

## Questions for Endsleigh Insurance Brokers – and answers given on 10 May 2011

### 1. Levels of Indemnity

- The Summary of cover for Clubs and Associations does not show that for the top level – the BAB Executive Committee – should be £10m

*Separate summary for £10m now issued for BAB Exec*

- Under Summary of Cover for Instructors & Students, it states that Personal Accident cover is for anywhere in the world. Does the same apply to the **Civil Liability** element of cover?

*PI and Employers' liability is worldwide. Public Liability is EU – can be extended to worldwide if required.*

- Can we see a copy of the full policy – would like to be satisfied that all issues such as indemnity liability for Board members, in terms of decisions taken as an unincorporated body (e.g. Directors and Officers Cover) and defence against child protection allegations is covered.

*Chairman BAB now has hard copy – E-copy being sent to BAB*

- Is £5 million civil liability cover sufficient for multiple claims – e.g. a number of individuals sued from a club in respect of one incident?

*This needs further discussion. Perhaps you can provide examples of where you see a risk of multiple claims arising from the same incident?*

- Perkins Slade advised that CL should be increased to £10m for all. What is the Endsleigh view on this? Is there a history of claims in excess of £5m?

*As above, needs further discussion. Whilst we have not seen a history of claims exceeding £5m for sports associations it might be prudent for the Board to consider whether a higher limit is required.*

### 2. Miscellaneous Questions

- Does the insurance give cover for
  - BAB Students practicing overseas?

**YES**

*There is, however, a caveat to this in that a claim resulting from practice in the USA must be processed and heard in the UK. Claims first brought in the USA are excluded under the insurance policy.*

- Overseas Students in UK on education/work visas?

**YES**

- Overseas Instructors invited to attend and teach at BAB/Association courses? **YES**
- Instructors giving demos at schools and/or running courses as schools?

**YES**

- Are events such as BAB and Associations' Annual National Courses covered even though they are normally held in one-off locations (e.g. Brunel University and other university campuses in the UK – because of the numbers attending the courses) rather than at a BAB declared Club?

**YES**

- What information, if any, will be required by Endsleigh on a monthly basis?

*In relation to events and courses we will not require monthly declarations, however it would be useful to have an idea of the number of events that are organised during a typical year. Chairman BAB explained that most Associations ran intermittent weekend courses and 3-5 day seminars over (say) easter and during the summer. Ballpark was therefore – throughout the BAB – circa 150 such events (averaging 3 per weekend across 50 Associations. This was accepted as reasonable and with the insurance premium cover.*

*Chairman's further clarification in response to a question from John Emerson(Principal UKAU): The principle behind Endsleigh wishing to know the number of Associations and Clubs is the "risk" involved with what is called "contributory negligence". To explain, although insurance at a training venue may be covered by the Leisure Centre, local authority, University campus, etc, were there to be an incident in the dojo any negligence claim (e.g. for/under HSAW or damage to property, etc) could be against the owners of the premises, or against the dojo instructor or the dojo student(s) – one or all of them could be found to be negligent so it is important that dojo venues are declared by Associations because of the possibility of "contributory" negligence claims. Club venues are covered from the month they are declared on BAB monthly returns to the Secretary. The question of the fee of £55.50 is a bone of contention to some Associations and/or Club instructors – The Chairman will elaborate on this at GM on 14 May.*

- Can Endsleigh offer Clubs cover for loss/damage to training mats?  
*YES (tbn)*
- Is Libel & Slander (for Board) covered?  
*YES – included as part of PI cover*
  
- **Uninsured Risks** – Can you provide quotes for the following risks:
  - Damage to any data – Cyber Liability  
*YES – details tbn*
  - Fidelity Guarantee.  
*YES – proposal form handed to Chairman BAB*
  - Is an additional premium required/available – for those who want the option of cover - to cover child abuse claims at Instructor/student level? (e.g. to cover legal defence costs for an accused person)

*Defence costs covered as part of the Abuse extension. Chairman BAB noted the policy excess in the event of a claim, being £2.5K and asked for a "claims protection" quote to bring this down to £500*

3. Know we cannot make a profit on sale of insurances but need advice on whether or not we can re-coup actual costs, such as Admin, developing of systems e.g. new Returns System, etc which otherwise fall as a debit to the BAB..

*The BAB will be able to re-coup admin costs provided they can demonstrate that what they are receiving covers the costs and that no profit is made.*

#### **Additional question from the Chairman – asked on 10 May at Endsleigh HQ:**

4. The Summary of Liability shows that:
- the "members'" civil liability is £5m in respect of **any one occurrence**, whilst
  - the Directors' & Officers' liability is £5m **in any one period**  
(same principle applied to "Abuse")

*The Chairman asked Endsleigh what this meant? It means what it says on the tin! For Directors and officers the £5m (as it applies to Associations/Clubs – as one entity) is ceiling for claims in the insurance year. So, if on one claim the insurers paid out £1.5m then on subsequent claims the amount left in the pot is £3.5m. The BAB Executive Committee ceiling is £10m. **This caveat is no different to what was in the Perkins Slade policy cover where the same aggregate/ceiling applied.***

*Endsleigh then asked the Chairman why he (or BAB/Association Officers) were worried about this limitation as it was an industry standard and had not yet been exceeded.*

*Chairman's additional note: Regarding the excess (in the event of a successful claim against an officer of the BAB or an Association or Club) the excess has to be the responsibility of the BAB (for Exec Officers) and Associations/Clubs respectively for claims against their officers.*