

Insurance for Member u3as

Public and Product Liability Insurance – background and what it means for our groups

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1.0 Purpose

This information outlines the insurance cover that the Third Age Trust holds for member u3as and some of the frequently asked questions around this.

2.0 Provision of Public and Product Liability Insurance

Bristol u3a, as a fully paid up member of the Third Age Trust, has the benefit of the nationally provided public and product liability insurance cover.

3.0 What is meant by Public Liability Insurance?

Public liability insurance indemnifies the insured against compensation, which they become legally liable to pay, following injury or property damage sustained as a result of an activity. Legal liability to another person can arise in a number of ways but by far the most common is negligence. Public liability does not cover pure accidents where no legal liability has been established.

4.0 What is meant by Product Liability Insurance?

Product liability protects the policy holder against claims arising from injury or damage sustained due to a failure with a product, for which you are held legally liable.

5.0 How does this cover apply to Group Leaders?

The policy is set up to protect all u3a members, and includes ‘member to member’ cover so if somebody is injured undertaking a u3a activity and legal liability could be proven against another member, the insurers would deal with it. This means that group leaders are completely protected should there be a claim for damages following an incident in their group.

6.0 Venues

6.1 If a u3a uses a hall to hold an interest group or run an event, is it covered for Public Liability?

Yes, subject to the normal test of legal liability.

6.2 If a u3a uses a member's home to hold an interest group or run a meeting, is it covered for Public Liability?

Yes, subject to the normal test of legal liability. Injury or damage due to a defect in the property is the legal responsibility of the house owner/occupier and cover is provided under householder insurance.

6.3 What is the situation regarding the hire of a hall where the contract with the hall hirers appears to make the u3a responsible for all loss and damage?

This is not correct as any damage or injury proven to be caused by a defect in the property and/or the facilities is the responsibility in law of the building owner. You should bring this to the attention of the person handling the hire and ask that the clause be removed but if you fail to achieve that, our insurers have said that in the last resort, you can sign the contract because the clause is unenforceable.

6.4 Is there any home contents insurance provided?

Each u3a has up to £25,000 cover per claim for damage to any home contents belonging to a u3a member hosting a group.

6.5 Does the public liability insurance provide cover for your legal liability to others following incidents whilst using machinery?

Yes, whether the machinery is owned by the u3a or others. It does not cover the machinery itself, since in common with other public liability insurance policies, it excludes liability in respect of property within the custody or control of the insured.

With regard to potentially hazardous activities using power tools, it is important that you check with the National Office before you set up such an activity.

6.6 Does Public Liability cover the u3a against accidents whilst out walking or any other type of outdoor or strenuous activity?

It does, but it is not an automatic personal accident insurance. It is an insurance against legal liability and therefore, it would have to be shown that u3a, its agents or members had in some way been negligent in causing injury to the victim.

6.7 What do we do in the event of an accident?

An Incident Report Form template is available for download from the Support for u3as section of the national website (www.u3a.org.uk/advice#policies). It should be filled in by the group leader and then retained on file by the committee in case of a future claim for damages, which can be up to 3 years later.

7.0 Car use

7.1 Can u3a members offer lifts to other members and accept money towards petrol costs without compromising their car insurance policy?

Yes, but it is recommended that you have guidelines so that the matter is handled fairly and consistently, with the driver getting back an appropriate proportion of the fuel cost, not the total amount.

7.2 Does the Public Liability Insurance provide any cover whilst members are travelling in other members' cars or on a coach or minibus?

The question of accidents in motor vehicles is complex. Any accident arising from the driving of a vehicle would fall outside the scope of a public liability insurance because motor insurance is an entirely separate matter and such incidents are properly covered under a motor insurance policy. This would normally include accidents which occur whilst mounting or dismounting a vehicle. However, on a coach where one member is injured by the actions of another member, in circumstances which have nothing to do with the fact that they are driving in a motor vehicle, it would be covered by the public liability insurance.

8.0 Activities

Do u3a group leaders need to have a professional qualification to lead physical activity groups?

No they do not, but the u3a committee should assure itself that the potential leader is sufficiently experienced before it allows the group to start.

9.0 Advising your group members

It is a good idea to remind your group members from time to time about our insurance policy, especially if your group goes out, e.g. walking or visiting gardens or art galleries. You might want to use the following wording:

“We attend all visits, tours and events at our own risk. Details of insurance for u3a members can be found on the Bristol u3a website : www.bristolu3a.org.uk in the Members Information section under Bristol u3a Documents and Policies.

If you are providing lifts for people through car sharing arrangements (and where on occasion contributions are made to petrol costs), you may want to check this out with your insurance company.”

For more advice see “Insurance FAQs” on the Third Age Trust website <https://www.u3a.org.uk/advice>

If you have any further questions about insurance, please contact the Secretary by email: secretary@bristolu3a.org.uk