



Irish Forest School Association

This information is general. Always speak to your insurance broker and/or seek professional advice on insurance matters

Definition of Insurance terms:

- **Public Liability (PL)**
 - Public Liability Insurance provides cover for you if you become legally liable to a member of the public for bodily Injury/death/diseases, damages, expenses & costs and/or damage to their property following an accident which occurred during the period of insurance and is in connection with your business. Public liability insurance policies generally cover accidental loss, damage and injury, and related costs and expenses. See www.legalguide.ie/public-liability-insurance
 - Public Liability Insurance covers the organisation or individual's legal costs and any compensation awarded, up to the policy limit.
- **Employers Liability (EL)**
 - Employers Liability cover offers protection in the case of an employee (or ex-employee)/contractor/volunteer injury compensation claim as a result of and in the course of their employment with you.
- **Professional Indemnity**
 - The key difference between public liability and professional indemnity is that while public liability covers for risks of injury or damage, professional indemnity is focused on the work side of things, covering for professional errors and negligence.
- **Medical Malpractice**

- Protects you from claims and legal costs associated with wrongful practice or negligence resulting in bodily injury.

Insurance FAQs

- **What is and isn't covered**

- It depends on your policy. You are covered on the basis of your Policies & Procedures / Risk Benefit Assessments for the activities you offer and up to the level you have been trained, as long as they are offered during a Forest School session.
- You are legally responsible to keep your policies and procedures manual and RBA's up to date with current legislation – otherwise you are vulnerable.

- **Employers Liability - what exactly does it mean and who does it cover?**

- Employers' Liability (EL) insurance will only cover you as the employer for when an employee/contractor or volunteer is injured or becomes ill as a result of and in the course of their employment with you. An example would be if you had not replaced a frayed ridge-line and your shelter fell on the person working for you causing a life-altering eye injury, so they may need to sue you as they are out of work and for medical expenses. Your EL insurance covers the costs to pay the compensation to the person working for you.

- **Are my staff or other freelancers covered under my Public Liability policy to work at my Forest School?**

- If you contract a self-employed FS freelancer or hire staff, you must check that they hold their own Public Liability insurance and that they are covered for the activities in which they are providing during their session.
- You need to ask your broker about volunteers
- You need to ask your broker if your staff are covered under your PL/EL policy and what does that agreement look like? Remember each person needs to be Garda vetted, have done the online [Children First e-learning programme](#), are familiar with your Policies and Procedures manual and formed an agreement with you. You are responsible to find out what your insurer requires with regards to assistants and staff.

- **Up-to-date Policies & Procedures and Risk Benefit Assessments are important**

- Remember to mention wellbeing in your all of your RBA's.

- It must be clear to people using your services who you are. You need to make a copy of your Policies & Procedures/RBA's available to view on your booking platform/website as well as your trading name and address. It's important to point people in the right direction to find this information if it is not supplied to them directly.
- **Are Summer camps etc. covered under my Forest School policy?**
 - Check with your broker.
- **Are Trainee FS leaders insured to run their pilots and to begin FS work?**
 - Check with your broker.
- **Dogs - bringing your dog to Forest School**
 - You must check with your broker as each policy is different.
- **Who is liable if I have a freelancer/staff member working for me or I am a freelancer working for someone else?**
 - This would depend entirely on who is deemed as the negligent party. There may be costs involved to both parties if the person responsible for the injury does not admit liability. Usually, the principal will be named in a formal notification of a claim, and if the freelancer was leading the session, the claim would be subrogated to the freelancers policy.
- **What is the *limit of indemnity* and what cover do I need?**
 - Government bodies in Ireland e.g. public parks and public landowners require €6.5 million public liability limit of indemnity and will require a permit to use their land. When applying for a permit you will need to provide a copy of your insurance certificate and a Letter of Indemnity to protect the landowner from being sued as a result of your activities showing the limit of indemnity of at least 6.5 million, they may also ask for your P&P's and RBA's. Your broker can provide you with a letter of indemnity on request.
- **Claims procedure**
 - E.g. a child has an accident and a parent has intimated they might sue. Do the following:
 - Keep a detailed record of the facts and circumstances in your report book - date, time, describe what happened etc. Name and address of the injured party/witnesses.
 - Email the brokers claims department with a clear record of what happened.

- Have all the necessary documents prepared e.g. P&P's, relevant RBA's, Accident/Incident report forms.
 - Have your Daily Risk Assessment and Site Risk Assessment
 - Do not make an admission of liability or offer a refund for services provided as this could detriment your ability to claim on the policy.
- **What is negligence?**
 - Where a person has acted negligently and their negligence has caused you loss, you may be entitled to compensation from that person.
 - It is not enough to have been in an accident or to have suffered injury in order to obtain compensation from the courts. It must be clear that the party or parties you have sued were to blame for the accident and the injuries that you have suffered.
 - It may be the case that a number of people are partly to blame for an accident, including the person suing. In that situation, the court will apportion or divide the blame between the different people involved.

Sources: <https://www.citizensinformation.ie/en/justice/civil-law/negligence-and-compensation/>

www.legalguide.ie/public-liability-insurance