

INFORMATION SHEET

Volunteers involved in your organisation may expose themselves to risks from time to time. Organisations or volunteers can be found legally liable if something goes wrong. Volunteers risk personal injury, or liability arising from the course of their volunteering or loss or damage to their own property. It is in everyone's best interest to ensure that adequate insurance cover is provided.

Your organisation may have a responsibility for damage, loss or injury experienced by volunteers but also for any loss, damage or injury caused by negligent acts of volunteers. Even if a volunteer acts improperly or in an incompetent way, as long as the organisation was directing the activity of the volunteer, it could be held liable. No group can afford to operate without adequate insurance and run the risk of a claim for damages being taken against them. However, it is equally important that your organisation takes steps to minimise the risks of a claim. The key to good insurance, is good risk management.

Steps need to be put in place to **minimise the risks**. Good practice in this area includes:

- Good recruitment and selection practice which places the right volunteers in the right roles, including appropriate reference and Access NI checks.
- A comprehensive induction process for all volunteers.
- Adequate training to enable volunteers to carry out their role.
- Volunteers should be informed of the precise nature, limits and risks of their role.
- Appropriate support and supervision for volunteers.
- Good monitoring and evaluation of the volunteer programme.
- Appropriate record keeping in line with Information Commissioner's guidance.

Volunteer involving organisations have a common law duty to protect their volunteers from harm. In practice this means there is a responsibility to follow **health and safety procedures** for volunteers and paid workers. At the very least organisations should think about:

- How they ensure the provision and maintenance of safe premises and equipment for use by volunteers.
- How they provide information and training to ensure volunteers work safely.
- How everyone including volunteers, is made aware of his/her rights and responsibilities in relation to health and safety.
- How they assess and deal with risks posed to and by volunteers, including risks to their personal safety, and
- What their health and safety policy says about volunteers and their work.
- Remember that you should consider your duty of care toward a volunteer the same as your duty of care to an employee

While all risks cannot be eliminated a good way of being pro-active in minimising risks that volunteers may face is to carry out a **risk assessment**. The risk assessment process involves four steps:

1. Identify risks
2. Evaluate the risks
3. Take steps to control the risk i.e.
 - Stop the activity
 - Eliminate the risk
 - Minimise harm
 - Transfer liability
4. Review risk

For more information on risk management and volunteers see our separate Information Sheet *Risk Assessment and Volunteers*.

Legal Terms

Legal Liability

If someone (the plaintiff) suffers injury, loss or damage because a person or persons (the defendant(s)) were negligent (at fault), the plaintiff can claim damages from the defendant(s) if they can prove negligence by showing that:

- they were owed a duty of care by the defendant
- the duty of care was broken
- the injury, loss or damage suffered by the plaintiff occurred as a result.

Duty of Care

An important concept in health and safety is 'duty of care' which is a general legal duty on both individuals and organisations to avoid carelessly causing personal injury or damage to property. This is a duty in common law which we all owe to our fellow human beings. For employers, this has been developed and extended by health and safety legislation.

Insuring Volunteers – Things to Remember

- When purchasing insurance to cover volunteers it is important to bear in mind that volunteers are in a unique position in your organisation. They are not employees and may not be automatically considered as a 'third party' for the purposes of Public Liability Insurance. Therefore, it is important that your insurers specifically refer to volunteers in insurance policies e.g. Employers Liability Insurance should cover employees and volunteers.
- Insurance policies should cover all actions carried out by volunteers and you should inform your insurance company of all of the venues in which these actions are carried out e.g. befrienders in people homes, trips to the swimming pool with a youth group etc. You may wish to consider holding an annual review with your insurance company to discuss activities that are planned for the coming year and to check whether existing policy cover is adequate.
- If volunteers take part in strenuous or potentially dangerous activities e.g. coaching sports or using specialised equipment, then be sure that these activities are covered in your policy.

- If your organisation is arranging a one off event e.g. a festival or a unique fundraising event, you can arrange one-off insurance cover specifically for this event or preferably incorporate it into an annual policy. Please contact an insurance broker about this.

Public and Product Liability Insurance

- Sometimes known as Third Party Insurance.
- Protects against legal liability arising from accidents that cause injury to persons or damage to property.
- Cover is provided up to an agreed maximum sum.
- It is important that you ensure that volunteers and the acts of volunteers are included in your policy.
- Make sure you take into account all the places in which people volunteer for you e.g. in client's homes.
- Additional cover may need to be arranged for one-off events/activities.

Public liability offers protection against legal action taken by a third party (outsider). Your organisation needs to consider what will happen if a volunteer acts in a way which causes injury to another volunteer. Public Liability Insurance can be extended to provide member to member insurance cover in these cases. If you are a membership organisation you may need member to member cover.

Employers Liability Insurance

- Covers employees for injuries suffered in the course of their work.
- Volunteers are not employees and therefore will not automatically be covered by this insurance. However, in order to provide cover in a charity policy it is normal to include volunteers in the definition of employee in this type of insurance.

Professional Indemnity Insurance

- Professional indemnity also may extend to cover online activities.
- This is an important insurance for advice giving organisations. It protects against legal liability for damages payable to people who have suffered loss as a result of incorrect or inadequate advice.
- If your organisation involves volunteers in an advice giving role check to make sure that they are covered by this insurance.
- If the service provided is counselling, you may need to ensure the policy extends to cover bodily injury or alternatively have malpractice cover.

Personal Accident Insurance

- Provides payment in the event of injury or death regardless of whether or not the organisation is liable. This type of insurance can be extended to cover volunteers.
- It is a voluntary benefit that your organisation might wish to offer.
- It is possible to select specific volunteer roles or certain volunteers to be covered by this type of insurance rather than insuring all volunteers.

Malpractice Insurance

- If your volunteer role includes providing physical treatment, you may need to consider malpractice insurance.

Trustees' and Directors Indemnity Insurance

Trustee indemnity insurance (or Directors and Officers insurance) is a policy that protects Management Committee/Board members in the event of claims against them personally and wrongful acts by the Board (entity cover). The term "trustee" refers to a member of the Management Committee of the charityⁱ, who are usually volunteers, but the insurance is generally available to non charitable organisations as well. The precise scope and restriction of the cover will depend on the terms of the policy. However, this insurance will not cover trustees where loss is a result of deliberate acts on the part of any of the Management Committee. Note also that this type of insurance is regarded as a benefit to Management Committee members, since it protects members personally rather than the organisation. However, a charity trustee may benefit from trustee indemnity insurance cover purchased at the charity's expense in accordance with, and subject to the conditions in, section 93 of the Charities Act (Northern Ireland) 2008."

Volunteer Drivers and Insurance

It is important that volunteers and organisations are aware of their responsibilities with regard to insurance for volunteers who drive as part of their volunteer role. If the organisation owns the vehicles that volunteers use in the course of their volunteering then it is the organisation's responsibility to arrange insurance cover and see evidence of the driver's credentials. If the volunteer uses his/her own vehicle then they must arrange insurance cover.

- If volunteers are required to use their own cars in the course of their volunteering the organisations should inform the volunteer that it is essential for them to let their insurance company know that they will be using their car in the course of volunteering. This should be done in writing and the insurance company should send written clearance to the volunteer. In general this should not involve an increase in premiums.
- Organisations should assist their volunteers by providing them with a letter, which they can forward to their insurance company. The letter should:
 - Explain that they are a volunteer with your organisation
 - State if they are using their car to carry passengers in the course of their volunteering.
 - Ask for written confirmation that their insurance policy covers any passenger or third party claim, which might arise out of the use of the vehicle for this purpose.

NB. Some organisations also provide contingent motor liability insurance which protects the organisation if there is a problem with the volunteer's insurance.

An information sheet for volunteer drivers is also available from the publications section of the Volunteer Now website.

NOTE:

The information contained here refers to insurance cover in relation to volunteers who are recruited through the organisation's agreed procedures. There are a number of other types of insurance that volunteer involving organisations which own property and/or employ staff need to consider e.g. contents insurance, protection against fraud. It is important for organisations to ensure they take appropriate advice in relation to insurance from a qualified broker.

For more information on insurance for voluntary organisations contact NICVA on 028 9087 7777.

Disclaimer

Reasonable precautions have been taken to ensure information in this publication is accurate. However it is not intended to be legally comprehensive; it is designed to provide guidance in good faith without accepting liability. We therefore recommend you take appropriate professional advice before purchasing insurance. Charity Registration No. NIC101309. Company Limited by Guarantee No. NI602399. Registered in Northern Ireland.

i The Charity Commission NI, Running Your Charity, "Charity Trustees are the people who are legally responsible for the control, management and administration of a charity. In a charity's governing document they may be known as trustees, directors, board members, governors, committee members, a council of management or charity trustees."