# Civil Liability Insurance (Oct 08/Sept 09)

## A guide for Ramblers Areas and Groups

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**Further questions about insurance cover should be directed to Ramblers Association central office**


2nd Floor, Camelford House, 87 – 90 Albert Embankment, London, SE1 7TW

insurance@ramblers.org.uk / 020 7339 8500
www.ramblers.org.uk/volunteeer/insurance

# 1. The insurance cover

## 1.1 What's covered?

It is important to remember that the insurance cover exists to give protection to individuals in the case of a claim being made *against* them by a third party (such as a landowner, a member of the public, or another Ramblers member).

For such a claim to be successful, the injured party has to be able to demonstrate that *they have suffered as a result of negligence*. This principle is particularly important to remember in the context of led walks. Here, for a successful claim to be made against the Ramblers, the injured party needs to show that the walk leader abdicated their responsibility in a reckless or negligent manner.

Please note medical and personal accident cover are **not** included.

The Ramblers' Association arranges insurance cover for all its activities to protect individual members from claims that arise from a third party in relation to any activities they undertake on behalf of the Ramblers. The amount insured is **£10m**[1].

The cover applies as long as

- The activity is an official Ramblers activity organised or approved by a Group or Area committee, a member of staff or a trustee *and*
- The activity is led or organised by a paid-up Ramblers member and/or a volunteer registered by Ramblers staff.

The insurance is particularly of interest to members involved in leading Group walks and to members who carry out practical footpath work with their Group. But it also covers other activities such as committee meetings, campaign rallies, publicity events and even social events. If you require a copy of the policy for a meeting or publicity event please contact our central office.

The insurance policy is called "Civil Liability" and is underwritten by Royal Sun Alliance.

## 1.2 What type of insurance cover is not included?

It is important to note that the insurance cover does not include the following:

1. Medical cover & personal accident cover

   An individual injured on a Ramblers activity can not automatically claim compensation for injury nor medical expenses direct from the Ramblers Association or the insurers.

[1] You may have received an earlier version of this guidance, produced in September 2008, stating our cover as £5m. Between that guidance being produced and the policy starting in October, the level of cover was increased to £10m.

The Ramblers does not provide this insurance as the activities carried out by Groups and Areas are essentially activities of low risk. One of the riskier activities carried out by some Groups is practical footpath work involving the use of tools. Here additional personal accident insurance may be required by the Group. This is covered in section 4 “Practical Footpath Work”

2. Motor cover
   It is important to note that there is no motor cover. Further details are provided in section 3.3.7 “Transport to and from walks”.

3. Travel insurance
   Groups who occasionally book group travel and/or accommodation for Group holidays should note that there is no travel insurance included.

### 1.3 Affiliated Clubs

Affiliated clubs are not covered by the Ramblers’ Association civil liability insurance.

However affiliated clubs can access similar insurance cover at advantageous rates by contacting our current insurers, Perkins Slade. Any affiliated club taking advantage of this offer is asked to recognise that the Ramblers’ Association is simply providing an introductory service. As such the Ramblers’ Association is unable to enter any insurance negotiations on behalf of, or provide support to affiliated clubs on this matter.

## 2. Recording and reporting incidents

An incident may be considered as:

- An occurrence that affected, or could have affected, the safety or security of an activity

An accident may be considered as:

- an undesired event that results in harm to people, damage to property, or harm to the environment.

If an incident (or an accident) of any kind occurs on a led walk (or any other Ramblers activity), it should be recorded. An incident may not always necessarily result in injury, but should be regarded as something that could, or may still, affect the safety and security of an activity. The best place to record such incidences is in an Accident Book. Keeping an Accident Book is easy to do. Standard Accident Books can be bought from stationers and cost around £5. Alternatively, Groups can make their own using a ring-binder and then add notes to it as required. A basic template for recording accidents in a ring-binder is included in annexe A**.** The two most important factors in keeping an Accident Book are as follows:

- There should be only one per Group, with one member of the Group responsible for it. It is probably best that this person be the Group Secretary or the Walks Programme Co-ordinator.
- All volunteers in the Group, including Walk Leaders, must be aware of its existence and must record any incidents

Whether an incident needs to be reported outside the Group depends on its severity. The insurers and the Ramblers' Association only require what might be considered as "major incidents or injuries" to be reported and a list of what constitutes these is listed in the box below. This list is not exhaustive.

Incidents will certainly include:

- Any kind of fatality
- An injury involving either referral to or actual hospital treatment. Some examples are below.
- Calling out the emergency services, including mountain rescue
- An allegation of slander or libel
- An investigation under child protection legislation
- Damage to third party property

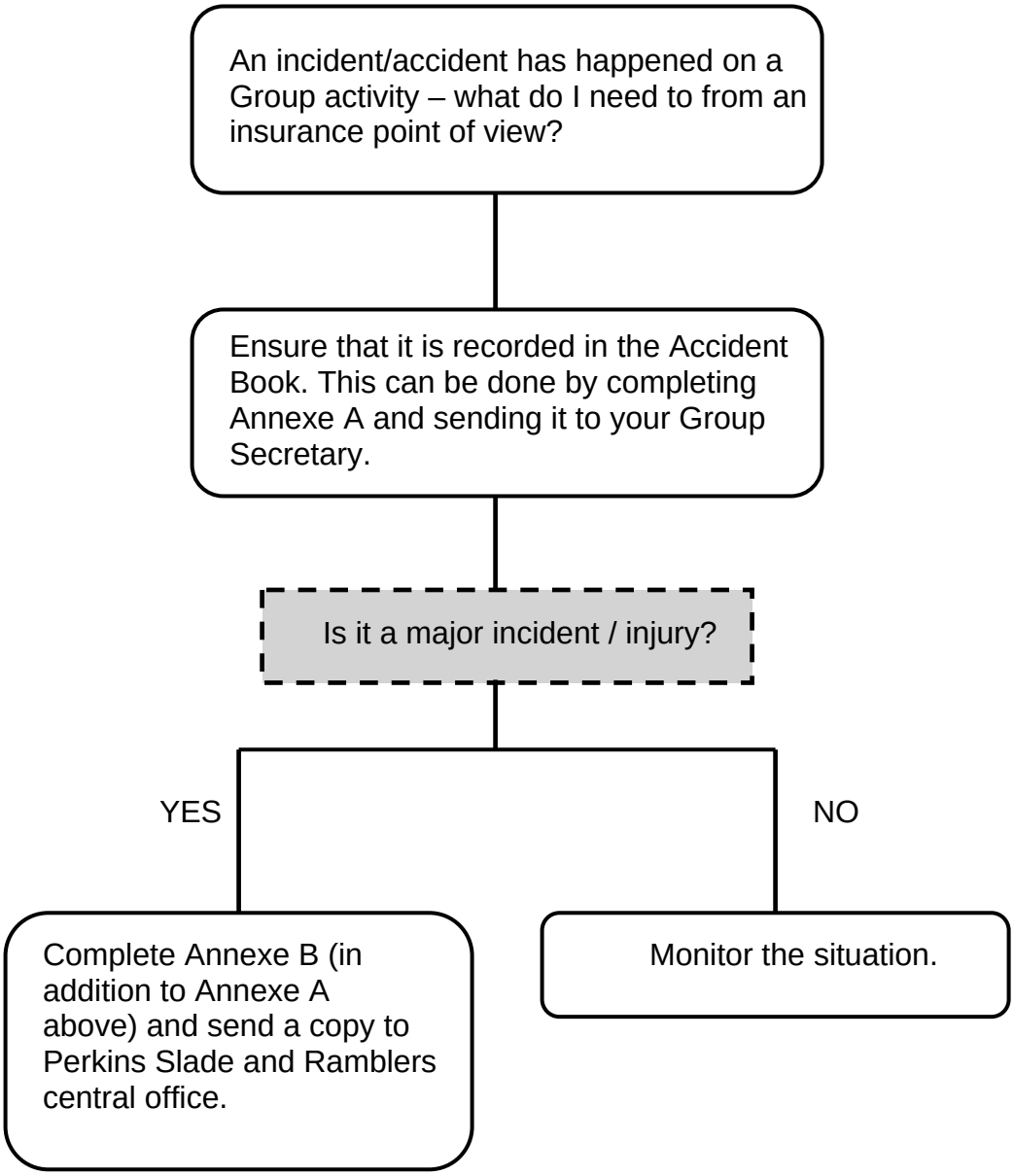
Injuries would certainly include:

- Any head injury requiring medical treatment
- Any fracture (other than to fingers, thumbs and toes)
- Any amputation or dislocation of shoulder, hip, knee or spine
- Loss of sight (permanent or temporary)
- Electric shock or burn leading to unconsciousness, requiring resuscitation or leading to hospitalisation for more than 24 hours
- Hypothermia or heat induced injury leading to unconsciousness, requiring resuscitation or leading to hospitalisation for more than 24 hours
- Loss of consciousness caused by asphyxia or by exposure to a harmful substance or biological agent

If you feel an incident needs to be reported, you should do so directly to our insurance brokers, Perkins Slade (using the Incident Report Form in annexe B) with a copy sent to the Ramblers' Association.

If you're not sure if an incident needs reporting, contact the Ramblers Association Central Office on 020 7339 8500 or insurance@ramblers.org.uk. The best rule of thumb is: "if in doubt, report it".

## The Process




This step is very important. Perkins Slade need to know about any major incidents in case a claim is bought against the Ramblers. We need to know at central office so we can monitor trends, review our guidance and try to avoid any injuries.

## 3. Ramblers led walks and insurance

### 3.1 Walking as a low-risk activity

Overall, walking is one of the safest outdoor activities**.** It's completely natural, doesn't overly strain your body and doesn't require sophisticated equipment or training.

Every year Ramblers volunteers organise over 500 led walks a week across the country and take tens of thousands of people out walking. But every year only around 15-20 "incidents" such as injuries or damage to property are reported to us, nearly all of them very minor. None of these incidents has led to a claim against the Ramblers in over five years.

However, it's still wise to take precautions to protect our members, our volunteers and the people who benefit from our services. Insurance cover is one important way to do this. However, the most effective way of running a safe walks programme is to follow basic "good practice" so that walks are organised in a safe and responsible way.

### 3.2 Good practice

Good practice in leading walks can sound daunting or smack of procedure, but this should not be the case. For most Groups with many years experience of leading walks, "good practice" will sound like plain common sense and is likely to have formed part of the Group's established way of operating for many years.

Some of the most basic elements of good practice in leading walks are simple steps such as the following

a) Be familiar with the route by walking it beforehand and make a note of any more complicated sections (e.g. busy roads to cross, slippery banks to descend, sections where the route is not so clear). Most walk leaders already do this routinely and call it a "recce". Essentially, a "recce" is a form of risk assessment!

b) Before setting out on the walk, make sure everyone is aware of the distance and terrain involved and any sections of the route where particular care is required.

c) Know who is in your group and ensure that the Group stays together. Appoint a back-marker for larger groups to keep the party together and do not take more people than you feel comfortable leading. If people wish to leave the walk by walking on ahead or finishing early, make it clear that they must let you know and that they understand your responsibility as leader ends when they leave the main group.

The Ramblers Association strongly encourages every Group to take up these measures as they demonstrate that walk leaders are taking their responsibilities seriously and will inspire confidence in the walkers. From the point of view of the insurance cover in the event of a claim being made, leaders who can demonstrate that they acted responsibly are in a much stronger position to counter claims of negligence.

A secure way for walk leaders to demonstrate they are following this good practice is to make a brief written report of the walk recce and to take a register of individuals for each walk. The Ramblers' Association encourage walk leaders to do this. This may be useful if, for example, it was disputed that the individual attended the walk or not and allows the leader to check numbers throughout the walk. It also enables Groups to keep a record of the

numbers of attendees. For walk leaders or Groups who wish to do this, two templates are available in annexes C & D.

For walk leaders and Groups who wish to learn more about good practice for walk leading, the Ramblers has published some resources to help further. These are listed below:

- *Leading group walks* and *Leading group walks in remote areas or demanding conditions.* Two useful fact sheets, obtainable from Ramblers central office or downloadable online: see www.ramblers.org.uk/volunteer/support/resources/walksleader.htm
- *Walk leader checklist*. Handy postcard-sized checklist for all walk leaders: order stocks from Ramblers central office.
- *Organising shorter walks*. Fact sheet on devising, publicising and leading shorter, easier walks (under 8km/5 miles).

In 2008 the Ramblers' Association established the Led Walks Team, who will be extending and updating resources and guidance for walk leaders. Part of the support being offered will include increased opportunity for new and existing walk leaders to attend training.

### 3.3 Some common insurance concerns relating to led walks

#### 3.3.1 Dogs on walks

Insurance liabilities aside, individual walk leaders or Groups are not under any obligation to allow dogs on walks and it is up to each Area or Group to decide their policy on this matter. Many Areas and Groups devolve the decision to individual walk leaders. Many Groups have plenty of good experiences of allowing walkers with dogs on their walks.

The presence of a dog on a led walk does not invalidate the insurance cover for that walk. Responsibility for the dog lies with the individual dog owner who must ensure that their dog remains under close control. They must ensure their dog does not alarm other people and they must clean up after their dog. Incidences caused by dogs are not covered by the insurance policy. Therefore, walk leaders need to remind dog owners of their responsibilities at the start of the walk.

In most cases keeping a dog "under close control" will mean being on a lead, but dogs can also be under control when off a lead. Dogs should be kept on a lead on roads, near livestock or sensitive wildlife, where the terrain requires careful footwork and wherever the law or other official regulations require it.

In some places (e.g. some access land in England and Wales) there may be restrictions against dogs at certain times of the year or through local bye-laws. It is the dog owners who are responsible for being aware of their responsibilities and adhering to them.

Information about dogs in the outdoors is available from Central Office on a *Walking in Britain* fact sheet, or on our website www.ramblers.org.uk/info/britain/access.html. Information is also available on www.countrysideaccess.gov.uk and for Scotland on www.outdooraccess-scotland.com .

### 3.3.2 Non members on walks

In the context of insurance and non members attending walks it is important to remember that the insurance cover does not include personal accident or medical cover. The insurance cover exists to give protection to individuals in the case of a claim being made *against* them by a third party.

The walk leader is the person most exposed to any risk of a claim being made and has a duty of care for all walkers regardless of whether they are members or not.

***The way that the insurance cover is arranged means that all members are covered. It is Ramblers policy that the Walk Leader must be a paid up member of the Ramblers' Association.***

For membership recruitment reasons we encourage Groups to run their regular walks programmes on a "members" basis, with non-members welcome on a few "taster" walks with a particular Group. However, this has no bearing on civil liability insurance and should not deter Groups from activities that further other Ramblers objectives such as promoting walking to the wider public.

### 3.3.3 Winter walking, mountaineering and walks which require special equipment

Groups who undertake walks where special equipment is required should contact Central Office (020 7338 8500 or insurance@ramblers.org.uk) to ensure that the planned walk will be covered by insurance.

The policy makes a clear distinction between using equipment when *walking,* which is covered, and using equipment when *mountaineering,* which is not.

Where equipment such as ropes and ice-axes are needed for safety reasons (for instance because of the weather) over ground that could normally be traversed without this equipment, the insurers consider this to be walking or "rambling" and it is covered by the insurance policy.

Mountaineering activities are not covered. This includes "pitched climbing" where members of a party ascend in stages one after the other.

### 3.3.4 Walk recces

Carrying out a recce for a walk (i.e. walking the route beforehand) is strongly encouraged and considered to be good practice. The insurance covers all members whilst conducting recces for Group walks.

### 3.3.5 Leading walks for other organisations

Individual members or Groups are sometimes approached by other organisations and asked whether they can arrange a led walk on their behalf. In these instances individuals and Groups should take care to ensure that they are clear which organisation is responsible for

running the proposed walk. If it is to be run as a Ramblers Group activity (ie, with the full knowledge and support of the Group committee) then the walk leader will be covered by the insurance. However, if responsibility for the walk rests with a separate organisation then the Ramblers insurance cover will not apply.

When individuals or Groups collaborate with other organisations in this way we strongly recommend that the question of responsibility and insurance cover is discussed and clarified explicitly beforehand.

### 3.3.6 Administering first aid

If an individual on a walk requires first aid, any member can provide assistance until qualified help arrives. There is no danger of compromising insurance cover when providing first aid as required.

### 3.3.7 Transport to and from walks

Ramblers insurance does not cover travel to and from walks, meetings or events. For chartered coaches, or public transport, insurance cover is a matter for the transport operator. If in doubt, it might be helpful to obtain confirmation from the operator that this is the case.

As an alternative to public transport some Groups operate car-sharing arrangements where walkers meet at a convenient point and then get to the actual start point of the walk itself in shared cars.

The Ramblers' Association supports car sharing as a means of reducing the environmental impact of driving to walks. However, Ramblers insurance does not cover any incident arising as a result of car sharing.

Ordinary private motor insurance covers drivers giving lifts to others. But this cover is invalidated if a fare has been charged for the journey so volunteers must take great care about the way car sharing is arranged and publicised.

Many Groups suggest in their programmes and other publicity that passengers in a car share should make a contribution to the driver towards mileage costs. This is fine as long as it is absolutely clear that passengers are being *requested* to make a *voluntary* contribution. It is also fine to suggest a level of voluntary contribution that may be acceptable (eg *x*p per passenger per mile).

If the encouragement to pay drivers appears to be more like an instruction or a condition rather than a voluntary contribution, it is possible that this could constitute a *fare*, which in turn, would invalidate private motor insurance.

A suggested form of words for Group literature is

> *Our Group encourages car sharing and walkers often meet at x car park. Drivers often appreciate it when a voluntary contribution is made by passengers. As a guide, xp per mile per passenger is considered an amount which reasonably covers the costs incurred by the driver.*

### 3.3.8 Disclaimer in Group programme

Disclaimers don't offer any significant protection in the event of a claim. It may be useful to include some basic advice to participants but overdoing this can be unnecessarily off-putting as the risks are so low. As an example, all walk listings on the Ramblers' online Group Walks Finder carry the following wording:

> *Please make sure that you are fit enough to undertake the walk you intend to join. If you're unsure of your fitness level, try a short and easy walk first: it's much better to find a walk a little too slow and easy than to make yourself miserable and exhausted.*
>
> *Most Ramblers' walks are off-road in rural areas. Please have suitable footwear and clothing for the walk you intend to join, and bring some food and drink, even if the walk includes a pub or café break. Leaders may refuse to accept participants who in their opinion are inadequately equipped or unfit. When in doubt, contact the organisers or the walk leader in advance.*
>
> *For your own and others' safety please read and abide by any advice and guidelines issued by the organisers, and the instructions of the walk leader. Though walking is inherently one of the safest outdoor activities, no activity is completely without risk and it is your responsibility to behave sensibly and to minimise the potential for accidents to occur.*

## 4.1 Practical work groups

### 4.1 What's covered?

Many Groups are actively engaged in practical work to maintain or improve footpaths and rights of way. In many cases this is carried out in collaboration with the local authority or similar agency. In these instances it is very common for insurance cover to be arranged by the local authority, and for the local authority to determine the conditions under which the Ramblers group can operate.

All Groups carrying out practical work should consult with their local authority in the first instance. Where the authority does arrange insurance it often includes both civil liability insurance *and* personal accident insurance for individuals. As personal accident cover is excluded from the Ramblers insurance, this arrangement provides wider cover for members than the Ramblers insurance.

However, there are some instances where Groups wish to carry out practical work and insurance cover is not available from the local authority. To provide for this, the Ramblers insurance provides some cover for members. The list of activities covered is clearly defined and includes only the following activities:

- vegetation clearance
- stile building and repair
- small bridge construction
- work on steps
- work on gates
- erection of signposts and waymarks
- the use of small power tools (e.g. small drills, strimmers)

Any other activities are excluded from the policy.

### 4.2 Conditions attached to the cover

In the event of a claim being made against them, Groups that carry out this kind of work need to demonstrate that they have taken care to ensure the safety of individuals participating in the work, and checked to ensure the work carried out was to an appropriate standard. This needs to be documented, but need not be onerous.

Two procedures are required:

a) Going through a simple check-list can ensure that individuals' safety is considered.

b) Ensuring that the finished job is "signed off" by the landowner or local authority rights of way department can ensure that the job has been done to an appropriate standard.

Templates of a check-list and a sign-off sheet are attached in annexes E & F for Groups who wish to make use of them.

Where these procedures are followed, it is important that each Group nominates one individual to archive the documentation.

### 4.3 Groups requiring additional cover

Some Groups may feel that the Ramblers cover is insufficient for their needs. This may be because they wish to carry out some work which is not covered, or because they wish to arrange personal accident insurance for participants.

In these instances Groups need to purchase additional insurance separately. The BTCV (British Trust for Conservation Volunteers) offers a policy which many Groups have purchased. This policy is not cheap, approximately .£300 per year, but it does allow Groups to carry out valuable work and it does provide additional personal accident cover. It is also possible that an Area could arrange cover on behalf of a number of Groups engaged in this work. A link to the policy details is available on our website at www.ramblers.org.uk/volunteer/insurance.

### 4.4 Reporting and recording incidents

In the event of an incident or accident, Groups should follow the same procedures as listed above in section 2.

(This applies, of course, only to Groups who wish to make use of the Ramblers insurance. If a separate policy has been purchased, Groups should refer to the guidance provided by that insurance provider).

# Civil Liability Insurance (Oct 08/Sept 09)

**A guide for Ramblers Areas and Groups**

## Annexes

Annexe A: Accident report form

Annexe B: Incident report form

Annexe C: Participant register

Annexe D: Walk recce report

Annexe E: Working party health and safety checklist

Annexe F: Working Party Sign-off Form for completed jobs

Please photocopy these annexes for use as required by your members. Alternatively members can access annexes directly from www.ramblers.org.uk

**Annexe A**

**Ramblers Association** .....NAME OF GROUP

**Accident report form**

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In case of an accident (or incident) during a Ramblers activity, this form should be completed and returned to the Group Secretary who will file it in the Group Accident Book. In addition, serious accidents (or incidents) should be reported to the insurers and to central Office using Annexe B.

**1. Details of accident**

| | | | |
|---|---|---|---|
| Date | | Time | |
| Location : | | | |
| Activity or event that was taking place (eg Group walk, meeting etc): | | | |

**2. Details of person injured**

| | | | |
|---|---|---|---|
| First name | | Family name | |
| Sex: M / F | Age (if known) : | Ramblers member? Yes / No | Memb. No (if known): |
| Address: | | | |
| Contact phone: | | Contact email: | |

**3. Details of accident**

| |
|---|
| Give full details of what happened and how.<br><br>Details of any action taken |

**4. Details of person making this report**

| | | | |
|---|---|---|---|
| First Name | | Family Name | |
| Member of Ramblers?: Yes / No | | Memb no. (if known): | |
| Committee position or volunteer role? (eg. Grp Sec, Walk Leader, None) | | | |
| Address: | | | |
| Contact phone: | | Contact email: | |

| | | | |
|---|---|---|---|
| Signature | | Date | |

**Annexe B**

Policy Ref: RAMB01CL01

perkinsslade

Perkins Slade Limited
3 Broadway Broad Street
Birmingham B15 1BQ
Tel +44 (0)121 698 8000
Fax +44 (0)121 625 9000
Email info@perkins-slade.com

# THE RAMBLERS ASSOCIATION

## Incident Report Form

Instructions

1) The member responsible for the activity (ie. the walk leader, the event organiser) should complete the first page of this form and ask witnesses to complete the relevant section overleaf
2) The completed form must be signed off by a Group or Area committee member
3) Care should be taken to include as full an answer as is possible to each question
4) The completed form should be sent to Perkins Slade and a copy to the Ramblers Association

**NAME OF GROUP OR AREA** .....

DETAILS OF MEMBER RESPONSIBLE FOR ACTIVITY WHEN INCIDENT OCCURRED

**Name**

**Address:** .....

.....

.....

**Contact Tel & email** .....

**Membership Number:** .....

---

ACCIDENT/INCIDENT DETAILS

INJURED PERSON

**Name** .....

**Address** .....

.....

**Age and occupation** .....

**Place** .....

**Date** .....

**CIRCUMSTANCES (INJURY OR DAMAGE):** .....

.....

.....

.....

**WITNESSES (if available)**

**Name** . . . . . .

**Address** . . . . . .

. . . . . **Tel. No:** . . . . . .

**Name** . . . . . .

**Address** . . . . . .

. . . . . **Tel. No:** . . . . . .

**Has blame been "apportioned"?** . . . . . .

**If "Yes" state by whom and in what circumstances** . . . . . .

. . . . . .

. . . . . .

**In your view, who is responsible for the incident?** . . . . . .

. . . . . .

. . . . . .

**Please outline any implied or actual threat of legal action arising out of the incident** . . . . . .

. . . . . .

. . . . . .

**WITNESS DETAILS**

**Any Additional Information/Comment/Opinion (in confidence)** . . . . . .

. . . . . .

. . . . . .

---

**FOLLOWING TO BE COMPLETED BY GROUP OR AREA COMMITTEE MEMBER**

**Signed** . . . . . .

**Name** . . . . . .

**Committee position** . . . . . .

**Date** . . . . . .

DATA PROTECTION ACT: *All information you provide on this form is treated by us as confidential and except to the extent required by law, we shall only use such information for the purposes of processing your claim. Information you provide may be forwarded to your Insurer for these purposes.*

Please return to Perkins Slade (address overleaf) and send a copy to:
Ramblers Association, Led Walks Team, 2nd Floor, Camelford House, 87-90 Embankment, London, SE1 7TW

**Annexe C**

**Ramblers Association** .....NAME OF GROUP

# Participant register

| | |
|---|---|
| Date | Location |
| Name of walk leader | |

The following participated on this walk

| | Name | Tick if not a member | | Name | Tick if not a member |
|---|---|---|---|---|---|
| 1 | | | 16 | | |
| 2 | | | 17 | | |
| 3 | | | 18 | | |
| 4 | | | 19 | | |
| 5 | | | 20 | | |
| 6 | | | 21 | | |
| 7 | | | 22 | | |
| 8 | | | 23 | | |
| 9 | | | 24 | | |
| 10 | | | 25 | | |
| 11 | | | 26 | | |
| 12 | | | 27 | | |
| 13 | | | 28 | | |
| 14 | | | 29 | | |
| 15 | | | 30 | | |

Continue overleaf if required:

| | | | |
|---|---|---|---|
| **Signature** | | **Date** | |

**Annexe D**

**Ramblers Association** .....NAME OF GROUP

# Walk recce report

Complete this form after undertaking a recce and use it on the day of the walk to brief walkers about the route

Recce undertaken on ..... (date) for Group walk planned for .....

| Distance: | Time taken to complete route: |
|---|---|
| Detail any features of the route that require any special caution (eg busy roads | |

| Signature | | Date | |
|---|---|---|---|

**Annexe E**

**Ramblers Association** .....NAME OF GROUP

# Working Party Health & Safety Checklist

Group leader/co-ordinator: .....

Location of working party: .....
Date.....

Job being undertaken: .....

Before starting work:

| | | Tick |
|---|---|---|
| 1 | Have you checked the work site for any hazards or potential dangers to members of the work party? (eg, barbed wire, conditions under foot etc) | |
| 2 | Have you checked to ensure the site does not present any additional hazards or potential dangers to members of the public while you are working there? | |
| 3 | Have you advised members of the work party of the work involved, and is everyone happy to take part? | |
| 4 | Have you checked to ensure that individuals are appropriately dressed and have the right tools and skills/knowledge for the job? | |
| 5 | Have you checked any tools being used to ensure they are in good condition? | |

On completion of the work for the day

| | | |
|---|---|---|
| 1 | Have you checked to ensure the site has been left clear of obstacles and in a safe condition for the public? | |

| Signature | | Date | |
|---|---|---|---|

**Annexe F**

**Ramblers Association** .....NAME OF GROUP

# Working Party Sign-off Form for completed jobs

## 1. Details of the work carried out

| Details of job: |
|---|
| |

Group leader/co-ordinator: .....

Site location: .....

Work carried out on behalf of ..... (eg landowner, local authority)

Date work begun: ..... Date work completed: .....

## 2. Declaration (to be completed by the appropriate authority)

I am satisfied that the work detailed above has been completed to a good standard

| | | | |
|---|---|---|---|
| **Name** | | | |
| **Position** | | | |
| **Signature** | | **Date** | |