

Insurance

Insurance will not prevent things going wrong, but it can compensate for the consequences if things do. An organisation that engages volunteers has a duty to protect them and might find itself legally responsible if things go wrong.

Types of risks

There are two distinct risk groups arising from engaging volunteers; firstly there are those risks that a volunteer may be exposed to personally, and secondly there are those risks that through pursuing their voluntary work, volunteers may expose the volunteer-deploying organisation and possibly its service users to. Risks might include:

- Accidental personal injury to the volunteer.
- Non-accidental personal injury to the volunteer, for example assault by a service user.
- Claims by a third party for damages caused by the volunteer's carelessness (negligence) or more malicious intent, for example stealing from a service user where the injured party may sue the volunteer as well as suing the volunteer-deploying agency.
- Liability arising from advice given by the volunteer on which reliance has been placed that results in loss etc.

When will an organisation be legally liable for injuries or damages?

Generally, an organisation may find itself liable if it has failed to take "reasonable care" to prevent injuries or damage. The organisation can be sued for damages to compensate for injuries or damages sustained. It arises from the common law "duty of care", which is the legal duty to avoid carelessly causing injury or loss to anyone, or damage to property.

- Harm to the volunteer can result in claims by the volunteer against the volunteer-deploying agency.
- Harm caused by the volunteer can produce claims by third parties against the volunteer and the volunteer-deploying agency.

To whom does the organisation owe this duty of care?

The volunteer-deploying organisation owes a "duty of care" to its volunteers, service users and members of the public for its own actions and any negligent acts of its volunteers.

Insurance

Insurance can protect an organisation and its volunteers against some of the consequences of many types of risk by taking out appropriate cover. The types of insurance required will depend upon the work of the organisation and its volunteers. Any insurance cover should reflect the liability of the organisation in three distinct areas:

- The risk of claims by a volunteer against the agency.
- The risk of claims by a service user (or member of the public) against the volunteer.
- The risk of claims by a service user (or member of the public) against the agency.

Different policies will be required to cover these different tasks.

Public Liability Insurance

Public Liability Insurance covers legal liability to third parties for personal injury or illness or damage to third party property caused by accidents associated with activities of the organisation. This indemnifies the volunteer-deploying agency against claims arising from accidents that cause injury to persons or damage to property other than employees or volunteers. It is important to ensure that the policy carries an endorsement declaring that volunteers are covered when working in other people's homes, or in other premises or on external activities such as play schemes or environmental projects. The volunteer-deploying organisation must also tell the insurers exactly what sort of activities they are involved in (it is common practice for policies to have exclusion clauses referring to, for example, certain sporting activities).

Personal Accident Insurance

Personal accident insurance is a voluntary benefit provided by a volunteer-deploying agency if they choose to compensate volunteers in the event of an injury, sickness or death.

Professional indemnity Insurance

If the volunteer-deploying organisation acts in a professional capacity offering an advisory service to members of the public - and in particular those organisations that specialise solely in advice work - then it would be worth considering Professional Indemnity Insurance. Professional Indemnity Insurance provides cover against claims arising from loss or harm to a third party who reasonably places reliance on and acts on that advice, if the advice subsequently turns out to be incorrect.

Employers Liability Insurance

Employers Liability Insurance covers legal liability to employees and volunteers working for your organisation. It is important to ensure that the policy covers volunteer workers; many of these policies assume that everyone involved will be employed in a paid capacity.

If you run a building, you will need to make sure you have:

- Buildings Insurance
- Contents Insurance

General points

- It is advisable that you get several quotes from different insurance providers so that you can be confident that you have the best value for money.
- It is essential that you compare features offered by different insurance providers to make sure that quotes are comparable; and that everything you need is included in the cover.
- Insurance providers sometimes insist that improvements are made to the security or condition of your premises before cover starts. It is important to comply with such conditions to avoid finding your cover withdrawn when you need it.