

A Note on EFDSS Public Liability Insurance

Updated March 2017

Notes that these notes may contain errors and do not provide any qualified legal opinion on any matter.

This year the EFDSS changed its insurance brokers to CaSEINSRANCE. The new insurance certificate issued initially listed the Insured simply as “Individual Members and Affiliated groups of the EFDSS” without any reference to the need for notification of activities to the Society. We have now received a second copy of the insurance certificate with the same original date, but without explanation or apology, which adds the words “undertaking activities as notified to the Society, e.g. Caller, Folk Club, etc.” This brings the insurance in line with previous years and we therefor now continue previous advice to members and clubs to notify their folk activities to the EFDSS membership secretary.

Most members of the EFDSS know that public liability insurance (PLI) cover is included as part of their membership package. PLI is intended to cover legal liability arising from negligence for injury to third parties and damage to their property. Insurance certificates issued by the Society in the previous years have defined “The Assured” to include “Affiliated Groups and all Individual Members of the Society, whilst undertaking activities in accordance with their membership of the Society.”

That all seemed to be quite satisfactory. Members were automatically covered and no action was required on their part.

The District Committee was somewhat disconcerted recently therefore to discover that the wording of “The Insured” on the EFDSS 2010 insurance certificate has been changed to read (our emphasis):

"Individual members of the Society and Affiliated Groups **whilst undertaking activities as notified to the Society**"

It is surprising and disappointing that there appears to have been no formal notification or significant publicity by the EFDSS about this change. Members are now asked to provide information to the Society about their folk activities in general terms, e.g. **musician, caller, singer, story teller, social dancer (Playford, country, etc.), ritual dancer (Morris, sword, etc.)**, but this list is clearly not exhaustive. We are told that the Society does **not need to know when or where these activities take place.**

All members and affiliated groups who have not already done so are advised to send general information about their folk activities to the membership secretary of the EFDSS (membership@efdss.org)

EFDSS has **now updated its earlier** document **originally** called PLI Basic Principles, which provides details of the cover provided and what it does not cover. **The revised document is called Guidance Notes, but is broadly similar in content.** Read **this** document (accessible from the Leicestershire and Rutland Folk website) to see the full list - it's only one page long **but one change of particular note is that the maximum attendance at an event has been increased from 200 to 500. The restriction that an event is restricted to a single venue still applies.**

Any member or affiliated group organising activities that could breach these limitations or where there could be a question of whether or not the activity would be deemed to fall within the aims of EFDSS should refer the matter to EFDSS for further advice.

The **Guidance Notes** also identify an important difference between the cover provided to individual EFDSS members and that provided to affiliated groups in that:

- **Personal membership provides cover for the activities of that person. It does not cover the activities of anyone else**
- **Affiliation provides cover for the activities of that group. It does not cover the personal activities of the members of the affiliated group**

This implies that **individual members** of EFDSS are covered for injuries to others and damage to their property resulting from the member's negligence while undertaking activities notified to the EFDSS and falling within its aims, whether those activities are organised by their own club or by anybody else. **This is a personal level of cover to the individual member. It should not be relied**

on to cover events that the member might choose to organise as an individual, because various other people will surely also be involved in helping at or running that event and the EFDSS personal member's insurance does not cover them.

Affiliated Group cover is intended to cover the members of a group in organising its own events within the limits set out in the Basic Principles document. It does **not** cover members of an Affiliated Group when participating in events not organised by that group. Nor does it cover activities for which individuals such as callers, musicians or caterers might be held personally responsible at events organised by the group. These people should have their own public liability insurance.

Keith Oughton

Leicestershire and Rutland District Folk Committee

31 October 2010, updated 9 March 2011, **updated 5 March 2017**