



Insurance For Youth Theatres

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Why do Youth Theatres Need Insurance?

Insurance provides protection against the risks involved in running a youth theatre. All organisations and groups have a duty of care to those they employ and to those who use their services. A youth theatre has a responsibility to its members, paid staff, volunteers and indeed anyone who comes into contact with it, including members of the public who attend events. If you are adequately insured, you have the peace of mind of knowing that you can honour this duty and also meet any legal liability, without jeopardising the existence of your group.

In some cases, funding, affiliation to an organisation or use of a venue may be dependent on having an adequate level of insurance.

What Kind of Insurance do Youth Theatres Need?

No two youth theatres are the same; membership, frequency and types of activity can vary hugely. Youth theatres will require different levels and kinds of insurance. There are, however, some types of insurance that are relevant to all youth theatres.

Public Liability Insurance:

Protects your group against claims from third parties involving injury, illness or death. Youth theatre members should be covered under this insurance, as they would be considered to be third parties. Volunteers involved in your group are also covered. Damage to third party property would fall under this policy. For a successful claim to result, your liability will need to be proven.

Youth theatres need to be covered for most, if not all of the following:

- Workshops
- Meetings
- Rehearsals
- Performances
- Theatre Outings
- Trips Away e.g. participation in a festival
- Fundraising Activities

If you engage in activities other than those listed above, you should also inform your insurance company of them. Your programme may vary from year to year and lower levels of activity might mean you have a reduced premium.

- You may be covered under the Public Liability insurance of the venue you are using. If so, make sure you get written confirmation of this and request a copy of the venue's policy as there may be exclusions that affect your group
- You may be affiliated to an organisation/body that includes you in their insurance, e.g. a Local Authority or Youth Service. As above, check the policy is applicable to you and that the organisation has an understanding of the specifics of your group's activities. If not directly covered, you may be eligible to be a member of a group scheme that is tailored to the needs of a specific sector

- Under Public Liability you are not covered for an unlimited number of performances or events. You need to inform your insurer of the details of your programme and if these change you need to consult them.
- Check that your policy covers you if you are using a venue other than the venue named on the policy.
- A venue you use may ask you to indemnify them on your Public Liability policy. This simply means that you are explicitly stating that this venue is covered on your insurance policy for claims arising out of your negligence only. This can be done at any time by contacting your insurance company and shouldn't cost you any extra. You should check the type of indemnity required as some venues may require you to accept greater liability than would normally attach, e.g. to cover all liability arising from your use of the venue (this could prove to be more than your policy cover allows and would need to be referred to insurers for agreement). The hiring agreement with the venue would set out your responsibilities.
- If your group is not a limited company, your Public Liability insurance policy should also include a **Member to Member** extension. This covers circumstances where one member negligently injures another during the course of the group's activities. As the group is not a limited company, a claim could be brought against another member or committee member. This extension offers a wider protection to members in the event that another member, as a result of their actions, sues them. If the policyholder is a limited company, there is no need for member to member liability cover, as the company is a legal entity and any action would be against the limited company rather than the individual.
- Participation in events such as festivals within Ireland will probably be covered under your Public Liability but you should check that this is the case. Participation in events outside Ireland can be included under your Public Liability policy if you advise your broker/insurer in advance. You should also consider Travel Insurance to cover lost baggage, cancellation, medical expenses and repatriation in the event of injury or illness (see section below on Travel Insurance).

Employers Liability Insurance

If you employ staff, you should have Employers Liability Insurance. This covers you should an employee suffer illness, injury or death as a result of their duties. The Employer must be proven to be at fault due to negligence, breach of health and safety or omission of information.

Employing freelance practitioners/technical crew

The situation regarding freelance practitioners and technical crew, who are not attached to the venue you are using, is quite complex. One problem is the lack of clarity surrounding the legal definition of an employee. In general, responsibility for insurance will depend on the nature of the contract you have with the individual in question. The two types of contracts can be summed up as follows:

A Contract Of Service: If you are employing an individual on a Contract Of Service, they will usually be considered an employee and should be covered under Employers Liability Insurance. You will need to declare your payments to them to your broker/insurance company.

A Contract For Services: Anyone employed on a Contract For Services is usually considered a 'contractor' and therefore needs to have their own insurance. Any claim that arises, due to the negligence of a practitioner employed under this type of contract, will not be covered under the group's Public Liability Insurance.

The most important thing is that clear agreement is reached in advance of the commencement of employment and that the arrangements regarding insurance are clearly stated on any written agreements/contracts.

Building/Contents Insurance

If you own your venue, it is essential to have Building Insurance. If you rent, make sure you read the lease to see who is responsible for building insurance. Venues should have their own Public Liability Insurance to deal with claims arising out of their negligence, e.g. a defective stairs. Some venues may pass full responsibility to you by way of a 'hold harmless' agreement. If presented with such a document, you should always refer this to your insurers or brokers before signing.

Contents Insurance will almost certainly be your responsibility as a tenant. Make sure your contents are insured for the cost of replacing them. Cash kept on the premises will not be covered unless it is explicitly stated on your policy. Check if your contents/equipment are covered outside your named venue/premises and outside the country. For example, you may want to bring your video camera on an exchange abroad. Equipment/property belonging to the group, stored in a leader's house may not be covered either under your insurance or under their own Contents Insurance.

Vehicle Insurance

If your group is lucky enough to own a vehicle, it must be insured and you must make sure that anyone who drives it is covered. If an employee/volunteer is using their own car, it is important that they check their own policy to ensure that they are covered to use it as part of their duties with the youth theatre. You should have written confirmation that this is the case.

Personal Accident Insurance

Provides compensation for serious injury or death that occurs in the course of work, regardless of who is responsible. It is recommended for those who have a high risk of injury. This type of policy can be taken out either by an employer or an individual.

Travel Insurance

Travel Insurance isn't automatically covered under any other policy. If you are taking a group abroad, it is essential that you arrange group travel insurance. Be thorough when investigating the best travel insurance, as being miles from home with a sick young person is not the best time to realise that your travel insurance doesn't meet your needs!

See NAYD's *Go Happy Come Back Safely Guidelines* for guidelines on what to look for in a group travel insurance policy.

All Irish residents are entitled to the European Health Insurance Card that covers treatment in the public health care systems in EU countries. However, this wouldn't cover all eventualities and wouldn't cover you for such things as extra travel or accommodation costs.

Some General Points to consider

- Be honest with your insurance company and/or broker. Don't underestimate your liability as it may come back to haunt you. If your show involves increased risk, let them know, e.g. you have one of your actors suspended from a rope! You may also need to inform them if you are organising training in a highly physical discipline such as stage combat.
- Include the cost of insurance in funding proposals. If you are planning a once-off project, you may require extra insurance. Make sure you include this in your budget for the project. Not only is this legitimate expenditure, it demonstrates to the funder that you are being conscientious and responsible with their money.
- Once you receive your policy, make sure you review it in detail (especially the small print!) and ensure you have more than one copy and keep them in separate places.

Risk Management

Risk management is important. Regardless of how well you are insured, you still want to avoid a claim. If you make a claim, the cost of your insurance will rise and if you show yourself to be committed to reducing risk, you may get a reduced premium. Most claims are avoidable. Make sure everyone involved in your group from staff, board members, to youth theatre members themselves are involved. Review your risk on an annual basis – can you put simple measures in place to reduce the risk? For example, reduce the risk of injury in the workshop space by removing sharp objects, or you could install an outdoor light if the entrance to the building is dark.

If you employ staff, you need to be aware that a **Health and Safety Statement** is a legal requirement under the **Safety, Health and Welfare at Work Acts 1989 & 2005**.

If an incident occurs...

- Contact your insurer/broker immediately, even if you are not sure a claim will result. You will be issued with a report form for completion. Don't admit any liability until you talk to them.
- Do not withhold any information relating to the incident.
- Make sure staff/volunteers are aware that they must report any incident that may result in a claim. It is a good idea to have an incident report form readily available to all staff and volunteers.
- If property/equipment is damaged beyond repair, make sure you do not discard it but keep it available for inspection.
- If an injury occurs, take note of the exact location where it happened. This location should be inspected immediately. If at all possible, take a picture of the exact location, as it was when the incident happened. Take written statements from any witnesses. Make sure you take contact details for them.