

## Top Tips: Insurance and Volunteer Liability

### 1. Secure the Essential Cover: Employers' Liability (EL)

- **EL is Key for Volunteers:** Although volunteers are not employees, UK law generally expects organisations to take the same level of care for volunteers as they do for staff. Therefore, an Employers' Liability (EL) policy is required to cover injuries to volunteers, as Public Liability (PL) insurance generally does not.
- **Required Even Without Paid Staff:** It is strongly recommended to arrange EL insurance that explicitly includes volunteers, even if you do not have paid employees.
- **Duty of Care:** Employers have a legal duty of care for the health, safety, and well-being of anyone carrying out work under the organisation's direction, including volunteers.
- **Consequences of Non-Compliance:** Failing to have legally required EL insurance can result in significant fines of up to £2,500 per day.
- Does public liability insurance cover injuries to volunteers?
  - No. Public Liability (PL) insurance is designed to cover injury or property damage caused to *third parties* – such as members of the public, visitors, or service users – arising from your organisation's negligence.
  - However, in most insurance wordings, volunteers are treated more like employees, meaning they fall outside the scope of Public Liability cover.
  - This means that Public Liability insurance will not cover injuries to volunteers, and an Employers' Liability (EL) policy is required.

### 2. Understand Volunteer Claims and Risks

- **When a Claim Can Occur:** A volunteer may bring a claim if they are injured or become ill as a direct result of their work for your organisation, and they believe this was caused by your negligence.

- **What a Claim Covers:** Compensation may include medical expenses, loss of earnings (from their paid role), cost of future care or rehabilitation, and compensation for pain and suffering.
- **Vicarious Liability:** Your organisation can be held legally responsible for the actions and mistakes of your volunteers when they are acting on your behalf. This reinforces the importance of training, supervision, and clear guidance.
- **Personal Insurance is Not Enough:** A volunteer's own personal insurance does not replace your organisation's legal responsibilities or prevent them from making a claim against you for negligence.
- **Commuting is Excluded:** Liability policies (like EL and PL) typically do not cover a volunteer for injury sustained while travelling to and from their regular volunteer location (the standard commute).

### **3. Check Policy Details and Procedures**

- **Check Your Wording:** You must check the policy wording to see the insurer's definition of an "employee", as this determines whether volunteers are automatically covered.
- **Declare Volunteers:** Coverage is subject to declaring the correct number of employees and volunteers to the insurer, often on a full-time equivalent basis.
- **Guard Against Blurred Status:** The line between "volunteer" and "employee" can become blurred if a volunteer works under your supervision, uses your equipment, receives training, or carries out regular, structured duties.
- **Off-Site and Events:** EL cover extends to volunteers working off-site or at events, as long as they are acting under your instruction. If they work remotely, this should be risk-assessed.

### **4. Manage Risk When Volunteers Use Their Own Equipment**

- **Duty of Care Remains:** Your duty of care for a volunteer's health and safety remains, even if they use their own tools, equipment, or vehicles.

- **Tools and Equipment:** Ensure volunteers using personal tools or equipment are trained, briefed, and provided with guidance on safe use. Your organisation could still be held liable if an accident occurs.
- **Vehicles:** Volunteers must have their own valid motor insurance; however, your charity could still face a claim if the volunteer is injured while performing duties for your organisation.

It is vital to speak with your insurance company, fully explaining the role and numbers of your volunteers.

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