

Insurance for instructors

Insurance for instructors is often misunderstood, due to the many different types of policy available and all the technical terminology used.

Paul Mara explains the basics to help you ask the right questions and get the appropriate insurance cover. The good news is that you may not actually need your own policy.

The first thing to consider when deciding what policy to buy is whether you actually need your own policy or not. If you are employed by a training centre under a contract of employment you should be covered by the centre's indemnity policy and therefore should not require additional cover of your own. However, you should check with your employers and ask them to confirm the level of cover they provide.

If you also do freelance work, i.e. working outside the terms of any employment and working entirely on your own account, you may require personal cover to indemnify you in the event of a claim against you for negligence. Freelance instructors who are genuinely self-employed are not normally covered by an employer indemnity policy when they work for a school, and therefore it is recommended that they take out their own personal indemnity policy. While it is not compulsory for freelance instructors to have such a policy, they would be personally exposed to paying costs and damages in the event of a successful claim against them.

If you volunteer your services as an instructor to a club, then check to ensure that the club's insurance will indemnify you in the event of a claim.

The situation gets even more complicated when you own a school and/or operate from your own

premises, when you may be required to have public/occupiers' liability insurance.

So what do all these terms mean? Here is a basic guide to the common terms, an explanation of who needs them and what benefit they have.

Third Party Liability ('Indemnity Insurance')

Who needs it?	Training Centres (TC) and optional for freelance/volunteer instructors
What does it cover?	Claims arising from the negligence of the TC (or its staff) during the course of their normal activities
Who does it cover?	The policy will indemnify the TC and will normally pay out in the event of a claim where the TC has been negligent (subject to some exceptions – read the small print!)

An example of an event that would be covered: Costs and damages resulting from a personal injury claim where a student is injured during a course, as a result of negligence by the school or its staff, or where a student's property is damaged as a result of negligence by the TC.

Employers' Liability

Who needs it?	TCs or clubs that have full-time, part-time or casual staff, or volunteers offering their services. This is a compulsory insurance for employers!
What does it cover?	Negligence of the employer
Who does it cover?	The employer against claims made by employees, and in some cases against claims made by workers and volunteers (read the small print – if you have volunteers at your club the insurance should extend to cover them!)

An example of an event that would be covered: Injury sustained by an employee in the course of his/her employment due to the employer's negligence.

Final note on indemnity policies

It is interesting to note that in the event of a case going to court the claimant has to prove the negligence of the defendant, i.e. the defendant does not have to prove his/her innocence. If there is no negligence, then the claim will fail. However, in some cases the insurers may decide to settle the claim early and not risk going to court. Only the insurer can decide to do this.

RYA courses

There is an indemnity policy available to freelance/volunteer instructors that will cover them for third party risks while they are teaching on RYA courses.

Non-RYA courses

If you are a freelance or volunteer instructor teaching on non-RYA courses then you are advised to shop around for your own policy of insurance, or alternatively check to ensure that your club's insurance will cover you personally.

I hope that this simplifies the terminology used and explains the subject of insurance in simple terms. If you require any further clarification you may like to contact staff in the RYA Legal Department on 0845 345 0373 or legal@rya.org.uk. They will be pleased to help with your enquiry.

Course dates

You can find a large and regularly-updated list of instructor courses, for all areas of sailing and boating, on the RYA website at www.rya.org.uk

Keep up to date

For information on everything to do with RYA affiliated clubs and classes, read *RYA Briefing*, published three times a year and distributed to all RYA Training Centres.

Cartoon by Phil Twining



"I told you, Henry, when the starting-gate opens LET GO!"