learn, laugh, live

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The Third Age Trust

Overview of Insurance
Public & Products Liability
Trustee Indemnity
Risk Assessments & Incident report Forms
Waivers
Questions

Overview

The Third Age Trust takes out insurance which includes provision for u3as.
That includes cover for over 400,00 members to participate in thousands of activities

u3a

Types of Cover

Public and Products Liability Insurance
Amount of cover: £20,000,000 (£20million)

Excess: £500

Who is insured: officers, trustees' members (and personal carers) of u3as who are affiliated to the Third Age Trust .

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Types of Cover

Charity Trustees Liability Insurance
Amount of cover: £500,000 for any one u3a and £3,000,000 for all u3a's
Excess: nil increasing to £5,000 for charity liability claims

Who is insured: The officers and trustees TAT, TATTL, individual u3as and u3a networks.

Activity and Event Exceptions

No cover is provided for the following:

- Fireworks displays or bonfires
- Bouncy castles or other inflatable devices
- Bodily injury arising from, go karting, quad biking or motor sports. Parachute jumping, paragliding or parascending. Bungee jumping or abseiling. Ballooning or other flying activities.
- Events involving, weapons, animal rides, pyrotechnics, remote controlled model aircraft or passenger carrying amusement devices. (passenger carrying amusement devices are generally fairground / theme park type rides)

Public Liability

Public liability insurance provides cover for legal liability including liability resulting from negligence, it covers compensation and legal fees.

Negligence generally means you have failed to take reasonable care.

Public Liability Example

your u3a attends a local fair and has a stand to promote membership, there is a u3a display board beside the table ,when it was set up it didn’t seem very stable, but the volunteer thought it would be ok.

Public Liability Example

a member of the public is at the u3a stand asking about joining, a ceiling tile falls from the roof and hits the person on the head causing injury.

Public Liability Example

Later another member of the public is at the u3a stand asking about membership, the display board falls on the member of the public and causes them injury.

Public Liability– how it works

Because claims involve proving negligence and establishing legal liability in most cases they are submitted by solicitors.

Public Liability– how it works

Once a claim is submitted to our insurers they will contact the office and let us know.

They will also appoint a claims investigator

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Public Liability– how it works

There are three potential outcomes

- We will deny liability
- We will admit liability
- We will share liability with another party

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Public Liability- impact of successful claims

- the premium goes up
- the u3a has to pay the excess
- we become uninsurable
- the insurers have to restrict the activities that can be covered

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Risk Assessments

Risk assessments are not and should not be thought of as risk assessments in the context of the management of health and safety at work regulations.

They are a checklist to show that thought has been given to any potential risk prior to an activity and where needed mitigations have been put in place.

Incident Report Form

Should be completed in all cases where there is an injury or damage to property

The time period for making a claim is 3 years, peoples circumstances change you might think a claim won't be made but it could be.
What appears a minor injury can be more significant.

Website location: https://www.u3a.org.uk/all-documents/incident-report-form-template/download

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Trustee Indemnity/ Management Liability

Indemnity for insured arising from a wrongful act

Exception:
Claims arising directly or indirectly from any dishonest, fraudulent act or omissions.
We will not provide indemnity in respect of or make any payment for any claim arising directly or indirectly from or in consequence of or in any way relating to the reckless disregard of an insured person.

Equipment

Cover is provided to u3as for equipment in the Uk including equipment on loan to the group there is a maximum of £25,000 for any group

Cover includes while in transit as long as it is locked in the boot of a vehicle.

Equipment kept anywhere other than the home of a member must be kept in a locked cupboard when not in use by the u3a.

Personal items are not covered, phones, handbags, iPads etc

For groups run in peoples homes there is cover for £25,000 while the group is being run.

Incidents involving cars etc are not covered

Money

money is covered up to £1000

Exclusions:
Fraud and dishonesty if not discovered within 7 days.

Loss from an unattended vehicle

Cancellation

There is no cancellation cover provided so if you book theatre tickets, trips, holidays, summer schools and either you need to cancel the event or individual members need to cancel there is no insurance cover provided.

Question’s

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Are members covered against injuries or health related incidents during a class

Only if they can show that the u3a was in some was negligent.

Claims are against the u3a and not individual group leaders.

Health Questionnaires and Declarations

There is no requirement for insurance purposes to ask people to complete any kind of declaration or assessments.

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Taster sessions – we regularly get u3as saying oh its ok I can just say they were on a taster session, this is often in relation to filling places on coaches or other types of excursion. In the event of a claim the insurers first action is to appoint a claims investigator who will thoroughly investigate the circumstances of the claim, if they have reason to believe a taster session is being used to benefit from insurance they will reject the claim. Our advice is for each committee to agree and document their approach to taster sessions; they are a valuable way of allowing new members to see what u3as is about before committing to join, agree what you feel is reasonable, one monthly meeting, 3 activity groups etc and document it.

a waiver cannot be used to prevent a claim being made if you suffered an injury as a result of negligence on someone else's part.

under the Unfair Contract Terms Act, event organisers cannot exclude or restrict their liability for death or injury resulting from negligence.

Who is a Trustee

The u3as constitution will tell you which body has ultimate responsibility for directing and governing the charity. All properly appointed members of that body are charity trustees in law whatever they are called in the constitution trustees, directors, committee members, governors etc.

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