

S5 Liabilities

Employers' Liability Certificates

Q What is the importance of the Employers' Liability certificate?

A You are required by law to display this certificate wherever you employ staff. We will issue your new Employers' Liability certificate to you once the premium for the new period of insurance has been paid. The Employers' Liability certificate should be displayed prominently and retained for a period of 40 years.

Certificates for Public Liability

Q Should we have a Public Liability certificate?

A There is no legal obligation for you to display or hold a copy of a certificate confirming Public Liability insurance. We do not issue a certificate automatically but can provide proof of cover upon request.

Outreach work

Q Are we covered when offering services to the elderly or disadvantaged in our local community?

A Yes, we consider outreach work to be part of the church's normal activities. Where the work forms a significant part of your mission or raises any particular issues which you would consider unusual, then please tell us about what you do. There may be occasional situations in which we need to consider charging an additional premium because of increased risks.

It is essential you inform us when entering into any signed agreement with another organisation such as Social Services. It should be remembered that if the outreach work is organised by an independent management committee separate insurance is required.

Regular Outside Users

Q Does our Church Shield Policy cover outside users?

A There is no cover for any injuries or accidents that occur as a direct result of the negligence of the outside user of the premises. Furthermore, if the outside user causes damage to church property then they should be responsible for its repair or replacement.

We consider regular outside users to be any organisations or groups that use the church premises at least four times a year irrespective of whether they pay rent or make a donation to the church. This could be a keep fit class, a local history society or any other activity not run under the control of the Church Council.

With this in mind no outside user should be allowed to use the church premises until you are certain that the user has adequate public liability cover.

Methodist Insurance has designed a blanket policy to provide Public Liability insurance for all users of a single church, on the basis that the users have no other insurance requirements, such as contents insurance or Employers' Liability. The premium would be in the order of £30 per group, subject to a minimum premium of £100.

The policy operates in the name of the church, the renewal date of the policy would be the same as that of the church policy and the documents including the debit note would be sent to the church's nominated correspondent.

If an outside user group does have need of any other insurance in addition to Public Liability cover at your church, then we would recommend that the group take out a policy in their own name and quotations are available on request.

Child Safeguarding

Q Do all Church officials/volunteers need to be checked with the Criminal Records Bureau?

A Within the document 'Safeguarding', published by the Methodist Church, there are safeguarding procedures, which should be followed, we recommend that you purchase a copy of the Safeguarding book. After reading it, if you have any questions make contact with the Head of Safeguarding and Child Protection at: Methodist Church House, Marylebone Road, London NW1 5QR.

For further information visit: www.methodist.org.uk

Q Do we have to have a safeguarding policy?

A Yes you do, Safeguarding is about preventing the abuse of children and young people and promoting their welfare and

as such forms part of your basic Risk

Assessment. All churches should now be operating within the guidelines set out by the Methodist Church.

Policies of insurance require the Insured to take all reasonable steps to prevent injury, loss or damage. Failure to do so may prejudice the insurance arrangements in force.

Q What do I do if I am worried a child is being abused?

A If you suspect abuse: Do not delay

- Consult with the person to whom you are responsible for your work with children and young people or with another appropriate person for instance the minister with pastoral charge
- The responsible person will contact the statutory services responsible for child protection in your area (Social Services, Police or NSPCC 0808 800 5000)
- Advise the Superintendent Minister of your action
- Advise Methodist Insurance.

Q What cover is provided by the Church Shield Policy for incidents of child abuse?

A Section 3 - Liability will protect the interests of the Church Council if they are found to be held legally liable for an incident leading to accidental bodily injury or illness as a result of abuse. The cover protects the Church Council but not the perpetrator of an incident of abuse.

Q Is there any cover for volunteers who may be falsely accused of abuse?

A The Legal Expenses section of the policy covers the legal costs associated with defending such criminal prosecutions. The cover includes the cost of defending the legal rights of any church official, employee or voluntary worker when facing a criminal prosecution in connection with abuse. We would regard this cover as including the defence of an Insured Person's legal rights before legal proceedings are issued, when dealing with the police where it is alleged that they have or may have committed a criminal offence including incidents of abuse.

As DAS Legal Expenses Insurance provides the cover it is vitally important that we are notified immediately of any such incidents, as DAS have to approve legal representation.

Q How does our policy cover the responsibilities we have towards children who are in our care during authorised activities?

A The primary cover for your responsibilities in this respect falls under Section 3 - Liability of the Church, Circuit or District policies. Where negligence arises in connection with the care of children, this often stems from inadequate supervision or control. This issue is therefore of primary importance when drawing up your risk assessment relating to your care of children.

A second aspect to consider is the risks of an incident of abuse or allegation of abuse. If you are found to be negligent (for instance over the recruitment of staff or volunteers) the policy will provide cover. We will handle any claim you receive on your behalf.

It is important that we are notified of any potential claim at the earliest opportunity. The Methodist Church has detailed procedures in place dealing with the issue, known as the 'Safeguarding' handbook. You should be fully familiar with the content of these procedures and ensure they are always implemented completely. If you have any questions about child protection matters, these should be directed to the Safeguarding and Child Protection Team at Methodist Church House in London.

Holiday Clubs

Q Does our policy provide the necessary insurance to cover us holding a children's holiday club?

A Yes - subject to a maximum period of 21 days and the number of children not exceeding 50. It is also a requirement that you tell Social Services and that the club is held on your church premises. For any other circumstances where these criteria are not met you should contact us.

Fun Day

Q Do we need to inform you of Fun Days?

A Yes, we need to know what activities are planned in order to determine the level of risk and whether we need to charge an additional premium.

If you are considering using a bouncy castle we have a specific leaflet on safety precautions.

You may invite providers of other attractions to take part, e.g. face painting, mini fairground rides or pony rides. Those providers should be asked to show you evidence of current Public Liability insurance which covers them for their own acts of negligence.

Sponsored Walks

Q Does our policy cover sponsored walks?

A If the event is run under the control of the Church Council, the policy will automatically provide Public Liability insurance. However, we would expect you to take all reasonable precautions in carrying out risk assessments; ensuring sufficient stewards are present and informing the local police and other parties where necessary.

Hazardous Activities

Q Do we need to inform you of unusual or hazardous activities?

A The Church Shield Policy is intended to cover normal church activities. Therefore hazardous activities need to be notified to us, for instance outdoor pursuits, skateboarding and use of bouncy castles.

Overnight Stays

Q Can we allow organised sleepovers on the church premises?

A Organised sleepovers are normally permitted. We have a detailed guidance sheet available upon request, which may help to ensure that a safe approach is taken. If you are considering allowing any other overnight accommodation on your premises we ask that you contact us.

Vehicle Use

Q Does the Church Shield Policy cover volunteers driving their own vehicles on church business?

A Loss or damage to motor vehicles and any legal liability arising out of the use of them is excluded by the policy. Therefore, even if a vehicle is being used for church business it should be the volunteers' own motor insurance that operates in the event of an accident. They should ensure that their own motor insurance will cover this use. The Church Shield Policy does however cover the Motor Contingent Liability risk. This protects the church should it be held liable for an accident involving a motor vehicle which doesn't belong to it, but which is being used on its behalf by an uninsured driver.

Q Are we covered if someone falls getting out of a car whilst being assisted by a volunteer?

A Once the car is stationary the liability risk may transfer from the motor policy to Public Liability insurance, but any claim for compensation would hinge on who was to blame and in what capacity they were acting at the time. We would emphasise that each case must be treated on its own merits.

Any claim involving an employee must be submitted to their motor insurers as required by law.

Trustee Indemnity

Q What is the difference between Public Liability and Trustee Indemnity insurance?

A Public Liability covers liability for negligent actions leading to bodily injury, damage or loss. For example, a tripping hazard on your premises causing someone to fall.

Trustee Indemnity Insurance relates to the responsibility Trustees have in being entrusted to run the affairs of the church.

Q Is Trustee Indemnity Insurance provided by the Church Shield policy?

A Starting from July 2006 your policy includes Trustee Indemnity Insurance with a limit of £25,000. Higher limits are available upon request subject to an additional premium.

You should note that the Methodist Church has drafted a guidance note to help local trustees understand and consider carefully the merits of Trustee Indemnity Insurance.

Q What is Trustee Indemnity Insurance?

A Trustee Indemnity Insurance indemnifies trustees against the risk of personal liability arising from their breach of trust. It provides a personal benefit to the trustees and removes their obligation to meet any liability out of their own pocket.

The indemnity is provided for wrongful (but not deliberate or wilful) acts committed by a trustee.

Cover is also provided in respect of any legal liability, which results from the loss of a charity related document, including the cost of restoring or replacing the document. The limit is £25,000 in any one period of insurance inclusive of all damages costs and expenses irrespective of the number of trustees who are to be insured.