

## What you need to know about the NEW

### BRITISH ORIENTEERING INSURANCE

#### *Why has British Orienteering changed insurance cover?*

In 2007 the insurance cover used by British Orienteering changed from providing cover to orienteering events to providing cover to members. That led to staff and officers battling with the problem of providing cover to non-members participating in orienteering events. The problem was two-fold, the administrative requirements placed on event organisers to record non-member personal details and the additional premiums to be paid by non-members on an event basis along with the problems associated with collecting these premiums. Towards the end of 2007 we identified a broker and insurer who were prepared to work with us to find a more acceptable solution to this problem.

#### *What is British Orienteering insurance?*

The most significant part of our insurance is the **public liability** insurance, *not* accident insurance, injury insurance, medical insurance, travel insurance, motor insurance, property insurance, cancellation insurance, health insurance, life insurance, insurance against loss, theft or damage, or insurance against fraud or the misappropriation of funds. This is slightly different to the Civil Liability cover provided previously.

The most significant difference between Civil and Public Liability insurance is that Civil Liability insurance is written on a "Claims Made" basis whereas Public Liability is written on the wider "Losses Occurring" basis.

In very simple terms, with a "Claims Made" wording the policy cover ends on the last day of the policy period. Any incidents occurring during the policy period but reported after expiry of the policy period, will not be covered.

A "Losses Occurring" wording is open ended. Whilst the wording requires that any incident that may give rise to a claim is reported to underwriters as soon as practicable, failure to do so does not invalidate the policy cover. A claim can occur several years after the policy has expired, however, the policy in force at the time of the incident giving rise to the claim will respond. This is a great comfort to policyholders.

To provide members with the widest possible cover British Orienteering have negotiated a 3 year Retro-Active Liability cover with the new insurers. This will act as a safety net covering incidents occurring but not reported to the previous insurers up to 3 years back.

#### *What's public liability insurance?*

Protection in the event of someone makes a claim against a member for damages, negligence, advice given or not given, and the like. Think of it as protection against being sued. Our cover includes non-members participating or volunteering to help in orienteering activities.

The new cover is open to members, events, officials, directors, volunteers etc... assuming that the correct event registration process has been followed. Our insurance cover for 2008 also includes cover for non-member participants at events. This means that clubs are no longer required to collect the 50p per non-member charge for insurance.

**British Orienteering only ask that non-members are entered into events using a standard entry form. This will mean that their contact details are available should a claim arise.**

Our new insurers require a record of the names of all participants at events including non-members and volunteers to be kept. Normal submission of the results will satisfy the insurance company's requirements for a list of participant names. Therefore an extra requirement for clubs will be a list of volunteers. Any volunteers that are not also participating (and therefore will not appear on the results list) will need to be listed. This list will need to include any adults shadowing juniors or any multiple entrants e.g. pairs or threes running together, if their names do not appear on the results list. This list will ensure that cover extends to volunteers. Clubs will still be required to submit the numbers of competitors on the levy form.

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The list of volunteers does not need to be sent to British Orienteering but we ask it is kept at club level in case a claim should arise. **The insurers require entry forms for non-members, results and the lists of volunteers to be kept for a minimum of 5 years.** The planned modifications to the events section of the website should, in the future, allow this information to be submitted to the British Orienteering website and kept centrally. However, in the short-term, we ask that this information is kept with clubs. The normal event registration and incident reporting process will continue and is crucial to validation of the insurance cover.

#### **Insurance changes in brief:**

- **Clubs are not required to charge non-member participants 50p for insurance**
- **Non-members need to be entered into events using a standard entry form.**
- **Normal submission of the results will satisfy the insurance company's requirements for a list of participant names.**
- **Any volunteers that are not participating (and therefore do not appear on the results list) will need to be listed. The lists of volunteers are to be kept at club level.**
- **The lists of volunteers, results and standard entry forms for non-members need to be kept for 5 years.**

This will ensure the appropriate cover can be provided by our insurance company.

Public Liability insurance indemnifies the Insured against their legal liability for damage to a third party's property and/or bodily injury to a third party person arising out of a negligent act by the Insured occurring during the course of the insured activities

#### *What does the insurance cover?*

If an injury, accident, fall etc... occurs, and is the responsibility of a participant, and there's a claim against the participant causing the injury, the event organiser or British Orienteering, it is likely that our insurance will cover this. If it's no-body's fault and just bad luck, you have no claim. But if British Orienteering, a participant, an organiser or helper are seen to be responsible, we should be covered. Similarly, if British Orienteering, a participant, an organiser or helper are seen to be responsible for damage to leased, rented or loaned property, that should also be covered although many lease, rent and loan contracts may include separate, specific insurance cover.

If any Organiser; Marshall; Participant or member of the public suffers an injury during a British Orienteering sanctioned event, or if any property belonging to a Third Party is damaged at a sanctioned event and British Orienteering is legally liable for that injury or property damage, the Public Liability insurance policy will respond.

The policy cover extends to cover participation in British Orienteering sanctioned events worldwide (excluding the USA and Canada), however, the policy has a UK jurisdiction, which means that any action brought against the British Orienteering member, must be brought in the UK courts.

It is advisable that member athletes participating overseas purchase travel insurance, which will include them competing in orienteering events. Such cover will be available for purchase via British Orienteering.

#### *What doesn't it cover?*

Damage by motor cars, because cars registered for road use must have their own insurance. British Orienteering insurance may cover damage *to* cars caused at or during an orienteering event, if participants or the organisers are at fault. But it doesn't cover damage *by* cars, if the driver is at fault. Damage to property owned by or in the possession of British Orienteering members is not covered by the Public Liability insurance.

The cover cannot include storm damage, because that's not British Orienteering's responsibility - or damage to or loss of your own property, because you can't make a claim against yourself. We also ask you to register mountain bike orienteering events, at the level of a C4 event or above, with the Trail Cyclists Association, to be covered by their insurance.

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Foreign non-member nationals travelling to participate in British Orienteering events are covered by our Public liability insurance, providing they are registered for the event and any legal action is taken under UK jurisdiction.

*Who does it cover?*

British Orienteering and all its members, participants, organisers and helpers: associations, clubs and individuals, including claims made against us personally, and claims made by other participants, in connection with orienteering activities.

*Who doesn't it cover?*

Professionals or people acting in a business capacity; it doesn't cover traders, even if they're British Orienteering members. They need their own insurance. It has been agreed with the insurance company that professionalism in activities such as mapping begins at £6000 a year: earn more than that and we regard you as a professional needing your own insurance.

*What about guests, spectators, or non-members?*

If they're not British Orienteering members or are not participating or assisting the organisation of an event, they're not covered. If a spectator who is not a member drops a match and starts a fire, and the landowner sues them, they're not covered by our insurance. But if the landowner sues us as the organisers for the fire, we are covered.

*Can we give a categorical assurance that we will be responsible for anything that might happen?*

No. Landowners sometimes ask for a signed statement that we will accept total responsibility for the event, so s/he can't be liable for anything. We are advised that such a statement has no effect in law. It is for the courts to decide who, if anyone, is responsible for what happened, and a piece of paper cannot absolve a negligent landowner of responsibility. But you can say that we have cover for our legal liability to any third party for damage to property or bodily injury arising out of holding the event on his land.

*What if he insists?*

Contact British Orienteering office for advice.

*Do we need to report every incident that occurs with British Orienteering?*

No, we want you to register those activities that are most likely to give rise to a claim: events, training and coaching, and mapping. We also want to know about anything unusual or risky. This particularly applies to Street-O where additional risk assessments may be required. It is important that Organisers keep a record of any incident likely to give rise to a claim.

*When do we need to register an event or orienteering activity?*

Register the event as early as possible, for publicity/information purposes as well as insurance reasons. If you're organising any orienteering event or activity, we need to have a record. The landowner is likely to be most unhappy if he thinks you're out there planning courses without insurance cover. Similarly with mapping: the map details should be registered with British Orienteering before you start the survey using the map registration process.

*What do we do if something happens that might give rise to a claim?*

We have to inform our insurers of 'any serious incident, particularly those involving a personal injury, which could give rise to a subsequent claim'. Serious incidents need to be advised to insurers as soon as practicable via an incident report form available on the website. This is to be sent to the British Orienteering National Office. Minor incidents should be recorded by the Association; Club; Event Organiser etc. and retained in case a claim is forthcoming at a later date. It is not necessary to report every little incident involving injury, however, a small note on the results sheet naming the individual injured and brief details of the incident will be invaluable later if a claim arises. Clearly, you're not expected to report incidents you don't know about. But if you do know about any serious incidents, you must report them, using the Incident Report Form. It will look particularly bad if the victim reports a serious injury to you, and you don't report it to us.

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*What do we do if someone makes a claim against us?*

Let British Orienteering know immediately using the Incident Report Form, so we can inform our insurers. Do not respond to any letters alleging negligence, merely forward all correspondence unanswered to British Orienteering or their brokers immediately upon receipt. If you let it slide, or try to deal with it yourself, you may invalidate the insurance. Our insurers are required to respond to any claim within three weeks, so we need to know within two weeks of your receipt of the claim. **Please treat this as a priority!**

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