



## **FAQ SBTD – PUBLIC LIABILITY INSURANCE / MAY 2017**

### **GENERAL**

#### **Why do I need Public Liability Insurance?**

Public liability insurance is to protect you if anyone makes a claim against you, for instance if you own a market stall and someone injures themselves on your stall in some way and they decide to sue you. You are insuring the public for bodily injury or property damage caused by you going about your business.

#### **When do I need my own Public Liability Insurance?**

You may be asked to have this insurance by bodies such as local authorities if you do any work that involves contact with the public or in a school for example.

If you are working on a show for a producer (even as a self-employed person) you should be covered by their Employers Liability Insurance which should be clearly displayed in the building or available to you on request.

### **SBTD MEMBERS PUBLIC LIABILITY INSURANCE POLICY**

#### **POLICY COVER**

#### **What does SBTD's Public Liability Insurance policy cover?**

It covers accidents that happen in the course of your own work, which injure another person or their property, and the injured person claims it was your fault, and sues you for it.

This policy also covers you if you find yourself undertaking the related roles we sometimes find ourselves in as assistant theatre designers or as a manager or technician in the theatre, entertainment and live event industries and during the teaching or mentoring of theatre design skills such as giving talks and workshops.

Most policies don't cover damage to other people's property if it's specifically in your care, but this policy does cover that too, in a limited way. In our insurers words:

*'Public Liability insurance provides cover against any claim brought against an insured member as a result of any accident, where it is alleged that the member was either wholly or partly responsible for the accident due to some form of negligence, that results in a third party suffering an injury or damage to their property. In most cases Public Liability would not cover damage to third party property in the care, custody or control of the policyholder but we are providing some cover for this under the 'Property belonging to a third party' endorsement.'*

#### **What if I already have PL cover with another organization?**

You would just need to report the claim under one of their policies and that insurer would then deal with the claim. The existence of the other policy should be disclosed and the insurer may or may not then approach the other insurer for a contribution.

**ASSISTANT DESIGNERS working for designers: I'm an assistant designer. Am I covered?**

Yes, the policy applies to people working as both designers and assistant designers.

**I'm an assistant designer covered by this policy, and so is the designer I work with. Can either of us claim against the other?**

No. Because there is a working relationship between you, these claims should be covered by the designer's separate Employers Liability insurance.

**Even if I'm providing my services as a freelance sole trader?**

Yes. The definition of 'employment' in this case is broader than you would expect, and often comes down to the level of control exerted on the freelance sole trader by the 'employer'.

**So who counts as an 'employee' under the policy?**

- (1) any person under a contract of service or apprenticeship with you
- (2) any person hired or borrowed by you in the course of their contract of service or apprenticeship with another employer
- (3) any person under a government or other authorised work experience or youth training or similar scheme
- (4) any self employed person
- (5) any labour master or labour only sub-contractor or person supplied by any of them
- (6) any voluntary worker whilst engaged in working for the Insured in connection with the Business'

**VENUES / COMPANIES**

**If I'm carrying out a workshop or other public facing work on behalf of a company as part of an education or outreach programme related to the production, am I covered?**

You would probably be covered under Employers Liability of the theatre or company who contracted you but this is one of the questions you should ask as part of finalizing your contract agreement.

**Companies who hire me often ask me to take out my own public liability: why?**

Reputable theatre companies almost always maintain adequate insurance. However, some small companies mistakenly think they have no Employers Liability requirement, because they misunderstand the employment status (as defined by an insurance policy) of freelance contractors.

**If something happens in the venue or construction workshops of the theatre company who had contracted me, am I covered?**

No, because you should already be covered under the Employers Liability of the theatre or workshop who contracted you (see above for details of that relationship). This is a legal requirement for any company and should be visibly displayed in work areas.

**OWN PROPERTY**

**Does the policy cover damage to my own property (eg. accidentally destroying a model box)?**

No.

## PROFESSIONAL DESIGNERS

### **I work with assistant designers a lot. Am I covered against claims from them if they injure themselves and/or me?**

Probably not, if the assistant would be deemed by the policy to be employed by you. In their definition:

- (1) any person under a contract of service or apprenticeship with you
- (2) any person hired or borrowed by you in the course of their contract of service or apprenticeship with another employer
- (3) any person under a government or other authorised work experience or youth training or similar scheme
- (4) any self employed person
- (5) any labour master or labour only sub-contractor or person supplied by any of them
- (6) any voluntary worker whilst engaged in working for the Insured in connection with the Business

If any of these apply, you should arrange separate insurance, including employers' liability.

You can find an FAQ with regard to Employers' Liability [HERE](#)

## PARTNERSHIPS

### **I work in a formal partnership: if I am covered, are we both covered?**

Yes, if you are *both* members of SBTD under this policy. If you're both covered by different policies, check directly with the policyholders for further details.

## OTHER PEOPLE'S PROPERTY

### **I accidentally damaged something I borrowed from another designer. Am I covered?**

Yes, but only if above £500 of damage and if the property was directly in your care.

## INTERNATIONAL WORKING

### **I work internationally: am I still covered?**

Yes, as long as you're normally domiciled in the UK and only working abroad temporarily. If a claim is brought against you in the US or Canada however, you need to pay an excess (details on policy itself).

If you have any further questions, please get in touch [admin@theatredesign.org.uk](mailto:admin@theatredesign.org.uk)