

English Ski Council Ltd t/a Snowsport England Civil Liability Frequently Asked Questions

What is Civil Liability Insurance?

Civil Liability Insurance provides for legal liability following negligence, nuisance or trespass. Unlike other liability insurances, it not only covers Public Liability, but also includes cover for the following, which are excluded from other providers standard covers:

- **Public & Products Liability** - accidental bodily injury to third parties and / or damage to third party property arising out of declared Snowsport England activities or goods sold or supplied
- **Member-to-Member liability** - the policy will protect one insured member if another member is injured and claims against them
- **Professional Indemnity** - injury following coaching/Instruction, including incidental advice
- **Libel & Slander** - liability following something your child might have said or written down (including defamation claims resulting from content on website forums, emails etc.)
- **Directors' & Officers' Liability** - Protection for club committee members in respect of their personal liability for claims resulting from mismanagement
- **Abuse** - Abuse concerning children and vulnerable adults. Protection for damages awarded against the club committee (the alleged individual perpetrator does not receive any cover)
- **Legal Defence Costs** - defence of criminal proceedings brought or in appeal against a conviction arising from such proceedings relating to an offence alleged to have been committed in the course of the business in respect of a breach of Health and Safety at Work Act or Part II of the Consumer Protection Act

What is the Limit of Indemnity?

In the event of a claim the limit of indemnity is the maximum the policy will pay. The Civil Liability policy provides the following Limits of Indemnity:

- £10,000,000 any one period of cover for Products / Pollution / Directors & Officers
- £2,500,000 any one period of cover for Abuse
- £250,000 Legal Defence Costs

Please note Director's & Officers' and Abuse claims are costs inclusive.

Why is a £10m limit of indemnity required?

Perkins Slade believes that £10,000,000 is the appropriate amount of cover to provide clubs and members with peace of mind in the event that an individual is held responsible for causing a catastrophic injury. Claims involving sports injuries have already exceeded £5m in recent years, with court awards escalating annually.

What is covered by the Civil Liability Insurance?

The Civil Liability is designed specifically to meet the needs of Snowsport England, its clubs, regional ski associations (including ESSkiA and Northern Ireland Ski Council), members, coaches and volunteers. Cover is provided automatically as part of the membership services provided to all Snowsport England affiliated clubs.

Cover is provided to clubs in respect of skiing by members. Cover for use by non-members taking part in lessons or recreational skiing must be arranged separately.

Who is covered?

All members and officers of the clubs and regions are covered provided that their membership fees are duly paid up to the organisation concerned and the organisation has declared appropriate membership numbers and paid the affiliation fees due to Snowsport England. This declaration must include at least the Club Officers and those training with the club.

It is also important to declare members of the club who are registered as racers/performers in the coaching award scheme; otherwise they will not be covered.

What activities are clubs covered for?

In addition to recognised Snowsport England activities, which include Alpine, Snowboarding, Cross-Country, Touring, Ski Touring, Racing & Freestyle, clubs are covered for all activities typically associated with the running of a club, including administration and social events.

What activities are covered for National Coach Scheme Members?

National Coach Scheme members are covered in respect of:

- All Coaching Award Scheme events and activities e.g. Instructor/Coach Training; Race Training; Freestyle or Nordic Training Camps.
- Competitions and events run by Snowsport England, Snowsport England Regions or Snowsport England Member Clubs.
- Competitions, events or other activities run by non-member organisations, provided that your participation in the activity is part of your coaching or training programme, connected to your registration.
- Off-piste skiing with a qualified instructor.
- Recreational skiing (for club members as a contingent cover only). Members skiing outside the UK are expected to arrange travel insurance, which includes winter sports cover, and protects them in respect of medical expenses, repatriation and personal public liability as a minimum.

You are only insured to take part in activities for which you are registered. e.g. alpine racers are insured for alpine racing, but not for freestyle or instructing; instructors are insured to teach only within the limitations of their category of registration, but not at any higher level (in particular, Level 1 instructors are only insured whilst being supervised).

Are schools covered?

Schools are covered through their membership of ESSkiA, however, this only covers the individuals on behalf of schools (parents, teachers and children) who are taking part in a recognised ESSkiA activity or event (including any related skiing activity if recognised by ESSkiA as part of training etc. for a full ESSkiA event).

If I am a committee member - What protection do I get?

As a committee member you have a personal liability in respect of the management of your club, particularly if the club is unincorporated. Civil Liability insurance provides Directors' and Officers' cover in order to protect you if you are sued for negligent decisions.

Examples include:

- mismanagement of the club finances
- breach of fire safety regulations
- corporate manslaughter

Cover is provided specifically to protect club officials and committee members.

Do we have cover if employees are injured?

No. Employers Liability insurance is a separate insurance required in the event that an employee is injured and claims compensation against the club.

In general, you may need employers' liability insurance for someone who works for you if any of the following apply:

- You have the right to control where and when they work and how they do it
- You supply most materials and equipment
- You have a right to any profit your workers make although you may choose to share this with them through commission, performance pay or shares in the company. Similarly, you will be responsible for any losses
- You deduct national insurance and income tax from the money you pay them
- You require that person only to deliver the service and they cannot employ a substitute if they are unable to do the work
- They are treated in the same way as other employees, for example if they do the same work under the same conditions as someone you employ

Under British Law, you can still be called an "employee" even if you are not paid. Our advice would always be to take out Employers' Liability insurance.

Should you require a quote please contact Perkins Slade on 0121 698 8160

How is Employer's Liability different to Public Liability?

Employers' Liability protects the employer in the event of an injury to an employee, for which the employer is liable. i.e. when the employee sues the employer. Employers' Liability could apply to clubs who employ coaches or volunteers to work on their behalf.

Public Liability protects a club / member / volunteer if another member, or a member of the public, sues them for injury or damage caused.

Are non-members covered by the policy for 'taster' sessions?

Individuals who may be interested in joining a club are insured for a maximum of 3 initial "taster" sessions.

For indemnity to apply it is essential that the club records their name, address and dates of attendance. These details must be retained as they may be called upon in the event of a claim.

The individual must become members of the clubs and Snowsport England by their 4th visit. .

Failure to do so may mean that the insurance will be invalidated in the event of a claim.

What incidents should be notified?

If there has been an incident, please report this in writing to Snowsport England offices as soon as possible. Snowsport England will then inform Perkins Slade and insurers.

We must be informed immediately of any incident which could potentially give rise to a claim, or the insurance company may reject any later actual claim made.

Claims which should be referred to the insurers include:-

- Death
- Any injury, such as a fracture or head injury, which results in a referral to hospital
- Loss of or damage to Third Party property
- Claims by or against Club Members
- Damage to leased or rented premises

- Trespass or nuisance
- Contractual Liability, including an indemnity to principals
- Injury or Damage caused by a Product
- Allegations of abuse

Please refer to the Claims Notification Guidelines, which are detailed on the confirmation of cover.

Is our club covered if we go abroad?

Liability cover is provided for trips abroad that are authorised/recognised by BJA. Please note this is not a Travel Insurance policy, cover for which can be obtained from: www.perkins-slade.com/sports-quote/

Does the policy provide cover for medical expenses abroad?

No, it is essential that you take out travel insurance for all members of your party travelling abroad. To obtain a quotation for travel insurance that will include cover whilst you are competing, please click www.perkins-slade.com/sports-quote/

Does the policy cover non UK residents?

Insurance cover is only available to members who have a permanent UK address. Such members are covered for their Liabilities in terms of recognised activities in both the UK and overseas, provided that any overseas trip is officially recognised/authorised by BJA.

Any member permanently living abroad is not covered.

What significant exclusions or limitations apply?

- Deliberate, dishonest or foreseeable acts
- Abuse - the person accused of abuse / alleged to be the abuser. Claims arising from loss that happened prior to the retroactive date stated in the schedule, which would be the date that your continuous membership first commenced
- Incidents / claims known to you but not reported to the insurers immediately
- Risks that require more specific insurance, i.e. motor, marine
- Injury to any person employed (including volunteers)
- Loss of, or damage to, property in your custody or control
- Any legal action brought against the insured in a court of law within the United States of America or Canada, unless you are in USA or Canada representing Snowsport England on a official trip
- Fines, penalties or punitive damages
- Medical negligence.

Please refer to the policy wording for a full list of the exclusions

What is the age limit?

There is no age limit.

What is meant by 'Claims Made'?

The Civil Liability policy is written on what is known as a "claims made" basis. This means that the policy provides cover for those claims reported during the period of insurance, rather than the policy that was in force at the time of the incident.

Does my cover include any Legal Expenses?

Yes but only for legal expenses for defence of civil actions.

Are there any policy excesses?

There are no excesses.

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What do I do if our club becomes aware of an incident?

You should immediately record all relevant information as defined in the [Incident Recording Guidelines](#)

If there are verbal or written allegations made against your club, please report this in writing to Snowsport England offices as soon as possible. Snowsport England will then inform Perkins Slade and insurers.

We must be informed immediately of any incident which could potentially give rise to a claim, or the insurance company may reject any later actual claim made.

We would remind you that in NO circumstances should you admit liability or agree to pay for any damage caused as this may prejudice the position of Insurers and COULD result in the withdrawal of any indemnity.

Please note that this is a Liability Policy where Insurers decide if negligence attaches to you. Therefore any payments you make to any third parties will not necessarily be reimbursed.