

Civil Liability Insurance

A Guide for Ramblers Affiliated Groups: 2014

**QUESTIONS ON INSURANCE COVER MUST BE REFERED TO PERKINS SLADE LTD
TEL 0121 698 8050 THE RAMBLERS ARE UNABLE TO ANSWER INSURANCE
QUERIES**

Affiliated Group Walks

Following two major incidents on walks in 2009 new policies were recommended to protect leaders and the clubs. It is important that members are not allowed to carry out a walk on a whim, and call it a club walk in retrospect after an incident. We would recommend to protect the club, that official organised club walks should be covered. To be considered an official club walk, walks should:

- Be brought to the attention of the relevant club officer, who is ideally confident in the leader's ability to lead the walk.
- Be publicised, as a walk as appropriate to the club.
- Have a nominated leader, and ideally a backmarker who are both members and who ideally together, or separately have recced the walk.

Additionally for walks to be covered which involve an overnight stay, they should also:

- Have an overall organiser who ideally is confident in the ability of walk leaders to lead each walk and who will vary the programme of walks if circumstances (e.g. weather) demand.

1. The insurance cover

1.1 What's covered?

It is important to remember that the insurance cover is available to give protection to the club and individuals in the case of a claim being made *against* them by a third party (such as a landowner, a member of the public, or another club member). This is known **as civil liability insurance**.

For such a claim to be successful, the injured party has to be able to demonstrate that *they have suffered as a result of negligence*. This principle is particularly important to remember in the context of walks

Civil liability covers activities in both GB and abroad, with the exception of USA and Canada. Please note that motor, travel and medical cover is not included and personal accident cover is only available to work parties.

QUESTIONS ON INSURANCE COVER MUST BE REFERED TO PERKINS SLADE LTD TEL 0121 698 8050

Civil Liability:

Ramblers Affiliated Club Liability Insurance provides for legal liability following negligence, nuisance or trespass. Public Liability (included) provides cover where you are legally liable for injury or damage to other persons or their property. Ramblers Affiliated Club Civil Liability also includes cover for those risks normally excluded by standard Public Liability. The shaded areas below are automatically included in the cover, if you choose to take this cover.

FEATURE	DESCRIPTION	BENEFIT
Public Liability	Accidental bodily injury to third parties and/or damage to third party property arising out of your insured activities	This is the basic cover you would expect in order to protect you /your club in the event of injury / damage caused to third parties / property whilst participating in Rambling.
Products Liability	Accidental bodily injury to third parties and/or damage to third party property arising out of any goods sold or supplied by you (including refreshments)	Protects in the main where you may be providing refreshments, but also if you are supplying equipment for example
<p>The following shaded areas are included in Ramblers Affiliated Club cover automatically if the policy is taken out from Perkins Slade Ltd. They are however almost universally excluded from alternative PUBLIC LIABILITY Policies.</p>		
Professional Indemnity	Loss (financial or otherwise) arising out of Errors and Omissions / advice or failure to act.	For example, advice from one member to another on a route or organisation by walk leaders
Libel and Slander	Important in respect of any newsletters / brochures you may produce, or internet forums held on your website	In the event of you inadvertently libelling / slandering on your websites or emails for example
Abuse	Protection for your Club organisation in the event damages are awarded against the organisation following proven abuse, whether physical or mental (bullying). (specifically for abuse, the alleged individual perpetrator does not receive any cover)	No one ever thinks this will happen in their club, but we have claims! Most other policies exclude this cover in the small print. Our cover includes both Bullying and sexual molestation Note the policy limit on abuse claims is £2.5m.
Directors and Officers (Clubs only – not individual members)	Protection for directors, officers and senior managers against claims arising from their decisions or actions taken whilst managing the organisation	Don't forget that committee members and their officers are personally liable for their decisions. We have recently paid a £100,000 claim following an Association failing to follow its own constitution – which was out of date anyway!

Insurance cover is available to Affiliated Groups via Perkins Slade, by application (not automatically) for all its activities to protect individual members/ Committee members / officers / volunteers from claims that arise from a third party in relation to activities they undertake on behalf of the Affiliated Club. The standard limit of indemnity is £5m, (except for abuse claims – see above) unless extended / increased.

The insurance policy is called “Civil Liability” and is underwritten by Hiscox Insurance

1.2 What type of insurance cover is not included?

It is important to note that the insurance cover does **not** include the following:

1. Medical cover and Personal Accident cover

Medical cover is not provided. Personal accident cover is only provided for work parties; please see section 4 for further information. An individual injured on an activity can not automatically claim compensation for injury or medical expenses direct from the Club or the insurers.

Perkins Slade does not provide this insurance as the activities carried out by Clubs are essentially activities of low risk. One of the riskier activities carried out by some Clubs is practical footpath work involving the use of tools. Here additional personal accident insurance is provided. This is covered in section 4 “Practical Work Groups”. Individual Personal Accident, Physiotherapy or Equipment cover may be obtained from Perkins Slade, details below.

2. Motor cover

It is important to note that there is no motor cover. Further details are provided in section 3.3.7 “Transport to and from walks”.

3. Travel insurance

Clubs who occasionally book travel and/or accommodation for walking trips should note that there is no travel insurance included. Therefore any medical expenses, lost baggage and cancellations etc are not covered.

It is recommended that Clubs organising overnight stays arrange appropriate insurance cover. Various companies offer insurance for walking trips abroad. The following companies may be able to offer relevant insurance cover, including cover for USA and Canada:

- Perkins Slade Travel Insurance 0845 260 1574 www.perkins-slade.com
- Campbell Irvine 020 7937 6981 www.campbellirvine.com/travel_insurance

2. Recording and reporting incidents

Perkins Slade require the reporting of all incidents, whether deemed minor, serious or a near miss, or if outside assistance was or was not required. This requirement will eliminate any uncertainty about whether to report or not and will assist Perkins Slade to analyse incidents.

If any incident occurs on a walk it **must** be recorded and reported to Perkins Slade. An incident may not always necessarily result in injury, but should be regarded as something that could, or may still, affect the safety and security of an activity.

The Incident Report Form is attached at the end of this guide. This form should be completed by the person responsible for the activity. It should then be given to the Club Secretary or equivalent to sign and a copy kept by the Club. A signed copy **must** be sent to Perkins Slade Ltd.

An incident of serious nature is defined as posing 'immediate danger to life where outside help is required to resolve the incident'. This includes;

- incidents where 999 has been called
- urgent medical help is required
- urgent help is required to get the party/member to safety
- evacuation of party/member by emergency services
- death of a participant
- any potential breach of the Safeguarding Children and Vulnerable Adults policy

3. Club walks and insurance

3.1 Walking as a low-risk activity

Overall, walking is one of the safest outdoor activities. It's completely natural, doesn't overly strain your body and doesn't require sophisticated equipment.

Of all the incidents reported to us, nearly all of them are minor.

However, it's still wise that the Club takes precautions to protect members, our volunteers and the people who benefit from our services. Insurance cover is one important way to do this. But the most effective way of running a safe walks programme is to follow basic "good practice" so that walks are organised in a safe and responsible way.

3.2 Good practice

Good practice in leading walks can sound daunting but this should not be the case. For most Clubs with many years experience of leading walks, "good practice" will sound like plain common sense and is likely to have formed part of the Clubs established way of operating for many years.

Some of the most basic elements of good practice in leading walks are simple steps such as the following:

a) Be familiar with the route by walking it beforehand, ideally with the backmarker, and make a note of any more complicated sections (e.g. busy roads to cross, slippery banks to

descend, sections where the route is not so clear). Most walk leaders already do this routinely and call it a “recce”. Essentially, a “recce” is a form of risk assessment.

b) Before setting out on the walk, make sure everyone is aware of the distance and terrain involved and any sections of the route where particular care is required.

c) Know who is in your group. Some Clubs choose to take a register to ensure they know who is walking with them and how many walkers they have. Appoint a back-marker to keep the party together and do not take more people than you feel comfortable leading. If people wish to leave by walking on ahead or finishing early, make it clear that they must let you know they are leaving and that they understand your responsibility as leader ends when they leave the main group.

Perkins Slade strongly encourages every Club to take up these measures as they demonstrate that walk leaders are taking their responsibilities seriously and will inspire confidence in the walkers. From the point of view of the insurance cover in the event of a claim being made, leaders who can demonstrate that they acted responsibly are in a much stronger position to counter claims of negligence.

A secure way for walk leaders to demonstrate they are following this good practice is to make a brief written report of the walk recce and to take a register of individuals for each walk. We strongly encourage walk leaders to do this. This may be useful if, for example, it was disputed that the individual attended the walk or not and allows the leader to check numbers throughout the walk. It also enables Clubs to keep a record of the numbers of attendees. For walk leaders or Clubs who wish to do this, two forms are available at the end of this guide.

Volunteers in Clubs organising activities for members and/or the public should be familiar with the guidelines on safeguarding children and vulnerable adults, especially if they organise activities particularly targeted at children and families, young people and/or vulnerable adults . (see below).

For walk leaders and Clubs who wish to learn more about good practice for walk leading, the Ramblers has published various resources. Some resources are listed below and available at www.ramblers.org.uk/Volunteer/AreaGroup/Resources/WalksLeader

- *Leading group walks*
- *Leading group walks in remote areas or demanding conditions.*
- *Walk leader checklist.* Handy postcard-sized checklist for Walk Leaders that includes first aid information and what to do in an emergency. These can be printed off from the website.
- *Navigation and Leadership – a Manual for Walkers.* The Ramblers ‘bible’ now available online
- *Navigation and Leadership* Powerpoint Presentations for training of walk leaders

Additionally we have included as a template, an easy risk management tool as one of the attached documents. You do not have to use this if you prefer your own document, but it is designed to effectively give you the answers to each stage. The 5 steps are the system recommended by the HSE. Remember, there is little risk involved in walking around the

local park and certainly insurers do not expect anything like the planning and detail for that type of regular walk as compared with a walk around a local beauty spot that may be several miles long and where it is easy to lose touch. The detail is up to you.

Safeguarding Children and Vulnerable Adults

Ramblers has an established Safeguarding Children and Vulnerable Adults policy which you can adopt if you so wish. We recommend strongly that you should. It includes concise and user friendly guidelines for volunteers. Volunteers responsible for organising club activities involving members and the public should be familiar with these guidelines, especially if they run activities targeted at or likely to attract children, young people and/or vulnerable adults. We need to have a policy like this in place not only to meet our responsibilities towards vulnerable people but also as a condition of our insurance. For more information see www.ramblers.org.uk/volunteer/safeguarding

3.3 Some common insurance concerns relating to led walks

3.3.1 Dogs on walks

The presence of a dog on a led walk does not invalidate the insurance cover. Responsibility for the dog lies with the individual dog owner who must ensure that their dog remains under close control. They must ensure their dog does not alarm other people and they must clean up after their dog. Incidents caused by dogs are not covered by the insurance policy. Therefore, walk leaders need to remind dog owners of their responsibilities at the start of the walk. It is worth noting that many Clubs have plenty of good experiences of allowing walkers with dogs on their walks.

In most cases keeping a dog “under close control” will mean being on a lead, but some dogs can also be under control when off a lead. Dogs should be kept on a lead on roads, near livestock or sensitive wildlife and wherever the law or other official regulations require it. In some places (e.g. some access land in England and Wales) there may be restrictions against dogs at certain times of the year or through local bye-laws. Dog owners are responsible for being aware of their responsibilities and adhering to them.

Information about dogs and the countryside is also available on www.countrysideaccess.gov.uk and for Scotland on www.outdooraccess-scotland.com

3.3.2 Non members on walks

In the context of insurance and non members attending walks it is important to remember that the insurance cover does not include personal accident or medical cover. Liability cover exists to give protection to members and non member on “taster walks” in the case of a claim being made *against* them by a third party. Non members on taster walks are insured on up to 3 walks. After that non members are welcome to walk with the group, but they will not be insured and can only be covered by the insurance by joining.

The walk leader is the person most exposed to any risk of a claim being made and has a duty of care for all walkers regardless of whether they are members or not.

3.3.3 Winter walking, mountaineering and walks which require special equipment

Clubs who undertake walks where special equipment is required should contact Perkins Slade to ensure that the planned walk will be covered by insurance.

The policy makes a clear distinction between using equipment when *walking*, which is covered, and using equipment when *mountaineering*, which is not.

Where equipment such as ropes and ice-axes are needed for safety reasons (for instance because of unexpected conditions) over ground that could normally be traversed in all seasons without this equipment, the insurers consider this to be walking or “rambling” and it is covered by the insurance policy. Mountaineering activities (which includes “pitched climbing” where members of a party ascend in stages one after the other with the aid of a rope) are not covered.

3.3.4 Walk recces

Carrying out a recce for a walk (i.e. walking the route beforehand) is strongly encouraged and considered to be good practice. The insurance covers all members whilst conducting recces for walks. An example of a recce form is available at the end of this guide.

3.3.5 Leading walks for other organisations

Individual members or Clubs are sometimes approached by other organisations and asked whether they can arrange a led walk on their behalf. In these instances, Clubs should take care to ensure that they are clear which organisation is responsible for running the proposed walk. If it is to be run as a Club activity (i.e. with the full knowledge and support of the committee, with an appointed Leader and publicised as a Club walk) then the walk leader will be covered by the insurance. However, if responsibility for the walk rests with a separate organisation then Perkins Slade insurance cover will not apply.

When individuals or Clubs collaborate with other organisations in this way, we strongly recommend that the question of responsibility and insurance cover is discussed and clarified explicitly beforehand.

3.3.6 Administering first aid

If an individual on a walk requires first aid, any member can provide assistance until qualified help arrives. There is no danger of compromising insurance cover when providing first aid as required. It is better to do something rather than nothing at all. Please see the Walk Leader Checklist (link provided above) for first aid advice.

3.3.7 Transport to and from walks

Perkins Slade insurance does not cover travel to and from walks, meetings or events. For chartered coaches, or public transport, insurance cover is a matter for the transport operator.

As an alternative to public transport some Clubs operate car-sharing arrangements where walkers meet at a convenient point and then get to the actual start point of the walk itself in shared cars. We support car sharing as a means of reducing the environmental impact

of driving to walks. However the insurance does not cover any incident arising as a result of car sharing.

Ordinary private motor insurance covers drivers giving lifts to others. But this cover is invalidated if a fare has been charged for the journey so volunteers must take great care about the way car sharing is arranged and publicised.

Many Clubs suggest in their programmes and other publicity that passengers in a car share should make a contribution to the driver towards mileage costs. This is fine as long as it is absolutely clear that passengers are being *requested* to make a *voluntary* contribution. It is also fine to suggest a level of voluntary contribution that may be acceptable (e.g. x pence per passenger per mile).

If the encouragement to pay drivers appears to be more like an instruction or a condition rather than a voluntary contribution, it is possible that this could constitute a *fare*, which in turn, would invalidate private motor insurance.

3.3.8 Disclaimer in led walks programme

Disclaimers don't offer any significant protection in the event of a claim. It may be useful to include some basic advice to participants but overdoing this can be unnecessarily off-putting as the risks are so low. Suggested wording can be found below:

Please make sure that you are fit enough to undertake the walk you intend to join. If you're unsure of your fitness level, try a short and easy walk first: it's much better to find a walk a little too slow and easy than to make yourself miserable and exhausted.

Most Club' walks are off-road in rural areas. Please have suitable footwear and clothing for the walk you intend to join, and bring some food and drink, even if the walk includes a pub or café break. Leaders may refuse to accept participants who in their opinion are inadequately equipped or unfit. When in doubt, contact the organisers or the walk leader in advance.

For your own and others' safety please read and abide by any advice and guidelines issued by the Club, and the instructions of the walk leader. Though walking is inherently one of the safest outdoor activities, no activity is completely without risk and it is your responsibility to behave sensibly and to minimise the potential for accidents to occur.

4. Personal cover for working parties

Working parties are included under the policy providing they are not engaged in the construction, maintenance and repair of footbridges, stiles or the like. In addition, if the work involves the use of strimmers, chainsaws or other powered machinery, the appropriate protective clothing must be worn and in respect of chainsaws, only the persons with the relevant qualification should use them.

Technical Data / FSA

All insurance details contained in this document are strictly produced as a summary only. For a full copy policy document, you should write to **Perkins Slade Ltd at 3 Broadway, Broad Street, Birmingham B15 1BQ**

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Civil Liability Insurers are:

Hiscox Limited: Hiscox House, Sheepen Place, Colchester, Essex CO3 3XL.

Zurich Insurance Company: A public limited company incorporated in Ireland. Registration No. 13460

Registered Office: Zurich House, Ballsbridge Park, Dublin 4, Ireland.

UK branch registered in England and Wales. Registration No. BR7985.

UK Branch Head Office: The Zurich Centre, 3000 Parkway, Whiteley, Fareham, Hampshire PO15 7JZ.

Perkins Slade, are authorised and regulated by the Financial Conduct Authority. Hiscox are authorised by the Prudential Regulation Authority, and are regulated by the Prudential Regulation Authority and the Financial Conduct Authority.

Zurich Insurance plc is authorised by the Irish Financial Regulator and subject to limited regulation by the Financial Conduct Authority and the Prudential Regulation Authority .

Any complaints should be referred to Perkins Slade immediately and will be dealt with in accordance with FCA regulations.

Civil Liability Insurance

A guide for Ramblers Affiliated Groups

Forms

Incident report form

Participant register

Walk recce report

Five Steps Risk Assessment

Please photocopy these forms for use as required.

Incident Report Form

Please complete this form for all incidents, whether deemed minor, serious, a near miss, or if outside assistance was or was not required. The information supplied here is confidential.

This form should be completed by the person responsible for the activity. Please aim to return it to Perkins Slade Ltd within 10 days of the incident occurring. See accompanying notes for further information on how to fill in this form. Please use black ink and write clearly or fill in the form in electronically.

If the incident is of a serious nature (see below) please report it at the earliest opportunity on 0121 698 8000

1/ Club details

Name of Club	Area
Activity or event (e.g. walk, path clearance, campaign event, AGM)	
No of participants at activity	Date of activity

2/ Person responsible for activity

Forename	Surname
Position/role	
Address	
Phone no	Mobile no
Email address	Membership no (if applicable)

3/ Details of affected person

Forename	Surname
Gender	Date of birth
Address	
Phone no	Mobile no
Email address	
Club member? Yes/No	Membership no (if applicable)
Was medical attention sought? If yes, what treatment was received & for how long?	

If injuries were sustained is a full recovery expected?

4/ Details of incident

Were emergency services called?
Yes/No

Grid Reference
(if appropriate)

Location & time of incident

What happened? Please give as much information as possible and use continuation sheet if necessary.

5/ Witness (if more than one please list others in section 9)

Forename	Surname
Gender	Date of birth
Address	
Phone no	Mobile no
Email address	
Club member? Yes/No	Membership no (if applicable)

6a/ Details of person making report (if same as person named in section 2 go to 6b)

Forename	Surname
Position/role	
Address	
Phone no	Mobile no
Email address	
Membership no (if applicable)	

6b/ Extra information from person making report

In your opinion is a claim likely to be made?	
Is there anything else you would like to add?	
Signature	Date

7/ The following must be completed by a Club officer.

Name	Email address
Address	
Phone no	Mobile no
Signature	Date

Please return to: Perkins Slade Ltd, 3 Broadway, Broad St, Birmingham, B15 1BQ

DATA PROTECTION ACT:

All information you provide on this form is treated by us as confidential and except to the extent required by law, we shall only use such information for the purposes of processing your claim. Information you provide may be forwarded to your Insurer for these purposes.

9/ Witness continued:

Forename	Surname
Gender	Date of birth
Address	
Phone no	Mobile no
Email address	
Club member? Yes/No	Membership no (if applicable)

Forename	Surname
Gender	Date of birth
Address	
Phone no	Mobile no
Email address	
Club member? Yes/No	Membership no (if applicable)

Continue on blank sheets as required

Accompanying Notes – How to complete the Incident Report Form

When to fill in the form

Perkins Slade advises the reporting of all incidents, whether deemed minor or serious, no matter what the envisaged severity is or if emergency services were or were not required. This includes near misses - an incident may not necessarily involve personal harm or injury. Examples of incidents include a walk where someone has been injured falling off a stile, or tripped on a pavement, damage to property following a gate being left open or someone dropping a large stone on their foot whilst undertaking practical work. You should also report any referrals or other incidents in connection with our guidelines on safeguarding children or vulnerable adults.

Please fill in the form as quickly as possible after the incident and return it as soon as possible, and within 10 days maximum. Your Club should keep a copy too.

How to fill in the form

Please provide as much information as possible and use the continuation sheet if necessary. If you needed to contact any external agency other than the emergency services (for example the local authority child and family services) please give details under 'What happened'? We request that contact details of at least one key witness are provided in case further investigation should be required. You may decide that due to the nature of the incident it is best to provide the details of a number of witnesses. If you are using the form to report a referral under the safeguarding guidelines for children of vulnerable adults, please do not record personal details of third parties on the form

Serious incidents:

If an incident of a serious nature has taken place please report it to Perkins Slade Ltd at the earliest opportunity on 0121 698 8000. A serious incident is defined as posing 'immediate danger to life where outside help is required to resolve the incident'. This includes: incidents where 999 has been called, urgent medical help is required, urgent help is required to get the party/member to safety, evacuation of party/member by emergency services or death of a participant.

Participant Register

.....NAME OF CLUB

Date	Location
Name of walk leader	Remarks

The following people participated on this walk

	Name	Tick if not a member		Name	Tick if not a member
1			16		
2			17		
3			18		
4			19		
5			20		
6			21		
7			22		
8			23		
9			24		
10			25		
11			26		
12			27		
13			28		
14			29		
15			30		

Continue overleaf if required:

Signature		Date	
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Recce Report Form

Recce of walk undertaken for Club by
.....leader, ondate.

Please use the tick boxes below to identify any hazards, points of interest, etc on the route. This can then act as an *aide memoire* for the actual walk or as information for another leader.

Grid reference(s)/location

Broken stile/missing stile

Broken bridge/missing bridge

Slippery slope

Steep drop

Livestock

Electric fencing

Overhanging branches

Missing way marker

Road walking

Good refreshment opportunities

Shelter points

Any other comments/points

Rambling Affiliated Clubs: FIVE STEPS TO RISK ASSESSMENT

Affiliate Group /Club Name:

Date of risk assessment:

Insurers recognise that many walks are of minimal risk, but using this tool will help you think through any actions needed to minimise risks, particularly in those walks involving lesser known or more testing geographical areas'

The following are relevant SUGGESTIONS which you might consider when thinking through any risks involved.

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
What are the hazards?	Who might be harmed and how?	What are you already doing?	What further action is necessary?	How will you put the assessment into action?
Spot hazards by: <ul style="list-style-type: none"> • Familiarising yourself with the route • Asking experienced members what they think • Checking equipment if relevant • Include your activity / constituent parts of your activity as a hazard 	Identify groups of people and think about their needs: <ul style="list-style-type: none"> • Members • New Members / Prospective members • Members of the public • Leaders • Say how the hazard could cause harm 	List what is already in place to reduce the likelihood of harm or make any harm less serious. E.G <ul style="list-style-type: none"> • Route Planning • Walk Leaders • Backmarkers • Registers • Contact Numbers including emergency contact numbers. • Details of walk left with responsible party • Emergency procedures. 	You need to make sure that you have reduced risks 'so far as is reasonably practicable'	Remember to prioritise. Deal with those hazards that are high-risk and have serious consequences first. <ul style="list-style-type: none"> • Who is responsible for the actions in step 3 and 4?

