

## BAFA CLUBS

### COMBINED LIABILITY FREQUENTLY ASKED QUESTIONS

#### Why do we need Combined Liability Insurance?

All BAFA Clubs have a responsibility to ensure that anything they do does not cause injury or financial loss to others or damage to property. If they do, and negligence is proved, they could become legally liable to pay compensation. Accidents in American Football can and will happen and in this litigious age, members are vulnerable to claims that can sometimes involve very large sums of money.

#### What is Combined Liability

Provides protection from the consequences of claims against a BAFA Club, Club member, committee member, Club coach, employee or volunteer for injury, financial loss or damage to property, where negligence occurs.

The policy is written on a claims made basis.

#### The main features of the policy, subject to policy terms conditions and exclusions, are:

Public Liability	Accidental bodily injury to third parties and/or damage to third party property arising out of the insured activities Includes: <ul style="list-style-type: none"> <li>• Indemnity to principals</li> <li>• Liability for damage to leased, hire, or borrowed premises</li> </ul>
Products Liability	Accidental bodily injury to third parties and/or damage to third party property arising out of any goods sold or supplied by the insured
Libel and Slander Extension	Includes Defamation, which is vital in relation to the consequences of allegations of abuse
Financial Loss Extension	For the purpose of the indemnity provided by this extension the term "Financial Loss" shall mean a pecuniary loss, cost or expense incurred by any person other than the Insured or a director or employee of the Insured as a result of  Defect in Products and/or Work carried out negligently by or on behalf of the Insured
Directors' & Officers' protection	Personal legal protection in respect of mismanagement, including protection for insured persons against employment wrongful acts including but not limited to violation of employment discrimination laws (subject to a policy inner limit of £1 million per period in respect of employment practices).

Legal Defence  
Costs

In connection with the defence of criminal proceedings brought or in appeal against a conviction arising from such proceedings relating to an offence alleged to have been committed in the course of the business in respect of a breach of Health and Safety at Work Act or Part II of the Consumer Protection Act

**What is meant by 'Claims Made'?**

The Combined Liability policy is written on what is known as a "claims made" basis. This means that the policy provides cover for those claims reported during the period of insurance, rather than the policy that was in force at the time of the incident.

It is essential that any claims or circumstances that might give rise to a claim are notified during the policy period in accordance with the terms of the policy wording otherwise the right for indemnity under this insurance will be forfeited.

**What is the Limit of Indemnity?**

As a club affiliated to BAFA you automatically benefit from the combined liability insurance with the following limits of indemnity.

Public Liability	£10 million	any one occurrence (costs in addition)
Products Liability	£10 million	any one period (costs in addition)
Financial Loss Extension	£10 million	any one period (costs inclusive)
Libel & Slander Extension	£10 million	any one period (costs inclusive)
Directors & Officers - Club Committee	£10 million	any one period (costs inclusive)
Abuse - Club Committee	£2.5million	Any one period (costs inclusive)

**Who is covered / entitled to be defended by the Combined Liability policy?**

Entitled to Indemnity includes

- BAFA and its Employees & Volunteers
- All Affiliated Coaches who hold a valid licence (Level 1)
- All Affiliated British University American Football League Members (who have affiliated via the membership & insurance option)
- All Affiliated Adult Members including those acting in the capacity of Associate Officials. (Team Judges)
- Community Flag Leaders
- All Affiliated Youth Members
- All Affiliated Flag Football members
- Affiliated Clubs (Committees & Social Members).

The policy only provides Indemnity to UK residents.

**Are Non-members covered for 'taster / trial' sessions?**

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Individuals who may be interested in joining a club are insured for a maximum of 3 initial “taster/trial” sessions.

Cover only applies provided the sessions are delivered by a registered qualified coach of BAFA either at a club location or recognised environment on behalf of an affiliated club, and the sessions must follow the prescribed format as approved by BAFA following Risk Assessment and all Health & Safety guidelines.

The BAFA insurance does not cover coaches running sessions for personal/commercial gain.

For indemnity to apply it is essential that the club records the participant name, address and dates of attendance. These details must be retained as they may be called upon in the event of a claim.

The individual must then become a member for insurance cover to continue beyond the trial period...

### Are there any exclusions in the Combined Liability policy?

Yes, an overview of the principal exclusions is shown below

#### Principal Exclusions

- **Player to Player Exclusion:**  
This Policy does not indemnify any player for any incident as a direct result of the American Football organised and/or operated by or on behalf of the Insured in respect of any claim made by any other such player.
- The ownership, possession or use of any mechanically propelled vehicle, aircraft, or hovercraft
- Deliberate acts which result from a pre-meditated action with an intent to cause injury
- Product guarantee or recall, repair or replacement
- Non UK residents (other than those shown as entitled to indemnity)
- Damage to any data
- Asbestos related incidents
- Medical malpractice
- Pollution, unless sudden and accidental
- Damage to own property/in custody or control
- Incidents prior to the retroactive date – Combined Liability January 1985, Abuse April 2014. Or the date of your last continuous membership if later.
- Infringement of trademark/copyright
- Incidents/claims known to you but not reported to insurers
- Abuse – Abuse cover is provided to a club committee with effect from April 2014. Incidents/claims occurring prior to this date are not insured. Abuse cover is not available for the person accused or alleged to be the abuser or for anyone who knowingly allowed abuse to occur.
- Claims brought in USA/Canada.

Full terms conditions and exclusions are detailed in the policy document held by BAFA.

### What activities are my club and its members insured to undertake?

The BAFA Combined Liability policy applies whilst your club and members are participating in activities authorised/recognised by BAFA as agreed with the insurers as shown below.

#### Declared Activities

- Training for and participation in the main disciplines of BAFA
- Recognised & Sanctioned Tours
- Officiating
- Club administrative activity.

It is also recognised that social and fundraising, subject to appropriate documented risk assessments being undertaken. E.g. bag packing at supermarkets, raffles, end of season presentation evenings. We would encourage you to discuss any activity not included above with BAFA to ensure it is acceptable or if it needs to be referred to the insurers for approval.

Please note that Referees have specific insurance provided separately for those registered with British American Football Referees Association (BAFRA).

### What is a retroactive date?

The Combined Liability cover will exclude incidents happening before the retroactive date, Retroactive date: The date in a claims made policy representing, beginning of coverage. This date will be shown on your club summary of cover provided by BAFA. Please note however cover will not be provided for incidents known but not reported and late notification.

### As a committee member / club officer what protection do I receive?

As a committee member you have a personal liability in respect of the management of your club, particularly if the club is unincorporated. Sport, Recreation and Leisure Liability insurance provides Directors' and Officers' cover in order to protect you if you are sued for negligent decisions.

#### Examples include:

- mismanagement of the club finances
- breach of fire safety regulations
- corporate manslaughter.

### Does my Club insurance include any legal expenses?

Yes but only for the defence of civil actions agreed in advance with the Insurer.

### Do we have insurance if employees are injured?

No. Employers Liability insurance is a separate insurance required in the event that an employee is injured and claims compensation against the club.

In general, you may need employers' liability insurance for someone who works for you if any of the following apply:

- You have the right to control where and when they work and how they do it
- You supply most materials and equipment
- You have a right to any profit your workers make although you may choose to share this with them through commission, performance pay or shares in the company. Similarly, you will be responsible for any losses
- You deduct national insurance and income tax from the money you pay them
- You require that person only to deliver the service and they cannot employ a substitute if they are unable to do the work
- They are treated in the same way as other employees, for example if they do the same work under the same conditions as someone you employ.

Under British Law, you can still be called an "employee" even if you are not paid. Our advice would always be to take out Employers' Liability insurance and this is available by contacting Perkins Slade on 0121 698 8160.

### How is Employers' Liability different to Public Liability?

Employers' Liability protects the employer in the event of an injury to an employee, for which the employer is liable. I.e. when the employee sues the employer. Employers' Liability could apply to clubs who employ coaches or volunteers to work on their behalf.

Public Liability protects a club / member / volunteer if another member, or a member of the public, sues them for injury or damage caused.

### Is our club covered if we go abroad?

Liability cover is provided for trips abroad that are authorised/recognised and Sanctioned by BAFA

Please note your membership insurance is not a Travel Insurance policy, cover for which can be obtained from [www.pssportstravelinsurane.co.uk](http://www.pssportstravelinsurane.co.uk)

### Does the policy cover non UK residents?

Insurance cover is only available to members who have a permanent UK address. Such members are covered for their Liabilities in terms of recognised activities in both the UK and overseas, provided that any overseas trip is officially recognised/authorised/sanctioned by BAFA.

Any member permanently living abroad is not covered.

The policy does have one extension for club members who are US Military personnel who are affiliated to BAFA and are members of UK based teams. Cover will only apply whilst they are based in the UK and representing either BAFA or the UK team to which they affiliate.

### What do I do if our club becomes aware of an incident?

You should immediately record all relevant information as defined in the Incident Recording Guidelines, provided by BAFA with your summary of cover.

If there are verbal or written allegations made against your club, you should record the information and notify Perkins Slade of the incident. Please call 0121 698 8046.

We would remind you that in NO circumstances should you admit liability or agree to pay for any damage caused as this may prejudice the position of Insurers and COULD result in the withdrawal of any indemnity.

Please note that this is a Liability Policy where Insurers decide if negligence attaches to you. Therefore any payments you make to any third parties will not necessarily be reimbursed.

## PERSONAL ACCIDENT FREQUENTLY ASKED QUESTIONS

### What is Personal Accident insurance?

This provides a “no-fault” compensation for members aged from 3 to 80 years of age, who are injured whilst participating in authorised/organised activity anywhere in the World (includes direct travel to and from the activity within the UK only). Please remember trips outside the UK must be sanctioned by BAFA for insurance to apply.

Please note your membership insurance is not a Travel Insurance policy, cover for which can be obtained from [www.pssportstravelinsurane.co.uk](http://www.pssportstravelinsurane.co.uk)

### Who is insured under the BAFA Personal Accident insurance?

Any full or associate member of the group policyholder aged 3 years or over but under 80 years. No cover is provided to professional players.

Only British University American Football League Members who have opted for the membership with insurance are insured by this policy.

### When does the Personal Accident insurance apply?

Cover applies whilst the member is participating in any authorised/organised/sanctioned by the group policyholder (BAFA) activities, anywhere in the world and whilst travelling directly to and from such activity within the United Kingdom, the Isle of Man, the Channel Islands or the Republic of Ireland.

Being the training for and participation in the main disciplines of BAFA.

### Does it matter if the injury isn't my fault?

The benefits are payable on a no fault basis.

### If I am attending a taster session am I entitled to the Personal Accident benefits?

No. In order to receive the benefits you must be a fully paid up member.

Only British University American Football League Members who have opted for Insurance are insured by this policy.

**What are the policy benefits?**

Accidental bodily injury resulting in:	Benefit
Death	£10,000
Permanent total disablement *	£50,000
a) Loss of sight in both eyes	100%
b) Loss of speech	100%
c) Loss of hearing in both ears	100%
d) Loss of more than one limb	100%
e) Loss of one limb	100%
f) Loss of sight in one eye	100%
g) Loss of hearing in one ear	20%
h) Loss of or total loss of use of:	
1) A foot below the level of the ankle (talo-tibial joint)	50%
2) A hip, knee, ankle or thumb	20%
3) A forefinger or big toe	15%
4) any other finger	10%
5) any other toe	5%
i) Loss of use of	
1) The back or spine below the neck with no damage to the spinal cord	40%
2) The neck or cervical spine with no damage to the spinal cord	30%
3) A shoulder, elbow wrist	25%
j) Convalescence	£100
k) Broken Bones	
1) Arm, wrist or hand	£100
2) Leg, ankle or foot	£200
Dental Injury	£500

\* The basis of cover for permanent total disablement is any and every occupation

**Additional Special Extensions benefits apply for BAFA members as follows:**

**Personal Accident Special Extensions**

- **Accident Medical Expenses** - up to 15% of the amount payable for a valid death and /or Capital Benefits claim subject to a maximum payment of £15,000
- **Coma Benefit** - £50 per day for each day of continuous unconsciousness up to a maximum of 25 days
- **Funeral Expenses** - up to a maximum £10,000 any one Insured Person
- **Hospitalisation** - £30 for each complete 24 hour period that the Insured Person spends as an in-patient, up to a maximum of 25 days and a maximum of £750 any one accident



- **Ligament Damage** - an additional sum of £200 in respect of Accidental Bodily Injury during the Operative Time which results in a tear to the Anterior Cruciate Ligament (ACL), Posterior Cruciate Ligament (PCL), Lateral Collateral Ligament (LCL), the Medial Collateral Ligament (MCL) that results in reconstructive surgery
- **Rehabilitation Costs** - up to a maximum of £15,000 for all reasonable expenses incurred in retraining the Insured Person for either, an alternative occupation or in order to improve the quality of their life following a valid claim being paid for Permanent Total Disablement or Loss of Limb(s) or Loss of Sight

#### Who should I notify and how do I make a claim?

To make a claim please contact Perkins Slade and complete and return the relevant documentation provided to you. Perkins Slade Claims Team can be contacted on : 0121 698 8046.