by Product Liability Insurance?

Product liability protects the policy holder against claims arising from injury or damage sustained due to a failure with a product, for which you are held legally liable.

Does the cover dilute with the number of public liability claims?

The limit of indemnity is £5m on any one claim arising from one incident or a series of incidents with no limit on the amount payable in the aggregate in any one period of insurance.

How does this cover apply to Group Leaders?

The policy is set up to protect all U3A members, and includes 'member to member' cover so if somebody is injured undertaking a U3A activity and legal liability could be proven, the insurers would deal with any claim.

PROPERTY/EQUIPMENT

Does the Public and Products Liability policy cover against loss of U3A property or property belonging to others?

The policy protects you against claims made by third parties and therefore U3A owned equipment will not be covered. The National Office has a separate arrangement which offers this cover at extremely favourable rates. Loss or damage to property belonging to others will in the main be covered.

If a member loses personal property whilst taking part in a U3A activity would it be possible to claim against the Public Liability policy?

The Public Liability does not automatically cover loss of property, but if such loss or damage is caused by an act of negligence or omission by the U3A, or any member (other than the member whose property it is), a claim could be made. Here again, it should be remembered that most household insurance policies cover the policyholder and members of his family living with him for personal liability.

VENUES/ACCOMMODATION

If a Local U3A uses a hall to run an event, is it covered for Public Liability?

Yes, subject to the normal test of legal liability.

What is the situation regarding the hire of a hall where the contract with the hall hirers appears to make the U3A responsible for all loss and damage?

This is not correct as any damage or injury caused by a defect in the property and/or the facilities is the responsibility in law of the building owner. You should bring this to the attention of the person handling the hire and ask that the clause be removed but if you fail to achieve that, our insurers have said that in the last resort, you can sign the contract because that clause is unenforceable.

Does the insurance apply when groups are held in members' houses?

Yes it does. 4

SAFETY/ACCIDENTS

Should we be getting our electrical equipment tested?

Portable appliance testing only applies to electrical equipment at work and in public places. However, the Trust has issued some guidelines as some U3As rent office space and often equipment is moved around and used by different people, so user checks and visual inspections make sense. It is possible that if you wish to take your equipment into rented accommodation, you may find that it has to have a PAT sticker

Does the Public Liability Insurance cover the Local U3A against accidents whilst using machinery, such as power lathes, drills, saws and the like, either owned by the U3A or others?

The Public Liability Insurance does provide cover for your legal liability to others following incidents whilst using machinery whether it is owned by the U3A or others. It does not cover the machinery itself, since in common with other Public Liability insurance policies, it excludes liability in respect of property within the custody or control of the insured. With regard to particularly hazardous activities, it is important that you check with the National Office in advance.

Does Public Liability cover the Local U3A against accidents whilst out walking or any other type of outdoor or strenuous activity?

It does, so long as it is remembered that the Public Liability policy is an insurance against legal liability. The Policy is not an automatic Personal Accident insurance. It would have to be shown that U3A, its agents or members had in some way been negligent in causing injury to the victim.

Are we required to have trained first aiders within U3A?

You are not required to do so and insurance advice is to contact the emergency services immediately in the event of a serious incident, even if there happens to be a member present who has attended a first aid course.

Should we be carrying out risk assessments for any/all of our activities?

There is no formal requirement to do so but The Trust has prepared a set of checklists covering outside venues, walking and workshop activities which you may like to use.

If a Local U3A runs a function and serves meals or light refreshments and someone is taken ill as a result - can a claim be made against Public Liability Insurance?

Public Liability insurance will cover this eventuality if you are found to be legally liable.

TRANSPORT/CARS

Can U3A members offer lifts to other members and accept money towards petrol costs without compromising their car insurance policy?

Yes they can. 5

Does the Public Liability Insurance provide any cover whilst members are travelling in other members' cars or on a coach or minibus?

The question of accidents in motor vehicles is complex. Any accident arising from the driving of a vehicle would fall outside the scope of a Public Liability Insurance because motor insurance is an entirely separate matter and such incidents are properly covered under a motor insurance policy. This would normally include accidents which occur whilst mounting or dismounting a vehicle. However, on a coach where one member is injured by the actions of another member, in circumstances which have nothing to do with the fact that they are driving in a motor vehicle, it would be covered by the Public Liability insurance.

What happens if I parked my car in a recognised car park whilst on U3A activities and it is damaged?

As explained, the policy is an insurance against the legal liability of the U3A and so any claim would have to prove negligence in some way against the U3A, for example, it would have to be shown that any accident to a parked car, whether in a recognised car park or not, has been occasioned wholly or in part by the negligence of the U3A. This would not normally arise just because the car owner had permission to use a recognised car park at, for example, a local school or village hall. For a claim to succeed against the U3A, the car owner would have to show that he had been led to expect that his property would be protected and would have to show that the U3A or its agents, had been negligent in failing to provide the proper level of protection.

NON MEMBERS

If somebody wants to try a couple of U3A activities prior to deciding whether to join, is it allowable under our insurance cover?

Yes it is providing somebody is monitoring the situation and keeps the group leaders informed, to ensure the attendance as a non-member does not continue indefinitely.

Is it permissible for a non-member e.g. spouse or friend of a member, to attend an outing?

On an occasional basis with committee approval, there is no problem but it is not acceptable for the same non-member to regularly attend U3A events.

Can U3A members who belong to a walking group take grandchildren or dogs with them?

As far as our insurance cover is concerned there is no problem if the U3A committee wishes to allow it.

If a U3A member needs to bring a carer when attending U3A activities/events, is this permissible under our insurance cover.

Yes it is providing the carer does not attend any U3A activities as an individual and committee approval has been given.

PAID SPEAKERS/TUTORS

Do we have any cover for Employers' Liability?

No. The basis of the policy is that U3As do not have any employees. This type of cover is very 6

different to public liability and is in fact compulsory for all employers so if you have any concerns that you may be considered to be employing people, please consult Lin Jonas.

Does this policy provide cover for outside speakers invited to general meetings or on occasions to specific interest groups, whether paid or not?

Yes it does cover paid speakers at general or interest group meetings but it does not cover paid tutors. The reason for this, is that the U3A movement is founded on the principle of shared learning and it is not envisaged that people from outside will be paid to lead a U3A interest/activity group. If you are doing so on a short term basis, get a copy of their public liability cover note which should normally be for a minimum of £2 million.

ACTIVITIES

Is the public liability insurance cover confined to U3A activities in the UK?

No. Cover now extends to Europe.

Do U3A group leaders need to have a professional qualification to lead physical activity groups?

No they do not. But you would expect them to be experienced.

What sort of waterborne activities are allowed under our insurance?

You can go sailing, rowing and canoeing but only on inland waterways. You are not covered in any craft with an engine.

Do we need to get members to sign in at our monthly meetings?

Unless it is a requirement of the venue, it is your decision, based on the practicalities of the situation. If you decide, from a fire risk point of view, to ask members to sign in, do make sure that they appreciate the need to sign out.

May 2011