

## **Public and Products Liability Insurance FAQs**

All U3As which are fully paid up members of the Third Age Trust have the benefit of the nationally provided Public & Products Liability Insurance cover, as well as all the other policies detailed in the overview.

Newly forming U3As which have been granted temporary membership of The Trust are covered by the Public and Products liability policy but other policies do not apply until full membership is achieved.

### **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 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. Public liability does not cover pure accidents where no legal liability has been established.

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 £10m 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 against another member, the insurers would deal with it. This means that group leaders are completely protected, should there be a claim for damages following an incident in their group.

Is a paid up U3A member covered if participating in U3A activities in other U3As or at events organised within their networks, regions and nationally?

Yes.

In the event of a claim under the Public and Products Liability policy who is responsible for covering the excess?

The U3A must take responsibility for covering the excess. The same applies to other policies.

## **PROPERTY/EQUIPMENT**

Is U3A owned property covered for loss or damage?

It is, up to a maximum of £25,000.

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

The policy protects you against claims made by third parties. U3A owned equipment is covered under the All Risks Equipment Insurance section of the policy, which provides cover up to a maximum of £25,000.

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. It should be remembered that household insurance policies often provide cover for the policyholder's property outside the home.

## **VENUES/ACCOMMODATION**

If a U3A uses a hall to hold an interest group or run an event, is it covered for Public Liability?

Yes, subject to the normal test of legal liability.

If a U3A uses a member's home to hold an interest group or run a meeting, is it covered for Public Liability?

Yes, subject to the normal test of legal liability. Injury or damage due to a defect in the property is the legal responsibility of the house owner/occupier and cover is provided under householder insurance.

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 proven to be 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 the clause is unenforceable.

Is there any home contents insurance provided?

Each U3A has up to £25,000 cover per claim for damage to any home contents belonging to a U3A member hosting a group.

## **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 current PAT sticker.

Does the Public Liability Insurance cover the 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 potentially hazardous activities using power tools, it is important that you check with the National Office before you set up such an activity.

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

It does, but it is not an automatic personal accident insurance. It is an insurance against legal liability and therefore, it would have to be shown that U3A, its agents or members had in some way been negligent in causing injury to the victim.

What do we do in the event of an accident?

An incident report form, extra copies of which are available for download from members' area of the national website ([www.u3a.org.uk](http://www.u3a.org.uk)) should be filled in by the group leader and then retained on file by the committee in case of a future claim for damages, which can be up to 3 years later.

Are we required to have trained first aiders within our 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. The National Office has a pocket first aid guide written by St John Ambulance which is available for purchase at a nominal cost and an information sheet covering amongst other things how to identify certain conditions. In addition there are some excellent mobile phone apps available e.g. British Red Cross, St John Ambulance and the British Heart Foundation CPR app.

Are we required to have a health and safety policy and follow health and safety guidelines?

The relevant legislation is The Health and Safety at Work Act 1974 which does not apply to voluntary organisations. Best advice – use your common sense.

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. In all cases, however, common sense is once again the best judge.

If a 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 But it is recommended that you have guidelines so that the matter is handled fairly and consistently, with the driver getting back an appropriate proportion of the fuel cost not the total amount.

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?

The policy provided 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 U3A out 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 any attendance by a non-member does not continue indefinitely. It is up to each U3A to decide what its policy is and stick to it.

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

On an occasional basis with committee approval, there is no problem at all and this includes outings on a coach. It is not, however, acceptable for the same non-member to regularly attend U3A events. The insurance cover provided for you is for U3A members and therefore, should a non member be allowed to attend U3A activities on a regular basis and be involved in an incident, the U3A might find itself without liability cover.

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

If the U3A committee is happy for this to happen, the insurance is in place to provide cover. This does not, however, extend to other U3A activities.

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

Yes it is, providing the carer/companion does not attend any U3A activities as an individual and committee approval has been given. In fact should a member not be able to participate independently in U3A activities a carer/companion is essential as it is not acceptable for insurance reasons for the responsibility for care to be left to fellow members unless there is a specific arrangement in place with an individual member who may well be a friend.

## **PAID SPEAKERS/EMPLOYEES**

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 different to public liability and is in fact compulsory for all employers so you must not get yourselves into a situation where you could be judged as employing people. If in doubt, please consult the National Office.

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.

## **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 the U3A committee should assure itself that the potential leader is sufficiently experienced before it allows the group to start.

What is the situation with what are commonly described as extreme sports such as abseiling, hang gliding, white water rafting etc?

The company which is organising these activities for you should provide you with liability insurance as part of the fee. If you are in any doubt about this or have any concerns at all, call the National Office for advice before you sign up to do it.

What sort of waterborne activities are allowed under our insurance?

Sailing, rowing and canoeing are permissible on UK inland waterways only and providing all appropriate safety procedures are adhered to e.g. capsizing drills. You will not be covered in any craft with an engine or in any coastal water e.g. harbours, estuaries.

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

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 stress the need for them to sign out especially if leaving before the end. In the case of AGMs, you must have the number of people present and it can be useful to have the names, but it is for you to decide.

### **SPECIAL EVENTS**

If we want to organise a special event, for example, an arts and crafts fair, are we covered for public liability and for members' exhibits?

It is usually possible to provide cover for these events but please contact the National Office in the first instance in good time.

If for any reason, for example, adverse weather conditions, we are unable to proceed with an event do we have any cancellation insurance cover?

Regretfully not.

27 Sept 2017