

ESMBA Civil Liability Insurance

Frequently Asked Questions (FAQs)

As stipulated by the ESMBA, the insurance scheme is subject to all members from each Club being registered as an affiliated member, with a minimum of SIX individuals for each entity. League or County Associations must register the required number of clubs to operate. If you do not comply, please contact ESMBA immediately to resolve. If you require assistance with affiliation to the ESMBA, please contact [ESMBA](#) directly.

1. What is the difference between Civil Liability and Public Liability?

In addition to indemnifying against negligent damage/injury caused to third party property/persons, it also includes:

- Abuse - protects third parties against injury or damage as a result of negligent advice, tuition or coaching.
- Libel & Slander - protection for the club, league or county against action following claims regarding communications including your newsletters, brochures and websites
- 'Member to Member' cover - to protect each member for any negligent injury or damage that they may cause to another club member
- Financial loss - incurred by third parties where no physical injury or damage has occurred.

It is important to realise that your Civil Liability insurance pays for damage / injury to third parties in the event of LEGAL LIABILITY. To put it another way, if there is not any Legal Liability, the policy will not pay damages to injured "third parties".

2. What does 'Claims Made' mean?

'Claims Made' applies to Professional Indemnity, Cyber, Management and some Public/Products Liability insurances. Only claims made and reported to the insurer during the current period of insurance are covered. There may also be a Retroactive/Pending or Prior/Discovery date and claims arising from work undertaken or incidents that ought to have been known about prior to this date will not be paid.

If a claims made policy is allowed to lapse and you later take out a new one, the date will reset to the start of the new policy. It is vital that you don't allow cover to cease, even for a short time, otherwise you will have no cover for past work.

3. How do I make a claim or notify of an incident?

To make a claim, at the earliest opportunity, please phone - **0345 604 9752**, which is open 24 hours a day, 7 days a week. An incident (whether it results in a claim or not) is classed as material circumstance that insurers need to be made aware of. Please provide details to Sutton Winson Ltd on **01444 251 184** or email: michelle.donnachie@swib.co.uk

4. What is specifically excluded from the Civil Liability insurance policy?

Principal exclusions are liability arising out of:

- The ownership, possession or use of mechanically propelled vehicle
- Product guarantee or recall repair or replacement
- Damage to any computer data
- Medical malpractice (except for first aid delivered in an emergency)
- Deliberate, dishonest or foreseeable acts
- Pension Trustees Liability
- Actions arising from activities in USA/Canada other than official club / county / ESMBA teams
- Incidents prior to the inception of your first policy with Sutton Winson
- Incidents/claims known to you but not reported to insurers

5. Does the Civil Liability insurance cover Club Social Members and 'uninvited guests'?

Club Social Members are covered to the same extent as a playing member. Guests, whether invited or uninvited, do not get protection via the club liability policy, but if the club were to be sued as a result of a guest being injured then the Civil Liability policy would respond to defend such an action.

As regards to non-members visiting to try out the activity, Clubs must make those who are trying out the game of short mat bowls, temporary members of the club for the period in question. ESMBA rules govern this trial period should not exceed 3 games.

6. What is the minimum or maximum age limit for a member?

There is no minimum or maximum age limit.

7. If I am an insured club, but join with others to form / run a league, why do I need additional cover?

In line with every other liability insurance (not just sports) issued, your cover is rated / provided on the basis of your activities as declared - in this case a short mat bowls club. The activities of a club (generally speaking) will be different in type and number to that of a league. e.g. a club will play fewer matches than occur in a league, and will be one club playing others. A league will arrange matches for all clubs to play each other at least once. It will have slightly different objectives, and will be responsible for discipline. The risk is different. Your liability insurance covers you as a club, not a league.

Liability insurance is not transferable between organisations, and will cover you whilst you are acting for the club, but not as the league. One question asked is this - If a league had no liability insurance who would be sued if there was an incident? If a claim was made against the committee for a negligent league decision this could well be you as an individual - which would mean that your personal assets would be at risk.

8. If I am an insured club, what is the position regarding tournaments?

As an insured club your members are covered to play in matches, competitions and tournaments which are organised and governed by the ESMBA. These tournaments are understood to involve only members of your own club or members of other clubs who are affiliated with the ESMBA.

To ensure the cover responds, it is important to only play matches with ESMBA affiliated clubs.

9. As a club coach or umpire, am I covered?

Only if you are registered by the ESMBA as a coach and/or umpire and you are coaching / umpiring for ESMBA approved activities.

10. I have volunteers who run our junior section. Why do I need to ask for a criminal records check?

Essentially, both the Government and ESMBA wish to ensure that persons working with children and vulnerable adults are as 'safe' as possible.

Please refer to www.safeguardingbowls.org for further information.

11. How do I get advice on criminal records checks and Child Protection?

There is a separate section on this website providing advice on protection of children and vulnerable adults. The specific bowls Child Protection website is: www.bowlschildprotect.co.uk The ESMBA will expect you to follow their Child Protection Policy. Alternatively you could contact the NSPCC backed Child Protection in Sport Unit www.thecpsu.org.uk or www.everychildmatters.gov.uk

12. How do I get criminal records clearance and where do I get this from?

Please refer to the website mentioned above.

13. We have no junior members but only elderly members. Do we need to have a Child Protection Officer with criminal records check clearance?

The advice would be to check with the Child Protection in Sport unit on www.thecpsu.org.uk. Please remember that your club has a legal and moral responsibility towards both children and vulnerable adults, including those who may visit the club with parents / grandparents or visiting teams.

14. Our club currently has a Civil Liability policy. Does the product liability section cover a short mat bowls club in the event of a claim made because of food poisoning from food and drink supplied by the club to visiting teams / individuals etc.?

Yes.

15. If I go on holiday abroad, am I covered to play bowls?

No, as the club policy only covers you whilst you are participating in club organised activities. Insurance to cover you to participate in sporting activities whilst you are on holiday may be obtained via www.swi.millstreamonline.com

This is a full travel insurance policy designed to provide cover for individuals who are likely to travel abroad and participate in their chosen sport. Cover includes:

- Medical Expenses up to £10 Million, Personal Liability £2 Million, Personal Accident up to £25,000, Sports Equipment up to £2,000, in addition to all the standard covers you would expect from a comprehensive travel insurance policy.

16. Does the ESMBA insurance provide cover if one of our club members has an accident at an away match?

The Civil Liability Policy (through the ESMBA) is not site specific. As long as the event organised by the club is bowls related and if the accident was as a result of negligence by the club or its members then the policy would respond to that incident.

17. What do we need to consider if a member or prospective member suffers with a medical condition or disability?

You need to take into account the regulations and guidelines as provided in the Disability Discrimination Act 2010. It is the responsibility of the club to ensure that it complies with the Act and if any doubt should seek independent legal advice.

The club will need to take into consideration the individual and their respective medical condition / disability and any additional measures that may be required. This should form part of the club risk assessment.

It may be necessary to request that the individual obtains a letter from their doctor or consultant to confirm that they are medically able to participate in the activity.

18. Does the Civil Liability include cover for any property, bowls equipment, trailers or general contents that the club may own or be responsible for?

Not automatically. However, the ESMBA Insurance scheme has the option to purchase cover for these items at a cost of £15 for each £1,000 unit of cover required. If you have not already done so and would like to extend your policy, please contact Michelle Donnachie at Sutton Winson on **01444 251 184** or email your requirements michelle.donnachie@swib.co.uk

19. If our club decides to make a member of the public a temporary bowling club member for a session by charging them a fee, will this mean they are insured whilst on the premises?

Yes, please refer to Q5.

20. All our associate members pay a yearly membership fee so in effect they are club members. Are they covered by the insurance policy?

Yes. The policy provides cover to all playing and social members recorded in the club records.

21. Our club is organising an event at our local village hall. Any profits from the activities during the evening will be passed to the funds of the bowls club. We often hold social and fundraising activities. Are these events covered by our insurance?

Social and fundraising events are covered, where the activities are no more hazardous than bowls.

22. We do not charge a membership fee for life members. Would they be covered under the insurance policy?

Yes. Life members would be covered provided their details are recorded in the full membership records of the club.

23. Will it make any difference to our club if we have two insurance policies but with two separate companies?

This is not recommended as the cover under the policies is unlikely to be the same. Having two policies does not mean that you will be covered by both i.e. double the benefits. In the event of a loss the most appropriate policy will respond. If both policies apply the costs would be shared between the insurers.

If a higher limit of indemnity (over £5M) is required a separate insurance is available from Sutton Winson by means of an Excess of Loss Liability policy. Please contact them direct on **01444 251 184** for an individual quotation.

24. Could someone make a claim based on an incident that happened 3 or 4 years ago.

Yes. If the club were unaware of the loss and were only just being advised then the Civil Liability policy would respond.

25. Are visitors to clubs covered by the Civil Liability policy?

Visitors are not covered by the ESMBA Civil Liability Scheme unless they are recognised in the Club's constitution as temporary members of the club for the duration of their stay at the club.

26. Why do we need Employers Liability?

When you utilise unpaid volunteers it will protect the club, League or County against legal liability to pay compensation, claimants costs and expenses for negligent injury sustained by the unpaid volunteers, who conduct employment type duties on behalf of the Insured in connection with the business, caused within the Territorial Limits during the period of insurance.

27. Will Employers Liability protect people who receive a payment for undertaking employment type duties at the club?

No. It only covers unpaid volunteers. If people are being paid to conduct employment type duties on behalf of the insured, you must provide us with details.

29. What is the definition of an injury under the Employers Liability Section?

Bodily injury, death, disease, illness, mental injury, mental anguish or nervous shock.

30. Why should we consider adding money cover to our policy?

It protects the Club, League or County against loss of or damage to their money that is being transported or in the custody of, private dwelling or domestic living quarters of any authorised partner, director, club official or employee.

31. Would my private home insurer cover the club's money, whilst in my care?

Not necessarily, some home insurers will only cover personal money and not money that belongs to the Club, League or, County.



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