



**National Field Archery Society**

**Appendix NFAS - Insurance July 2009**

# **Insurance fact sheet July 2009**



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## What insurance cover do I have as an NFAS member?

Insurance cover is provided as part of your NFAS membership fee. The insurance covers you as an individual: there is no club insurance provided by NFAS. If your membership lapses, so does your insurance.

The prime cover that your insurance gives is protection from bodily injury caused *to* you and protection *for you* against claims *against you* for injury or damage that has been caused by your alleged negligence whilst undertaking an NFAS related activity.

This could be a claim made against you by another NFAS member or by a third party. Our insurance covers all NFAS activity, whether it is shooting, course laying or providing catering at shoots as long as there is negligence involved.

So what does this cover mean in practice? If, for example, an archer is hit by a wildly shot arrow or because a target has not been well-laid, then we can claim against our insurance. Our insurance also protects members against bodily injury or damage to property to a third party. For example, if an arrow bounces out of a wood and hits a passer-by walking along a nearby footpath.

In 2009 we extended the insurance cover to provide all members aged up to 85 years with personal accident cover. This new insurance also covers those members under the age of 16.

This gives you protection against bodily injury caused by an accident where it is difficult to prove negligence. An example of this could be a bow snapping during stringing and causing a serious injury.

Our personal accident insurance does not cover members for loss of earnings, so if you think that this is a serious issue for you, you should buy your own insurance (and not just for archery).

In addition to Personal Accident cover, NFAS' main insurance covers what is known generically as Employers' Liability and Public Liability.

Employer's Liability provides cover for injury for members or volunteers arising from their involvement in NFAS activities where they are acting under the control or instruction of NFAS or a club. Our employers' liability cover indemnifies us for up to £10,000,000 for any one incident inclusive of all costs and expenses. Two examples of Employer's Liability claim are (a) where a shoot organiser or marshal tells an archer that a particular

path is safe and then the archer is hit whilst being on the path because the path ran behind a target; (b) a person in charge of laying a course explicitly tells somebody to



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carry a target down a steep slope and that person slips going down the slope slips and injures himself.

Public liability protects both NFAS and non-NFAS members who may suffer bodily injury or damage to their property as the result of NFAS activity not carried out under the instruction or control of NFAS or a club. For example, this could include a wildly shot arrow hitting a NFAS' member's car. Our public liability insurance covers us up to £5,000,000 for any one incident, inclusive of all costs and expenses.

Exactly which policy is used would depend upon a detailed analysis of the claim. We have ensured that both our Employer's Liability and Public Liability policies are with the same insurer to avoid any problems of buck passing between the two different policies.

Our insurance policies highlight the NFAS safety rules and code. So if people think that our safety rules can be ignored because we have insurance they are wrong. If an accident is caused by somebody flagrantly breaking the rules, there is a strong possibility that insurance company may seek to recover damages directly from the archer. It might seem that the answer is not to have any safety rules, but that would simply mean that we would not be able to get any insurance cover (and employer's liability is required by law). If a case came to court, unless we could prove that we had robust safety rules in place then we would get taken to the cleaners. Most landowners will also insist on any user of their land having Public Liability cover in place.

It is permissible for somebody to help out as a club and not be a NFAS member yet still benefit from some elements of our insurance cover (see below). However, such a volunteer is not covered for any shooting, not even practicing. We also require all non-archers who accompany archers around courses to become Associate Members of NFAS and to follow our safety rules (obviously, if they are not shooting, not all of the rules are relevant). In the real world, this means that archers in a group need to keep an eye on any Associate Members who are not yet familiar with how shoots work to ensure that they behave safely.

Our Employer's Liability policy covers volunteers, for example a non-member helping with the catering. But as before, the cover is where the body controlling the action was negligent. So if a volunteer doing the cooking is burnt because his mind wandered and he upset a pan he was using that is an accident and they would probably be unsuccessful in claiming damages (and being a volunteer he would not be covered by NFAS' Personal Accident cover). However, if somebody is burnt because they were not made aware that somebody else had turned on the gas underneath a pan, then that is probably negligence. I say probably because it is all down to the exact circumstances.



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It is worth particularly highlighting that our rules require all near-hit incidents and accidents to be reported to the Society's Safety Officer within seven days. (see NFAS – Ref – INIF002) This highlighted within our Employer's and Public Liability insurance policies, so you must do it or we face the risk of an insurance claim being rejected. Sometimes it is not apparent at the time whether somebody will make a claim against our insurance.

The key to much of our insurance cover is 'negligence' and negligence can only be established on a case-by-case basis.

Ultimately, insurance is not a substitute for safe shooting or course laying, but it is a way of providing some protection against the worst possible situations.

## **Practice**

Our insurance cover extends to when you are practising. But only if you follow the safety rules and code. After speaking to our insurance broker, our insurance also covers indoors shooting, but only where there are clear safety rules in place by individual clubs for indoor shooting.

## **Coaches and training courses**

NFAS' insurance covers NFAS coaches and temporary members. Temporary members are those who have signed up for training courses. For training courses the temporary member needs to be under the strict supervision of a NFAS coach for the insurance to count. The insurance covers a temporary member for up to six sessions before they need to take out NFAS membership but their details must be taken, recorded and kept by the club prior to any session for the insurance to be valid.

The insurance requirement is that these records must be kept for three years – long enough (in theory) to be confident that no retrospective claim will be made. Unfortunately, there have been attempts by people to claim many months after the event that an injury was caused during a lesson.

A 'competent' archer (one who is not a provisional member) may be coached by experienced NFAS archers who are not NFAS recognised coaches. However, it is the responsibility of the archer being coached to ensure that he/she is shooting in a safe manner, regardless of what he/she is instructed to do by the 'coaching' archer. In these circumstances there is no additional insurance protection simply because one NFAS archer told another to behave in a particular way. The analogy is that when you are a learner driver you must do what the instructor tells you to do, however, when you have your full license your passenger may tell you that it is clear to pull out on a blind bend, but if an accident then happens it is your responsibility.



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## **'Have-a-go' sessions**

'Have-a-go' sessions at fetes and other events can be a good way for clubs to raise funds, but can pose additional risks because the club is not always in complete control of the overall environment.

It is permissible to organise a 'have-a-go' at a NFAS club. However, shooting needs to take place under supervised and controlled conditions on practice butts. Exactly the same level of supervision needs to be given as if the 'have-a-go' is taking place away from your own grounds i.e. at a village fete. The insurance will be void if any non-NFAS people are allowed to shoot more than one target on a field course. It is not permissible for a 'have-a-go' archer to be out on a field course, even one that has been especially laid for a beginner.

For 'have-a-go' sessions, each participant needs to be under the strict one-to-one supervision of an experienced full member of the NFAS. There is not a strict definition of an experienced member, but common sense needs to prevail. If an insurance company investigates an accident at a 'have-a-go' and discovered that the supervising archer had only just started shooting, this would not be seen in a good light by the insurance company.

As with training courses for the insurance to be valid, the name and address of each participant must be recorded and kept before they are allowed to shoot. These records must be kept for two years – long enough (in theory) to be confident that no retrospective claim will be made. Unfortunately, there have been attempts by people to claim many months after the event that an injury was caused during the 'have-a-go' session. As for coaching courses, these records must be kept for three years. There is a clear distinction between a member of the public 'having-a-go' and a coaching session, and our insurers will not pay out if any attempt is made to carry out coaching under the guise of 'have-a-go sessions.

A highly experienced archer from another archery society such as GNAS or EFAA may take part as a participant in a 'have-a-go' but from an insurance they must not be treated any differently from a genuine novice because they will almost certainly not be protected by insurance from any other archery association.

It is also worth highlighting that our insurance is based on the NFAS and its members being safety conscious and organisers of 'have-a-go days' need to be particularly careful if alcohol is available at the event.

At one point NFAS allowed a 5p levy on 'have-a-go' sessions to pay for insurance. This no longer applies.

### **Can NFAS insurance be extended to non-NFAS archers?**

The simple answer is no.

At shoots organised by an NFAS affiliated club to NFAS rules, GNAS, EFAA archers or archers from other archery bodies are not covered to shoot under our insurance and so should not be allowed to shoot unless the organising club has arranged its own insurance to cover non-NFAS members.

### **Can I bring along a friend?**

Some people have asked about the insurance arrangements if they bring along a friend to their shooting ground and give them an informal induction into field archery. If you do this neither you nor your friend will be covered by any NFAS insurance if there is an accident.

### **Insurance certificates**

Club landlords and organisers of fetes (for have-a-gos') may ask to see copies of NFAS insurance certificates. The two key insurance certificates – for Public Liability insurance and for Employees' Liability insurance - can be downloaded from the members' only section of the website. Alternatively, these certificates can be obtained from the General Secretary ([general.secretary@nfas.net](mailto:general.secretary@nfas.net)).

### **Enquiries about insurance**

The General Secretary has invested a lot of time in understanding how our insurance cover works and what is covered.

If you have any queries please contact the General Secretary by e-mail or phone (the number of the current General Secretary is shown on the NFAS website and the NFAS newsletter).