

# **PUBLIC LIABILITY (AND EMPLOYERS' LIABILITY) POLICY SUMMARY**

## **ROYAL & SUN ALLIANCE INSURANCE PLC POLICY NO: RTT 161353**

This is a block Public Liability Insurance policy (with Employers' Liability Insurance when activated) which is renewable annually, underwritten by ROYAL & SUN ALLIANCE INSURANCE PLC. The information given in this document is only an outline of cover provided. Full policy wording is available upon request (see Contact Details below). PACEY members can also access a copy from [pacey.org.uk/mypacey](http://pacey.org.uk/mypacey).

### **Who can benefit?**

Cover is available to all Childcare members of PACEY in all categories of membership and in whatever way they provide childcare:

#### **1. Registered Childminder**

- a. In England - any Childminder registered with Ofsted for the care of children up to eight years of age
- b. In Wales - any Childminder registered with Care and Social Services Inspectorate in Wales for the care of children up to twelve years of age
- c. In the Channel Islands or the Isle of Man – any Childminder registered with the relevant regulatory body for the care of children up to eight years of age

#### **2. Registered Childminder working with others**

Any Registered Childminder who employs or works with any number of Registered Childminders and/or Registered Assistants to mind children in the setting managed by the Registered Childminder Working with Others provided that

- a. for settings in England a maximum of three adults are working in the setting at any one time, one of whom must be the Registered Childminder Working with Others and
- b. for all settings, the size, layout and registered use of the premises is suitable to accommodate the numbers of adults working at and the number of children minded at the setting

#### **3. Childcare on Domestic Premises**

Where four or more adults working together to care for children up to 8 years of age, provided that

- a. a nominated individual and a manager have been appointed at the setting and hold the relevant qualifications required by Ofsted.
- b. the size and layout of the setting and registered use of the premises is suitable to accommodate the numbers of adults working at and the number of children minded at the setting.

#### **4. 8s and Over Childminder**

Any Childminder who is registered on the voluntary part of Ofsted's Childcare Register to mind children over eight years of age up to seventeen years of age and who are members of PACEY

#### **5. Nanny**

A Nanny shall mean any nanny who is registered on the voluntary part of Ofsted's Childcare Register and is a member of PACEY

## **6. Non-registered Nanny**

Any Nanny who is member of PACEY and has provided PACEY with

- a. a signed declaration confirming commitment to PACEY's principles and values as set out in the Code of Ethics and to continuous professional development and
- b. details from a DBS certificate (formerly known as an enhanced Criminal Records Bureau check) – disclosure number and date of check and c. the date of training as set out on a current Paediatric First Aid Certificate within 90 days of commencement of cover.

## **7. Childminding Agencies Registered with Ofsted**

Any Registered Childminders and 8s and Over Childminders not individually registered with Ofsted provided that the Childminder is a register member of a Childminding Agency registered with Ofsted.

The definitions of each of these categories are set out in the full policy wording but, in essence, where applicable, they follow the definitions recognised by Ofsted/CSSIW/the Care Inspectorate as set out in the Statutory Framework for the EYFS (or equivalent).

Cover is available to all childminder members of SCMA.

## **Public Liability Insurance Cover Standard Limit of Indemnity £10,000,000**

Child carers may at some point in their career become legally liable to pay sums to third parties as a result of accidental or negligent actions or omissions which occur whilst they are providing childcare. Public liability insurance provides a method for child carers to receive reimbursement of sums they have had to pay out. The limit is in respect of one single incident or a series of incidents within the period of insurance.

No admission of liability or payment or promise should be made without the prior written consent of the Insurer.

### **The policy is designed to cover you for:**

- Accidental injury (including death) to children in your care
- accidental injury (including death) to third parties occurring whilst you are providing childcare or caused by children in your care
- Damage to a third party's property caused by children in your care (subject to £50.00 excess)
- Loss or damage to property belonging to children in your care occurring at your setting or on an outing with you (subject to £50.00 excess)
- Nuisance or trespass

### **Automatically included in your insurance cover:**

- Reimbursement of pre-authorized legal costs and expenses relating to an insured incident
- giving professional advice and guidance to parents/guardians in relation to children in your care provided there is no separate fee paid for the advice
- abuse of children carried out by your Registered Assistant or the other Registered Childminder registered as working with you provided you have followed safeguarding guidelines
- leaving children in the care of another adult during an emergency

- caring for children with Special Educational Needs and Disabilities aged up to 25 years
- attending and running exhibitions, crèches, meetings and outings organised for, and on behalf of, child carers (not only Registered Childminders)
- babysitting up to six children in the family's home (provided you have completed a PACEY/SCMA Babysitting Checklist which has been signed by the parent/guardian.) Extensions can be considered by contacting PACEY (see Contact Details).
- Accidental injury caused by the incorrect application of first aid treatment
- administering medication/treatment (provided written parental permission has been obtained)
- your usual childcare activities, including use of trampolines, climbing frames, bouncy castles, garden swimming pools or similar, and food poisoning arising from food you have prepared
- Motor contingency liability (not a replacement for car insurance and only available where no other cover is in place), covering:
  - Your use of another person's vehicle (with their prior consent) in the course of providing childcare
  - Another person's vehicle (with their consent) up to £750 per event
- Member-to-member indemnity - this will apply when you are held legally liable to another PACEY/SCMA member
- Forest School Activities are included in your cover provided that Full risk assessments have been carried out and minded children only are included,

### **Number of children covered**

The indemnity provided shall only apply to Child Carers who care for no more than the maximum number of children permitted by the Statutory Framework for the Early years Foundation Stage in England or the National Minimum Standards for Regulated Childcare in Wales for Children up to the age of 12 years or the care inspectorate in Scotland or other regulatory body if based in the Channel Islands or Isle of Man at any one time subject to a policy Maximum of 12 children of any age at any one time and up to 18 children under the age of 8 if the Child Carer has 2 assistants working with them or a larger number of children if in a Childcare on Domestic Setting subject to the suitable Top Up plans being purchased.

### **Territorial limits**

The policy will cover you for incidents occurring:

- Anywhere in Great Britain, Northern Ireland, the Isle of Man or the Channel Islands
- Whilst you are operating from a British Armed Forces base outside sovereign soil

### **Professional Indemnity Insurance Cover Standard Limit of Indemnity £100,000 for all claims in the policy period**

This extension provides you with cover in respect of legal liability from or in connection with advice design or specification provided for an additional fee above your usual childcare earnings.

Higher Professional Indemnity limits may be available, please contact PACEY to arrange.

## **Key exclusions to the Public Liability Insurance policy**

A full list of policy exclusions can be found in the full policy wording, available on request.

### **Key exclusions include:**

- Liability for bodily injury to or death, disease or illness of your own children
- Children's property in the care of an Over-8s Childminder or Nanny or Non-registered Nanny
- Abuse or physical punishment carried out by you (as opposed to another Registered Childminder or Registered Assistance working with you)
- Fines and penalties

### **As with all public liability insurance policies, this policy does not cover you for:**

- Your use of a car (or similar) belonging to you
- Loss or damage to property belonging to you or your family so you should ensure that you have (or if you are a Nanny or Non-registered Nanny, your employer has) adequate motor and buildings/contents insurance.

### **Employer's Liability Cover Limit of Indemnity £10,000,000**

(Limited to £5,000,000 in respect of terrorism)

(Not available to nannies and non-registered nannies)

If you employ another individual you must, by law, arrange Employers' liability insurance cover and retain an Employers' Liability Insurance certificate. You will also need this cover if you work with paid or unpaid students (including work experience students and trainees) or volunteers. These are known as "employees" for the purposes of the policy.

This cover is automatically available to all qualifying members of PACEY who employ others, please call 0300 003 0005 to activate the cover.

You will be required to provide the Employer Reference Number (ERN), commonly referred to as the "Employer PAYE Reference" if you pay the individual employee more than £113 per week/£490 per month.

### **The policy is designed to cover you for:**

- Any bodily injury (including death) to or disease or illness of any employee caused during the period of insurance
- Employees temporarily working overseas
- Legal defence costs in defending proceedings arising from a breach of Health & Safety legislation (limited to £250,000 in any one period of insurance)

### **Key exclusions relevant to child carers:**

- Injury for which you are required to arrange motor insurance

### **Your demands and needs**

Your demands and needs are those of an individual or business with a need for public liability insurance and, in some cases, Employers' liability insurance.

Whilst we have worked with the Insurer to provide a level of insurance cover which is appropriate to the general needs of professional child carers, we do not give you advice as to whether this product is suitable for meeting your specific demands and needs; you must therefore carefully read the policy and other documentation, and particularly the section on exclusions and limitations, to determine whether this product is right for you.

### **Reporting accidents**

You must report to PACEY/SCMA immediately any accident to a child in your care. You must also report immediately if attention by a medical professional has been sought or if you think it may result in a claim against you. You can report it in the same way as making a claim.

You should also consider whether you should report the accident to the Health & Safety Executive (HSE) (see [hse.gov.uk](http://hse.gov.uk) for guidance). You may be required by the Insurer to provide evidence of a report to the HSE when making a claim.

### **Making a claim**

If you wish to make a claim, please contact PACEY/SCMA immediately (see Contact Details).

We will send you out a claim pack to complete and send to the Insurer who will deal with your claim. We are not authorised to handle claims.

### **Complaints**

PACEY, SCMA and ROYAL & SUN ALLIANCE INSURANCE PLC aim to provide you with a first class service.

If we have not delivered the service that you expect or you are concerned with the service provided, we would like the opportunity to put things right. If you have a complaint about your public liability insurance or Employers' liability insurance, in the first instance contact PACEY/SCMA to raise your concerns. More information about complaints handling can be found at [www.pacey.org.uk](http://www.pacey.org.uk) and can be made available on request.

### **How to cancel your insurance policy**

If you wish to cancel your policy, please contact PACEY/SCMA to raise your concerns. No refunds can be given on insurance products, although there is a 14 day cooling-off period during which you can cancel your public liability insurance and receive a full refund subject to no claims/incidents on receipt of returned documents. There is no separate charge for cancellation at any time.

### **Insurance cooling-off period**

There is a 14 day cooling-off period during which you can cancel your public liability insurance.

If you are not happy with your policy, you may cancel it within 14 days by:

- writing to PACEY/SCMA to request cancellation
- returning all certificates and other documentation

Provided there has not been (and will not be) an incident or a claim made for this period and you return all certificates and documents to us, a refund of the premium paid will be made no later than 14 days from the date on which we receive your notice of cancellation. Please note that you will be responsible for the cost of returning Your documents to us.

### **Membership cooling-off period**

If you change your mind within 14 working days of receiving your membership pack, we will give a full refund of the price paid for your membership, provided that you write to us requesting cancellation of the membership; and return your full membership pack to PACEY within seven working days (beginning on the day after you receive your pack). Please note that you will be responsible for the cost of returning your membership pack to us. Please note that if you cancel your membership of PACEY you will no longer be able to benefit from the insurance cover.

PACEY Public Liability Insurance is underwritten by ROYAL & SUN ALLIANCE INSURANCE PLC.

### **Contact details**

Write to:  
Membership Services,  
PACEY,  
Northside House,  
69 Tweedy Road,  
Bromley,  
Kent,  
BR1 3WA

Call:  
0300 003 0005, Monday to Friday 9am to 5pm

Email:  
[support@pacey.org.uk](mailto:support@pacey.org.uk)

Please see [pacey.org.uk](http://pacey.org.uk) for more important information about your insurance products and the way we sell them. You should read this information before proceeding with your purchase. By making a purchase, you are confirming that you have read and understood all available information and assessed the suitability of the insurance product for your needs.