

Civil Liability Insurance

A guide for Areas and Groups



This guide explains the public insurance liability cover arranged by the Ramblers' Association for all its members.

It is underwritten by one key message

Don't worry!

- **Walking is a very low risk activity**
- **All members involved in Ramblers activities are covered**
- **Ramblers volunteers are not individually liable for claims**

It explains

- **The nature of the insurance cover**
- **Some good practice to make claims even less likely**
- **What to do about dogs, working parties and car sharing**

Further questions about insurance cover should be directed to Ramblers Association Central Office

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020 7339 8500; ramblers@ramblers.org.uk
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1. Summary of insurance cover

General points

- The cover provided is civil liability insurance
- It provides cover for all Group and Area activities. This includes walk leading, hiring venues, running meetings or events and any other legitimate activity.
- Members are covered against claims of injury or damage incurred by a third party. This third party may be another Ramblers member or member of the public.

Walk leading

- Walks are covered by the insurance as long as the leader is a member of the Ramblers and the walk is a recognised Group or Area activity.
- Non-members can take part in any number of led walks but cannot lead walks.
- The insurers do not require a formal risk assessment for each walk to be carried out nor a register of walkers to be kept.
- Dogs can be allowed on walks. It is the dog owner who is responsible for controlling his/her dog.

Working parties

- Some basic cover is provided for working parties. However, many exclusions apply (such as work on gates, stiles, bridges and steps). Groups carrying out practical work are most likely to require additional insurance cover.

Transport

- Transport is not covered by the insurance. Groups who organise car-sharing should be aware that these are informal arrangements between private individuals.

Exclusions

- The policy provides no cover for personal accidents or any medical care.

2. Walking: A low-risk activity

Overall, walking is one of the safest outdoor activities. It's completely natural, doesn't 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, even though walking is low risk, it's still wise to take precautions to protect our members, our volunteers and the people who benefit from our services. There are two main ways of doing this:

- By providing "best practice" guidelines to help our volunteers organise walks and other activities in a safe and responsible way.
- By taking out civil liability insurance to make sure that volunteers involved in organising activities on behalf of the Ramblers are not personally liable if an incident leads to a claim.

The issue of insurance and liability can generate great confusion and anxiety. We're told we live in an increasingly litigious world, and whether or not this is true, people tend to focus on the risks of activities more than they did in the past. This in turn can lead to understandable concern that in organising activities for others, volunteers are putting themselves "on the line" with potentially serious consequences if things go wrong. But in fact many of the worries reported to us turn out to be unfounded.

This booklet aims to explain civil liability insurance in a simple and easily understandable way, give practical advice on what it means for volunteers involved in Ramblers activities, deal with frequently asked questions and common sources of confusion and misunderstanding, and point to guidance that can help reduce the risk of incidents still further.

3. What is civil liability?

If someone suffers loss, damage or injury and believes this is through the fault of someone else, they could make a claim against that person – known in legal terms as the “defendant” – in a civil court. If the court agrees that the defendant is liable for the harm caused to the claimant, it can order the defendant to pay a sum of money, known as “damages”, to the claimant. Liability could arise from an action that directly harmed the claimant, but it also often arises from inaction or negligence, such as failing to take a safety precaution.

For example:

- Someone on a led walk fails to shut a gate, leading to livestock escaping, and the farmer makes a claim against the Ramblers Group involved.
- Someone on a led walk is injured by falling on a steep, slippery path, and claims against the Ramblers on the grounds that they should not have been led onto a dangerous path.

Note that the court isn't there to decide if the defendant “broke the law” but to resolve a dispute between two individuals or organisations. The final decision on whether or not the defendant is liable, as well as the amount of damages to be paid, if any, will be taken by a judge or court official, who should take into account all the circumstances of the case and bear in mind what might reasonably be expected of all the people involved.

One thing the court may consider is whether or not the defendant had any special responsibilities over and above those of an ordinary member of the public. This is known as an “enhanced duty of care”. For example someone in charge of an activity will be expected to take greater care than a simple participant. So the farmer might expect Ramblers volunteers to take special care to ensure a gate is closed, and people joining a led walk might expect that the leader knows more about appropriate safety precautions on a walk than they do.

Going to court can be time consuming and expensive so the claimant and their legal advisers are unlikely to proceed unless they believe they have a strong enough case to stand a good chance of winning sufficient damages to justify the cost of making the claim.

4. The Ramblers Civil Liability Insurance

The Ramblers' Association arranges insurance cover for all its activities to protect individual members from claims that arise from any activities they undertake on behalf of the Ramblers.

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 walk leaders and back markers as they are the volunteers who would otherwise be most vulnerable to claims against them on the grounds of enhanced duty of care. But it also covers other activities such as committee meetings, campaign rallies, publicity events and even social events – though see below (point 6.2) for work parties using tools. It also covers all Ramblers members, not just organisers and leaders.

The insurance policy is called “Public Liability” and is underwritten by Royal Sun Alliance.

The insurance does not include either medical or personal accident cover, so an individual injured on an RA activity cannot automatically claim compensation or medical expenses direct from the Ramblers' Association or the insurers.

For an insurance claim to be successful, the injured party has to be able to demonstrate that they have suffered as a result of negligence or through an intention to harm. 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 harm was committed on purpose, or that the walk leader abdicated their responsibility in a reckless or negligent manner.

5. Good practice when leading walks

Ramblers volunteers have developed many good practice procedures in leading walks, perhaps even without realising it. Examples include:

- Walk “recce-ing”: (walk leaders walking the proposed route prior to the walk date to familiarise themselves and to check for any obstacles or diversions)
- Welcome and introduction to the walk: Addressing all walkers at the beginning of the walk to tell them how far it is and how long it should take, what the terrain is like, whether there are any parts where walkers should take particular care (eg. crossing a busy road) and being clear about how to leave gates.
- Appointing a back marker

The Ramblers’ Association encourages this good practice, and a number of resources are available for volunteers to help with walk leading. Being familiar with the route, informing walkers of what is involved and being alert to the well-being of the group all form part of this.

Nevertheless, from an insurance point of view, it is important to stress that while some practices are encouraged because they are good, their absence does not necessarily mean that there has been negligence.

Anyone wishing to make an insurance claim against the Ramblers has to demonstrate negligence or wilful harm. This will be easier to do if a walk leader clearly did not know where they were going, if he/she failed to give any information to walkers at the beginning about length and difficulty of the walk, or if he/she clearly paid no attention to keeping the group together.

However, the insurance cover is not conditional on a prescriptive list of pre-defined procedures being carried out. Leaders might not conduct a recce because they know the area well, or because they are a competent map reader and have led many walks before. A back marker might not be appointed because the group is small. Just because a recce is not carried out, or if there is no back marker will not suddenly invalidate the insurance.

Good practice resources

- *Navigation and Leadership: a manual for walkers*. This is the Ramblers’ current “bible” on good practice on led walks and is where you should look first for any enquiry on walk leading. Every Area and Group should have a copy: if yours doesn’t, ask Ramblers central office to send one.
- *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/walks
- *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) including walks for the public is available from staff in the Ramblers Scotland office.
- *Training in walk leading and navigation*. Suggested syllabuses for walk leader training courses based on the *Navigation and Leadership* manual, available from Ramblers central office.

6. Three contentious issues

6.1 Dogs

In previous years, the information sent by Central Office to Areas and Groups has given the impression that dogs are not allowed on Ramblers walks. Following a clarification of the policy for 2006/07, this is no longer the case.

A walker taking a dog on a led walk does not invalidate the insurance cover for that walk.

Individual dog owners are responsible for ensuring that their dog is kept under control. There are guidelines that apply to dogs in the outdoors and which outline what is meant for a dog to be “under control”.

In some places (eg. 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.

We recommend that dogs are kept under close control at all times, and 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. Dog owners must ensure their dog does not alarm other people and they must clean up after their dog. We encourage leaders to remind walkers with dogs of their responsibilities at the start of the walk.

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 Groups have plenty of good experiences allowing walkers with dogs to take part in their walks.

6.2 Working parties

Many Groups engage in practical work such as footpath maintenance or improvement work.

The civil liability insurance policy does cover this kind of work, but with a large number of provisos which, in practice, often means that Groups with working parties need to ensure that separate insurance cover is arranged.

Working parties are covered as long as they are not working on maintenance or repair to “furniture” (eg stiles, bridges, steps, gates etc) or working with power tools (eg. chain saws, strimmers). In practice, this tends to mean that the only work that is covered is path clearance using loppers, rakes, forks or other such manually operated tools.

Groups who wish to work on “furniture” or use power tools need to arrange alternative insurance. In some cases, this can be arranged with the local authority.

There are a number of Groups carrying out work in partnership with their local authority, where the volunteers are included in the authority's own insurance.

In cases where this is not possible, Groups or Areas can arrange separate insurance for working parties through a policy offered by BTCV (British Trust for Conservation Volunteers). A link to the policy details is available on our website at www.ramblers.org.uk/volunteer/insurance. This policy is not cheap (c.£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.

6.3 Travel to-and from walks and car-sharing

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 xp 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 Awhich reasonably covers the costs incurred by the driver.

7. Reporting an incident

If an incident occurs on a walk (or any other Ramblers activity) that could lead to an insurance claim, volunteers should report it directly to our insurance brokers, Perkins Slade, using the standard "Incident Report Form". There is a blank form at the back of this booklet. More forms are available from Central Office (020 7339 8500) or from our website (www.ramblers.org.uk/volunteer/insurance).

It is not necessary to send copies of the form to Central Office, as the brokers can pass these onto us in any case.

The details on the form should be completed by the member who was taking the lead in the activity – for instance, the walk leader, but the form also needs to be signed off by a Group or Area committee member. This verifies to the insurers that the activity was a *bona fide* Ramblers activity.

What constitutes an incident?

An incident is anything that you think may result in a claim against the Ramblers' Association. The best rule of thumb may be "If in doubt, report it". Our insurance brokers are quite used to receiving incident reports that never lead to claims. If you would like to know whether an incident ought to be reported or not, staff in the claims department of our insurance brokers, Perkins Slade, are able to advise. They can be contacted on 0121 698 8000 or sports@perkins-slade.com

A list of what would certainly be considered an incident includes:

- A fatal accident
- An injury involving either referral to or actual hospital treatment
- An allegation of slander or libel
- An investigation under child protection legislation
- Damage to third party property

A list of what constitutes an injury 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

What to do on a walk if an incident occurs?

A first rule of insurance cover is not to admit liability or agree to pay for damage caused. This can prejudice the position of the insurers and *could* result in the withdrawal of any indemnity.

The report form asks for details of the incident and also for names and contact information of two witnesses where possible. In the event of an incident on a walk, it is therefore advisable for the leader to

- take a note of the incident details
- obtain the contact details of two people who are prepared to act as witnesses and to complete part of the incident form at a later date.

8. Some frequently asked questions

1. What about non-members on walks and walks for the public?

Organising led walks and walking-related activities for non-members and the general public is a perfectly legitimate Ramblers activity which can help further our charitable aim of promoting walking; contribute to our footpaths, access and countryside work; and help promote a positive and attractive image. Ramblers volunteers involved in such activities are therefore fully covered by civil liability insurance and the presence of non-members on walks in no way invalidates the insurance cover for the walk leader or for other members on the walk. Walk leaders have identical responsibilities to members and non-members alike.

Ordinary walkers who are Ramblers members are also covered by the policy while on Ramblers walks. Non-members are not covered by the policy, and therefore walk at their own risk, except in the case of non-members who are attending up to three “taster” walks with a view to joining the Ramblers. In practice, however, ordinary walkers are much less likely to be the subject of a claim than walk leaders.

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

2. Do walk leaders have to take a register of all walkers?

No.

The insurance company has suggested that a register of walkers is beneficial because it records everyone who was present on the walk. In the case of a claim (which could occur some time after the actual walk), such

a register could be useful in case there was a dispute about an individual’s presence on the walk or not. However, the insurers recognise that it is burdensome to record attendance in this way and it is not a condition of the insurance policy.

3. Is winter walking covered if it involves ropes, ice-axes and other equipment?

Yes, however, the policy makes a clear distinction between using equipment when walking, which is covered, and 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 comes clearly within the insurance policy.

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

If in doubt about whether a planned activity constitutes mountaineering or walking, volunteers should contact Central Office on 020 7338 8500 or ramblers@ramblers.org.uk

4. Are walk reces covered

Yes.

Carrying out a recce of a walk is part of good practice and a completely valid volunteer activity.

5. What if a Ramblers member volunteers for another organisation?

The insurance only covers members participating in recognised Ramblers activities as described above. If the activity is jointly organised with another organisation, members will be covered by the Ramblers insurance. But members aren’t covered by Ramblers insurance if they undertake

independent activities on behalf of another organisation, for example leading walks for a local authority or a commercial holiday operator. If you're asked to do this, we advise that you check with the organisation concerned that you will be covered by their own civil liability insurance.

6. Are members covered for administering first aid if someone gets injured?

Yes.

If someone is injured on a walk, there is no barrier to providing first aid. In fact, it could be argued that by not providing some form of first aid, a Group is being negligent.

It is not necessary to hold a first aid certificate in order to give assistance. All that is required is that the best is done by those present to provide assistance until qualified care arrives.

7. Should we include a disclaimer in walk programmes?

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.

8. Can a walk leader be held personally liable for an accident or other incident on a walk?

No.

Any walk organised by a Group or Area or by Ramblers staff forms an integral part of Ramblers' Association activity. A claim might be made on the grounds of the action (or inaction) of one particular volunteer such as the walk leader, but any such claim would be directed to the Ramblers' Association, not to the individual.

Policy Ref: RAMB01CL01

THE RAMBLERS' ASSOCIATION
Incident Notification Advice 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 at the address above

NAME OF GROUP OR AREA

DETAILS OF MEMBER RESPONSIBLE FOR ACTIVITY WHERE 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.