

Insurance Cover – Q&A's

What's the purpose & scope of cover?

Employers' & Public Liability (EL/PL) provides Special Olympics GB (SO) including all its related sub-accredited programmes: Branches, Associates and Regions who pay an annual premium, with protection against its legal liability for accidental death, bodily injury or property damage, arising from SO business and activities.

Fundamentally, in order to succeed with a claim, a claimant must prove that SO has been negligent. The insurance covers the costs of compensation awarded if a claimant successfully proves negligence. All the legal defence costs and other expenses incurred on SO's behalf during the investigations of any claim are also covered, whether or not the claimant is eventually successful.

Remember – if negligence cannot be proved, the claimant's allegations fail in law, so SO would have no responsibility to the claimant; regardless of the fact that SO has insurance protection. The EL/PL policy does not cover ex gratia or goodwill payments.

Please note – EL/PL should not be confused with Personal Accident Insurance. The latter is completely different; being arranged in the name of an individual or specified group and designed pay fixed sums upon the occurrence of specified events.

Who is covered by SO's policy?

The policy covers all Directors, Employees (permanent & temporary), Athletes, Coaches, Volunteers and anyone else who could be deemed to have been acting on SO's behalf in the event of an accident. Crucially, any such accident must have arisen in the course of SO business – there is no cover for anything that cannot be considered an SO event or activity.

The insurance protects SO against claims from Employees or Third Parties, but also automatically includes member-to-member liability, e.g. one athlete accidentally injuring another athlete. NB Whatever the circumstances however; negligence always has to be proved.

How do you define SO business?

Provided activity is clearly in accordance with SO's aims, it would be deemed SO business. Whether at local, regional or national level, this would include training, competitions, social events, fundraising and meetings.

What is my responsibility under the terms of the insurance?

You should always act in accordance with procedures and guidelines laid down by SO and, at all times, take reasonable steps to avoid injury or damage. In the end, insurers accept that accidents happen and you will be afforded protection under the policy, provided you have not acted recklessly or unreasonably.

Examples based on questions we have been asked

Q. A volunteer who was supporting the high jump at an athletics event was hit when the bar flipped off and hit them in the shoulder. The volunteer received treatment and was taken to hospital – in the event that this injury was more serious what would be the insurance implications

A. There are a number of possible legal counter arguments in terms of potential responsibility in these circumstances, but that would all be dealt with by insurers and their advisers. In the end, if the volunteer's representatives could prove negligence on SO's part, their claim would succeed. If they cannot establish negligence, their claim would fail, so SO would have no responsibility in law for any compensation or expenses.

Q. Where a third party partner is working alongside SO to deliver sport, e.g. the Spurs project, where does the insurance liability lay for both the Athletes and the volunteers?

A. Very simply, if it transpired that SO (including its Athlete or Volunteer) had been partly or wholly negligent and that a claimant had a right to compensation, SO's insurers would pay accordingly. Insurers and their advisers will deal with all the potential 'what ifs' in these circumstances.

Q. Are we covered if there is damage to premises we rent?

A. Yes – subject to negligence being proved! The PL cover provides protection in the event of accidental damage to any Third Party Property, whether rented or not.

Q. Can we (for a small additional premium per person) get personal indemnity if someone were to deliver a course, or similar, that had non-SO people involved?

A. If the course is delivered as an SO event; the policy would automatically protect SO against any EL or PL claims. As far as non-SO personnel are concerned, there are two scenarios:

- If such persons are simply members of the audience, SO's policy automatically provides cover if they were injured during the event.
- If such persons were brought in by SO to deliver the course itself, SO's policy would not provide them with protection for their own negligence, as they would be acting as professionals in their own right and should hold their own insurance. SO would still, however, be protected against its own share of any possible liability.

Q. What is the position in relation to use of vehicles in connection with Special Olympics events?

A. This raises a fundamentally important issue if anyone is using his/her own vehicle in connection with any SO activity. It is vital to ensure that the individual's own motor insurers have been made aware of such use and that the policy conditions & Certificate of Motor Insurance allow for it. Provided the motor insurer is aware, any injury to athletes/coaches/volunteers being carried in a vehicle will be covered by the motor policy, up to the point where people have left the vehicle. Thereafter, the SO policy would provide cover for injury (subject to all comments above). Vehicles owned by SO and its regional groups (e.g. minibuses) must have business use included as standard.

Q. What is our position if we take athletes one evening in the summer walking in a country park, principally as a social activity?

A. The social activity described would also automatically be deemed part of SO activities and, therefore, would be covered by the policy.

Q. Are athletes covered attending international competitions?

A. They would be covered by the SO annual worldwide (excluding a few countries) travel insurance, which is separate from the Employers' & Public Liability

Q. What is our position on the cover of athletes/volunteers/employees over the age of 70?

A. There are no absolutes in SO annual ongoing policy in relation to older volunteers or employees, but insurers would expect that SO would have appropriate policies/procedure to make sure that they are not adversely exposed to risk of injury such as for example, lifting heavy objects. Insurers tend to rely upon the fact that employers must comply with statutory requirements in relation to health & safety, rather than making their own rules. Provided SO has identified and considered all such risks and is compliant with the requirements of the legislation, SO will have no problems in terms of the Employers' or Public Liability insurances.