

INSURANCE MATTERS 2016/17



Towergate Insurance provides Youth Scotland member groups with both a specialist insurance package and specialist advice on insurance for youth groups.

To be a member of Youth Scotland, you do not have to take this insurance cover but you must be able to demonstrate that you have adequate insurance cover from another source.

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What are your legal liabilities as an organisation?

- An organisation can be held legally liable if it is proven that it was negligent or failed to take 'reasonable care' to prevent injury or damage to property. This includes the actions of all employees and volunteers while they are working for the organisation.
- This liability arises from a duty of care on all individuals and organisations (regardless of the size of the organisation, its income or whether it employs paid staff) to avoid carelessly injuring clients and members of the public or causing damage to their property through negligence.

Please note: *A Liability claim can only be successful if the insured is proven to be negligent in their actions and has caused some type of injury to the claimant or damage to property during their time in connection with the youth group.*

Why should our youth group provide insurance cover?

As an "employer" (of paid workers and volunteers), you have a legal responsibility towards your workers, volunteers, youth group members and the public. You could be held legally liable and risk being sued if a worker, volunteer, youth group member or a member of the public is injured as a result of your negligence or breach of duty. Liability Insurance is designed to pay any compensation and legal costs that occur if your youth group (you, workers, volunteers or young people) are found to be at fault.

What is covered if you take out the Towergate Insurance Policy through Youth Scotland?

- Employers Liability Insurance - £10m limit for any one claim
- Public Liability Insurance - £2m limit for any one claim (Public Liability cover has been extended to include up to 12 overnight trips per group per annum)
- You have the option of purchasing additional Public Liability insurance of £3m. £10m option is also available. Please contact Lynne at Towergate Insurance if this additional limit is required.
- Member to Member Insurance - £2m limit for any one claim (£5m with additional PL option)
- Product Liability Insurance - £2m limit per period of insurance (£5m with additional PL option)
- Contents insurance – up to a maximum of £3,000
The insurance cover is provided by Ansvr.

As part of the support package, **Towergate Insurance** will deal with any insurance queries.

The designated contact for Youth Scotland groups is Lynne Tumilty. Please contact her on 0141 223 6907, office 0141 223 6800 or email lynne.tumilty@towergate.co.uk

What does this mean and what does it cover?

- Employers' Liability Insurance (ELI) covers any person you have hired or is under contract to your group, including voluntary helpers. ELI cover enables organisations to meet the costs of compensation and legal fees for employees (paid workers and volunteers) who are injured or made ill at work as a result of negligence. By law, you must have ELI and be insured for at least £5 million. Your group could receive a hefty fine for any day that you do not have appropriate insurance. You must display a copy of your Employers' Liability Insurance Certificate where workers and volunteers can easily read it.

Claim example – *A volunteer was asked to clean graffiti from an outside wall of a community centre and was injured when the cleaning fluid irritated their skin and they suffered severe discomfort. The group were found to be negligent, as they had not provided the correct personal protective equipment to the employee.*

- **Public Liability Insurance** (which includes Product Liability and Member to Member Insurance) **covers any person other than employees** who, **as a result of negligence**, may be injured during the activities of your group or by products supplied by your group. This type of insurance covers any award that is made (and the related legal fees, costs and expenses) as a result of the negligence of a worker, volunteer or member of your group. The current limit under the policy is £2m. A higher limit of £5m is available by completing the appropriate section on the affiliation form.

Note: There are a number of activities that are considered by the insurer to be **hazardous** or excluded. **See section on hazardous and excluded activities. This includes competitive sports e.g. leagues are not covered by this insurance.**

Claim example – *A member of a youth group was hurt after colliding with a football goalpost and he suffered severe injuries as the goalpost was generally in a poor condition. His injury was therefore more serious than it should have been. The group were negligent because they had failed to check the equipment was in a safe condition.*

- **Contents Insurance** - within the Youth Scotland insurance arrangements your insurers have now automatically included contents cover up to a maximum amount of £3,000, whilst at your premises. A £200 excess applies to all claims against contents insurance cover.





What additional insurance is available for youth groups?

Inevitably there will be times when you feel you need additional insurance. The following insurance is optional and it is not covered under the Youth Scotland provision. However Towergate Insurance Youth Scotland's insurance brokers, can provide policies specifically designed with youth work today in mind - and again, these are good value for money. Examples where additional cover could be provided are:

- **Additional Contents Insurance** if your contents are in excess of £3,000, you should insure them through your usual contact at Towergate Insurance. Discounted rates are available to affiliated groups.
- **Personal Accident Insurance** for workers, volunteers and young people provides compensation in the event of injury whilst taking part in an activity organised by the group either at or away from the premises. The group does not need to have been negligent for a successful claim to be made.
- **Legal expenses Insurance** covers contractual disputes with employees, unfair and constructive dismissal and the like. It is also possible to add on cover for tenancy disputes, VAT investigations and other such things.
- **Travel cover** can be arranged for groups travelling together on holidays, exchange visits or study trips - either in the UK or abroad.
- **Mini-bus cover** - especially designed for voluntary organisations. Both comprehensive and third party fire and theft cover are available.
- **Special Events** If your group is holding an event where non members will be present (e.g. fundraising event, fun day etc.), then you must contact Towergate Insurance to arrange adequate
- **Property Insurance** If your group own their own property, or have a lease in place in which they are responsible for insuring the buildings, towergate can arrange this cover.

Motor Vehicle Insurance

The group should ensure that there is appropriate insurance cover for volunteers who drive motor vehicles hired or owned by the group. Towergate Insurance is happy to provide motor quotes for any vehicles owned by youth groups, including minibuses.

Please note: *When volunteer drivers use their own vehicles for voluntary work, the group should inform them that they need to tell their insurance company in writing that they will be using their vehicle for this purpose. They should also state in writing that they will not be in receipt of any profit for their voluntary work.*

Activities in youth groups

The insurance policy covers general activities that insurers would expect youth groups to be involved in.

Inevitably some groups will become involved in other activities that may be considered by the insurer to be hazardous which range from fireworks displays to archery to high level walking. Hazardous activities require certain additional safeguards and conditions to be met and they usually require an increased insurance premium.

If you are in any doubt if an activity is hazardous or excluded then contact Towergate Insurance

Some activities are considered by the insurer to be excluded and they will not insure these (see list opposite). If your group is keen to take part in an activity that is excluded, then they should arrange these activities through a recognised Activity Centre or provider.

See choosing an activity provider below.

The following are considered by the insurer to be excluded activities:

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|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • Abseiling | • Rugby |
| • Aerial activities of any kind | • Underground activities of any kind |
| • Climbing of any kind | • Water activities (other than swimming, snorkelling or the use of non-mechanically propelled watercraft not exceeding nine meters in length whilst operated on island waterways only or within three miles of coast provided they are not used in any white water activity) |
| • Contact sports | • Weightlifting |
| • Dry slope skiing | • Water sports |
| • Football that is played within a league system | |
| • Fire walking | |
| • Gorge walking and the like | |
| • Gymnastics | |
| • Horse, Pony or Donkey riding of any kind | |
| • Landboarding | |
| • Professional sport of any kind | |
| • Racing or time trials (other than on foot) | |

Any activity that involves the use of

- | | |
|-----------------------------------------|------------------------------------------------|
| • Bicycles (other than normal road use) | • Play inflatables (other than bouncy castles) |
| • Cables | • Rollerblades |
| • Elastic ropes | • Roller skates |
| • Fireworks or explosive items | • Ropes (other than tug-of-war) |
| • Ice skates | • Skateboards |
| • Motorised fairground rides | • Weaponry |
| | • Wires |

Choosing an activity provider

If you decide to book a holiday or a session with an Activity Centre or an activity provider, make sure that you are satisfied that the company has the appropriate health and safety measures and licenses in place and that they comply with the required UK and European legislation. All groups should check with Activity Centres, prior to events taking place, to ensure that Public Liability is in force for an indemnity limit of at least £2m (or £5m if you have taken the additional cover)

A full copy of the insurance policy and the insurance certificate will be sent to you between two and three weeks after we receive your membership form and fee.

Contact:

Lynne Tumilty

Towergate Insurance

The Beacon, 176 St. Vincent Street Glasgow G2 5SG

Tel: 0141 223 6907 or office 0141 223 6800

Email:lynne.tumilty@towergate.co.uk

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Frequently Asked Questions

Will an insurance policy pay for fines? *No*

Do we have cover for our groups' property? *No.*

Cover can be arranged for an additional premium. Contact Towergate Insurance.

Why do we have to carry out risk assessment on our activities?

Insurance companies expect groups to behave in a reasonable and proper manner and to take adequate precautions so that the likelihood of accidents is reduced as far as possible. For insurers to be able to defend a claim successfully they will always ask if risk assessments have been carried out.

Why are some activities excluded? *Insurance companies deem some activities as high hazard as they increase the likelihood of injury to participants. The activities listed as excluded on the page overleaf cannot be covered by Ansvar under any circumstances. If you are in any doubt contact Towergate Insurance to enquire.*

Our group is going to be travelling abroad for a residential trip.

Do we need extra insurance? *We would strongly recommend that you take out holiday insurance. Towergate Insurance will be able to provide you with a quote for group travel.*

Are we covered for boating, canoeing and horse riding? *No.*

These are excluded activities. Please refer to the Activity Centre or provider for cover.

Our group is having a fundraising event and non-members will be present.

Is our cover adequate? *Not under the Youth Scotland policy. However, Special Events Cover can be arranged via Towergate Insurance.*

On occasions, members of staff will have to bring their own children to the youth group meetings. Will they be covered?

There is no problem with the children of volunteers being present but obviously they should be supervised at all times.

Why are the limits of indemnity so high? *Awards and legal defence costs have risen enormously over the last few years particularly when young people and children are involved. There is also a far more active claim culture than in the past and many more claims arise (sometimes spuriously) but need to be defended by insurers to protect a groups' interest.*

Our group is having a Bonfire Night with Fireworks – are we covered?

Not under the Youth Scotland insurance policy but insurance cover can be arranged by Towergate Insurance for an additional premium. Youth Workers should ensure that the Firework Code is complied with and there is adequate adult supervision.

A member of the public fell on wet grass and hurt themselves whilst watching their child play football. Can they make a claim against the group?

A member of the public can only make a claim against you if you have in some way contributed to the accident happening through the negligence of the group.

Our group is attending a residential weekend in the UK. Do we need extra cover?

The scheme provides cover for 3 trips per year.

(Please note - any overnight stays in excess of 5 nights should be referred to Towergate Insurance). Cover extends to liability insurance only. If any additional covers are required please contact Towergate Insurance.

Does the policy cover us all year round? *Yes, the policy is an annual policy which runs for 12 months with effect from 1st November each year. Provided that you are an a Youth Scotland member group and have paid your insurance and membership fees then there is cover.*

Our group is organising a trip away from the premises and is travelling on public transport. Are we covered? *Yes. Please also ensure that parents using their own vehicles have the relevant vehicle insurance cover in force.*

Our group is hiring a Bouncy Castle. Are we covered? *Contact Towergate Insurance for safety guidelines and they will include cover for this activity.*

A parent slipped on an icy step while coming to collect their child from the youth group. Can they make a claim against the group?

As long as a group has taken reasonable steps to provide a safe environment for visitors then a claim should not succeed.

Risk Assessment – A Simple Structure

Risk assessment can apply to any situation from the state of a group's equipment to planning a residential event for the whole group.

The structure of risk assessment is simple and effective. It can be applied as an approach to assessing your group's ability to adequately supervise 60 young people in a large building with multiple exits to identifying the hazards involved in bringing two rival youth groups together to play a "friendly" football match.

Groups need to be able to demonstrate that they have undertaken proper risk assessment in relation to all of those factors that could be a hazard to health and potentially cause injury or death. groups should be able to demonstrate that they have, for example, considered the hazards that may be involved in taking a group to a busy city centre or that club equipment is regularly checked and maintained.

A simple but effective risk assessment structure is as follows;

1. Look for the potential hazards
2. Decide who might be harmed and how
3. Assess the risks, decide whether the existing precautions are adequate or whether more should be done. consider what action should be taken to reduce the risks.
4. record the findings
5. review your assessment and revise it if necessary

Don't be overcomplicated. checking for hazards is common sense but necessary. you probably already know where some of the potential hazards lie. Is so, check that you have taken what reasonable precautions you can to avoid injury.

Who to contact:

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