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British Water Ski & Wakeboard – Liability Insurance FAQs for Voluntary Clubs

BWSW INSURANCE DOES NOT COVER MOTORISED TOWED ACTIVITIES ON THE WATER WHERE THE TOWING IS BY BOAT, NOR DOES IT COVER PROPERTY OWNERS (WHICH WE REFER TO AS PREMISES LIABILITY AS LIABILITY CAN OCCUR WHETHER THE PREMISES ARE OWNED, LEASED OR LICENSED) OR OCCUPIERS LIABILITY. IT IS ESSENTIAL THAT ALL MEMBERS (BOTH VOLUNTARY NOT FOR PROFIT MEMBER CLUBS AND COMMERCIAL OPERATIONS) SECURE THEIR OWN APPROPRIATE INSURANCE FOR SUCH MATTERS.

BWSW INSURANCE ALSO DOES NOT COVER THE ACTIVITIES OF A COMMERCIAL BUSINESS OR PROFESSIONAL FEE CHARGING COACH. THIS WILL INCLUDE WHERE VOLUNTARY CLUBS CARRY OUT ACTIVITIES OF A COMMERCIAL / BUSINESS NATURE. COMMERCIAL OPERATIONS AND PROFESSIONAL COACHES WILL BE RESPONSIBLE FOR SECURING THEIR OWN APPROPRIATE INSURANCE.

THESE FAQs HAVE BEEN BASED ON THE ADVICE OF OUR BROKERS MARSH SPORT.

To understand what the BWSW voluntary clubs' insurance covers are and to see the main terms and conditions that apply please make sure you refer to the policy summary and policy wording in conjunction with your own brokers/advisers. Each club must take responsibility for ensuring their cover adequately meets their needs. The relevant documentation below can be found on the BWSW website.

- ***FAQs***
- ***Members' Insurance cover summary***
- ***Liability Policy Wording***
- ***Personal Accident Policy Wording***

In simple terms, the liability insurance policies are intended to cover (subject to the important caveats mentioned above):

- **An element of Public Liability**
Cover for clubs if they are found to be legally responsible for causing bodily injury to a third party (such as a member of the public or another member) or for damage to a third party's property. Cover is limited to recognised activities of a voluntary sports club **and whilst it will cover on water activity, it does not cover motorised activity, defined as liability relating to the driver or liability attaching to the boat, premises or occupiers liability cover – clubs will need to source these insurances independently.**

Please note therefore, that clubs should seek advice from an insurance broker as to the appropriate level of insurance it should have in place against legal liability to pay



compensation (including legal costs) for death or personal injury to any other person or damage to other people's property as a result of motorised activity.

The club should also consider with its insurance broker what an appropriate level of premises liability / occupiers liability insurance it should buy to protect the club in respect of claims made against them in respect of their legal liability for personal injury or property damage suffered by third parties and arising from the club owning/occupying any premises

- **Member-to-Member liability** - this element of cover protects (defends) one insured member, outside of motorised activity, if another member is injured and a claim is made against them. Contingent cover is provided for "incidental advice", i.e. if an older experienced member of a club shows a younger less experienced member how to stand correctly for example or gives them a few tips (we would not either expect nor would want to stop experienced members sharing their knowledge with others). This is **not to be confused with Professional Indemnity referred to immediately below**. It should be noted that despite the description professional Indemnity only applies to voluntary coaching by qualified coaches. Paid for coaching requires separate cover.
- **Professional Indemnity**
Cover to protect a BWSW and affiliated clubs or qualified voluntary instructors and coaches, officials, judges, homologators for claims made against them which allege that a third party has suffered an injury or financial loss caused by a negligent act, errors or omissions during coaching or officiating activities that were provided so long as done on a voluntary basis.
- **Employers Liability**
Provides cover in respect of claims made against the BWSW affiliated club for injuries caused to an employee of the club arising out of and in the course of their employment (including for these purposes, volunteers who are working on behalf of a club in an unpaid capacity).
- **Directors & Officers Liability (personal liability cover for committee members)**
Provides cover for claims made directly against individuals on the BWSW board or a discipline committee member or at a BWSW affiliated club e.g. officer, committee member, director and/or trustee for alleged wrongful acts in connection with the club affairs. Please note, however, that this cover does not apply where the claim in any way relates to personal injury or property damage.

If you have any queries about the cover or its details please contact our brokers, Marsh Sport 0345 872 5060 or your usual insurance advisor.



Who the Policy Covers?

- **Voluntary Not For Profit Clubs** – it gives coverage against claims outside of motorised activity and premises and occupiers liability in respect of negligence for the club, its committee members, officers, directors and members and gives legal liability cover for all the typical club activities offered by a water ski and wakeboard club to an indemnity limit of £10 million.
- **BWSW Committees** – it provides coverage for committee members for wrongful acts committed while performing committee activities, up to a limit of indemnity of £10 million.
- **Voluntary Officials** – it provides coverage for all BWSW **voluntary** qualified (or in training) officials, judges, homologators etc. whilst they are carrying out their roles within the BWSW club, regional or national structure.
- **Volunteers** – employers liability is included for clubs as standard, this will also cover claims made by volunteers “working” at the club which is an area that has led to increasing claims in voluntary sport.
- **Instructors & Coaches** – it also covers qualified and registered instructors and coaches whilst they are operating on a voluntary basis within the BWSW network e.g. at an affiliated club or other BWSW sanctioned activity.
- **Club Members (i.e. members of affiliated BWSW clubs)** – the policy offers cover to members in relation to injury caused to third parties while they carrying out activities as a club member (outside of motorised activity). In addition, the policy provides member to member liability cover – If you injure another member outside of motorised activity and premises/occupiers liability and are found negligent in some way then the policy is designed to cover you.

Note that the policy requires that the club has met all the affiliation requirements of BWSW i.e. that it is a voluntary not for profit club, has registered all its members, has paid the affiliation fee and can meet the BWSW Safeguarding standards by having in post a Club Welfare Officer.

When does the cover operate?

The liability insurance applies when a member of BWSW is participating in any of the following normal activities associated with being a member of BWSW outside of motorised activity and premises and occupiers liability. This will include water ski (slalom, trick and jump), wakeboard, wakeskate, wakesurf, kneeboard, barefoot and cable. Certain non-water based activities relating to the above are covered and include, instructing, coaching, officiating and acting as inspectors, tutors and assessors on a voluntary basis.

Our annual policies run from 1 January until 31 December.

The policies' limits are as follows:



Liability

Public Liability (where covered) – cover for your legal liability of up to £10M (but with a sub-limit of £5m for pollution related claims)

Professional indemnity – cover for the club's or instructor's legal liability of up to £10M (but with a sub-limit of £250k for claims relating to data protection and £100k for claims relating to breaches of confidentiality, libel & slander and copyright)

Employers Liability – cover for the club's legal liability of up to £10M (but with £5m sub-limits for terrorism and asbestos)

Directors & Officers Liability – cover for a club official's legal liability of up to £10M (but with a £500k sub-limit for wrongful employment practices cover, a £250k sub-limit for loss of documents / data cover and criminal prosecution cover, and a £100k sub-limit for data protection related cover).

Abuse Cover – cover is available for BWSW and affiliated clubs for legal liability of up to £2.5m relating to claims for physicals, sexual or psychological abuse (or failure to protect the same).

More details are available in the BWSW Member Insurance Summary of the applicable limitations including geographical.

What the Policy Does Not Cover

Risks not insured by the policies include the following:

- **Boats & Vehicles** - vehicles (including tractors) and boats require their own insurance; if your club owns a boat, it needs separate insurance cover for water skiing and wakeboarding. If your members own boats, they should NOT be allowed on your water unless they show proof of their own boat insurance. Further, commentary is given in relation to boat owners in the BWSW Member Insurance Summary.
- **Commercial Clubs & Ski Schools** – commercial operators require adequate business cover to include Public Liability Insurance and Employers Liability Insurance – all of which may be acquired via Marsh Sport please contact **0345 872 5060** (Owen Brimicombe) or your usual broker or adviser.
- **Pay & Play Activity** – pay and play non-member activity at BWSW affiliated clubs is not covered by the club policy. It is important to note that **guests and visitors in a club environment** may ski at the club and be covered **for up to 6 visits** (9 visits for those with a disability) after which they need to join the club.



- **Property & Contents** – your club should have separate cover for property and contents and premises liability/ occupiers liability which is outside the scope of the liability cover provided.
- **Commercial & Professional Coaches** - you need to have your own Professional Indemnity Insurance cover. BWSW qualified and registered coaches are only covered when coaching within the BWSW network (e.g. at an affiliated club or at a BWSW activity) on a voluntary basis within the UK.
- **Other Sports & Corporate Events** – other sports not related to water skiing and wakeboarding are not covered by the policy e.g. open water swimming and trampolining. These sports have their own coaching structure and need to be offered via those who are competent to do so. Likewise, corporate events and days e.g. dragon boat races are not part of the sport and are not covered by the policy. You should seek to “top-up” any policy for other activities e.g. open water swimming, fishing etc. by speaking to Marsh Sport or your usual adviser.

Please note that this is not an exhaustive list of risks which are or are not covered by the policy. Please refer to the Insurance Summary for more information. You should seek advice from an insurance broker to ascertain what insurances are required for your situation.

Summary

So, as a club member or volunteer within your club if you make a poor decision or mistake that ends up causing injury or damage to a third party (outside of towed / motorised liability and premises liability) and they decide to take legal action the policy is intended to respond to any claims once the claim has been made and if the scope of the claim comes under the cover of the policy.

Claims

It is important that all incidents that may give rise to a claim, however minor, are reported to our insurance broker Marsh Sport as soon as possible after the event and all communications from a claimant or potential claimant are referred to Marsh Sport.

Please email all incidents to marshsport@marsh.com or telephone 0345 872 5060 to report this directly to our brokers.

Other Insurances

Marsh Sport reiterate that they are a sports' specialist brokers and can provide products and services if you do not have an existing advisor. Contact them on 0345 872 5060, email marshsport@marsh.com.

IRCM brokers are also separately providing to a number of BWSW members boat insurance cover. You will find details of this on the BWSW website here: [IRCM Boat Insurance Scheme - British Water Ski & Wakeboard](#)