

BRITISH CAVING ASSOCIATION

LIABILITY INSURANCE SCHEME

Frequently Asked Questions 2008 Edition

- 1 **Q: Who or what is the British Caving Association?**
A: BCA is the successor organisation to the NCA (National Caving Association) and took over NCA's governing body functions (e.g. running the training schemes, liaison with Sports Councils etc.) as well as some of BCRA's national body functions (e.g. insurance). It formally came into being at midnight on 1 January 2004 following resolutions of the NCA SGM on 1 November 2003.
- 2 **Q: Who is the underwriter for the BCA PL insurance policy?**
A: The policy is underwritten by Zurich.
- 3 **Q: What is the policy number?**
A: The policy number is 057/3C01/GQ582698/0
- 4 **Q: What does the policy cover?**
A: The policy has been specifically worded to cover all normal activities of cavers and caving clubs, and mining history organisations and their members, including cave diving and the use of explosives. In short, this scheme ensures that if any one sues you or your club, you won't have to pay legal expenses and damages out of your own pocket. Further details may be found in the separate 'synopsis of cover' and detailed policy documents which can be found on line at <http://www.british-caving.org.uk/?page=115>.
- 5 **Q: Does the policy cover me for medical expenses or rescue?**
A: No, this is not a travel insurance policy.
- 6 **Q: What is the limit of indemnity?**
A: The limit of indemnity is £2 million plus legal costs for each successful claim.
- 7 **Q: What is the claims excess?**
A: The policy has an excess of £5000 on each claim for normal caving incidents, and £10,000 for incidents involving the use of explosives. However, subject to available funds, BCA will pay for all but the first £2500 of any claim excess.
- 8 **Q: How can BCA afford to pay part of the excess?**
A: BCA has sufficient resources as a result of careful stewardship of the PL scheme in its early years. Although we have the resources to cover at least one claim excess, if multiple claims occur we may have to withdraw this aspect of the scheme.
- 9 **Q: Were there ever any claims on the old BCRA policy?**
A: No.
- 10 **Q: Does the policy include member to member cover?**
A: Yes..
- 11 **Q: Is the use of mechanical equipment such as man-riding winches covered?**
A: Yes, so long as they are subject to adequate inspection and operational procedures.
- 12 **Q: Where can I obtain a copy of the full policy document?**
A: The full policy document is available for download from the website at <http://www.british-caving.org.uk/?page=115>
- 13 **Q: Who do I contact if I have any questions or want further information?**
A: You should contact the BCA with specific queries via the addresses or telephone numbers below. The broker and underwriter will not answer questions directly.
- 14 **Q: What is the difference between Club members, Member Clubs and Direct Individual members of the PL scheme?**
A: A **Member Club** is a caving club which has joined BCA and has paid for all its members at either the caver or non caver rates. A **Club** member is a member of a Member Club. A **Direct Individual** member is someone who has joined BCA in their own name, and not through a club, by paying the applicable Direct Individual subscription.
- 15 **Q: Do Club members get a certificate to show they are insured?**
A: Membership cards will be issued to all individuals with 'caving' insurance whether they are Direct Individual members of BCA or they join through a caving club.

- 16 **Q:** *How are the cards be delivered?*
A: Direct Individual members of BCA will receive their cards through the post. Club members will receive the cards via the caving club through which they pay their insurance contribution.
- 18 **Q:** *What is the cost of the cover?*
A: The costs are given on the relevant proposal forms which can be downloaded from the website at <http://www.british-caving.org.uk/?page=19>.
- 19 **Q:** *Are there any hidden extra costs?*
A: There are some extra costs, although we are trying not to hide them! These include a separate charge for clubs which have huts and/or formal access arrangements for a particular underground site..
- 20 **Q:** *Where am I covered?*
A: Cover extends worldwide, excluding Canada and the USA, but all cases will be judged only according to English law.
- 21 **Q:** *Does the scheme cover Eire?*
A: Yes, but claims will be decided under the law of England.
- 22 **Q:** *Do I have to be a member of a club to get this cover?*
A: No, cover is available as a benefit of BCA individual membership
- 24 **Q:** *Can I get the cover without becoming a member of BCA?*
A: No, insurance is only available to BCA members. The contribution for people who purchase caving insurance via their club includes their BCA membership subscription.
- 25 **Q:** *Can I become a Direct Individual member of BCA without joining the PL insurance scheme?*
A: No.
- 26 **Q:** *Can our club join BCA without joining the PL scheme?*
A: Yes.
- 27 **Q:** *If our club is a member of BCA but we choose not to participate in the PL scheme, do our members get membership cards?*
A: No. Unless you pay the insurance contributions on behalf of your members, your members will not be individual members of BCA and so they won't get membership cards.
- 28 **Q:** *Must a caving club have insurance?*
A There is nothing to force a caving club to have insurance, but if it does not its members will be unable to visit caves where insurance is a requirement for access. The insurance also provides protection for members and officers in the event of any third party claim due to their activities and it allows the BCA and other bodies such as the regional councils and access bodies to function. Without insurance, many national and regional activities would be curtailed. Joining the BCA insurance scheme is one way that clubs and individuals can support these activities.
- 29 **Q:** *In previous years clubs that were not members of the BCRA had to pay an additional fee on top of their insurance. Will this apply under the new policy, and if so how much will it be ?*
A: All clubs which wish to participate in the scheme must be members of BCA, and so they will have to pay to join if they are not already members.
- 30 **Q:** *How much does it cost to become a member club of BCA?*
A: The cost is based on the number of members the club has. Please see the relevant proposal forms on the BCA web site at <http://www.british-caving.org.uk/?page=19> for the current subscription costs.
- 31 **Q:** *How do we become a Member Club of BCA?*
A: You join by sending an application to the Membership Administrator. You should include a copy of your constitution along with your application.
- 32 **Q:** *Is there a delay before we become members once our application is submitted?*
A: If you are applying as a club, your membership will be subject to ratification at the BCA Council meeting following receipt of your application. However, we will consider you to be members from the time that your application is received so your members will be insured from then. In the unlikely event that there are problems with ratifying your membership, we will deal with these as they arise. Individual member applications do not require ratification by Council so individuals will be considered as members from the time their application is received.
- 33 **Q:** *Is there a definition of what constitutes a caving club?*
A: Yes, although it is intentionally somewhat flexible since it is not BCA's business to tell clubs how they should be structured or run. Contact the BCA Membership Administrator if you want further guidance on this topic

(membership@british-caving.org.uk).

- 34 **Q:** *Why should non-caving members of clubs have to pay for insurance?*
A: Non caving members of clubs also benefit from the insurance since it covers non-caving activities such as meetings, conferences, training and other activities. Non-caving club members are at just as much risk from a third party claim as caving members since in law they have joint and several liability for the club's actions. In fact since some of them may be older and possibly richer than their younger and more active counterparts, they may actually have more to lose!
- 35 **Q:** *What defines the difference between a caver and a non caver? Would, for instance, a person who went digging or was involved in water tracing experiments but who never goes underground be a caver or a non-caver for the purposes of paying their contribution?*
A: BCA is not in a position to produce a legally watertight definition of who is a caver and who is not. Even if we did, all that will do is provide further opportunities for people to wriggle off the hook if they are that way inclined. A caving activity is one which requires special gear or clothing, but this a matter of good faith and common sense. The more things people do along the lines suggested in the question, the more they are benefiting from the cover. Digging is a caving activity, as is water tracing, and people should be prepared to pay the caving member rate to be covered for it whether they go underground or not. If someone turns up at their surface dig wearing normal clothing just so that they can argue that they are a 'non-caver' within the definition we have set, then they are not acting in good faith and their cover would be affected.
- 36 **Q:** *Why the extra contribution for clubs with huts?*
A: Huts engender a range of risks which clubs without huts do not have. Some clubs will already have PL cover as part of their buildings insurance but this is unlikely to provide member to member cover and may be deficient in other ways which are important to cavers.
- 37 **Q:** *Can a caving club insure only part of its membership?*
A: No, if the club wants insurance for club risks (e.g. decisions of officers, club meets, etc) then it must insure all of its members as either cavers or as non-cavers.
- 38 **Q:** *If my club only pays to insure all its committee members and officers as cavers, will they then be covered if someone makes a claim against the club even though the club as a whole is not covered?*
A: No. Apart from any legal considerations, this will be seen by BCA as an attempt to avoid paying the true costs of cover by the club concerned and hence an act of bad faith. In these circumstances neither the individuals nor the club will be covered for club risks.
- 39 **Q:** *Why should club members have to become BCA members in order to become part of the insurance scheme?*
A: The implication which this question is making is that the scheme includes a hidden cost which is the BCA subscription, and that the contribution is higher than it needs to be as a result. This is not the case. The fees paid by individual members of member clubs cover only the expected costs of the insurance, and if the scheme does make a surplus this will be used for the benefit of scheme members in future years. With or without the BCA membership, the cost to each individual would be the same.
- 40 **Q:** *Why I should be 'forced' to join the BCA so I can be insured?*
A: There are two reasons. Firstly, lack of a coherent national membership structure was cited as one of the primary reasons why we had trouble in obtaining cover in 2003. Secondly, regulations regarding the sale of insurance to private individuals make it impossible for organisations like BCA to sell insurance to non-members. This scheme gets round that problem without forcing club members to subscribe to any services they do not require.
- 41 **Q:** *Do individuals get a vote at BCA meetings if they are club members of the scheme?*
A: Yes. By giving all members of the scheme membership of BCA we give them a vote. If they are not members of BCA they have no vote. BCA members can use their vote to control the way the scheme is administered in future years if they do not like the way BCA is dealing with it this year. This includes changing the contribution costs and the way the budget is balanced among the different sources of revenue if they choose to. If we did not give them membership, then they would have to put up with whatever the membership of BCA decide. This was a major criticism of the old BCRA scheme.
- 42 **Q:** *If a club decides to join the BCA PL scheme, but some members of the club refuse to join BCA, can the club still be insured?*
A: No. As has already been explained, for a club to be insured, all of its members must be insured, and thus they must all be members of BCA. Remember, BCA membership is included for free in the cost of the club member contribution.
- 43 **Q:** *What business of BCA is it to be telling caving clubs who they can or cannot have as members?*
A: We are not. The whole point about any club, and a caving club in particular, is that the whole is greater than the sum of its parts. However, to gain the benefits that club membership will provide, people must sacrifice a degree of their individuality and autonomy. In the case of a caving club, the degree of sacrifice is a great deal less than in almost any other walk of life, but nevertheless the principle is universal. If the club decides it wants to be insured, then that is presumably because the majority of the members wish it so. This is simply another club 'rule' alongside any other, and if people do not wish to obey the rules that their club demands of them,

then they are free to change those rules or to leave the club. This is not a matter for BCA to dictate to clubs, and we are not doing so. Neither is this some perverse decision on the part of BCA; it is simply a natural consequence of the structure of a club.

- 44 **Q:** *Can club members who go caving opt to pay the higher 'caver' contribution, or pay the non caver contribution and take the risk that they are not covered for caving activities in order to save money?*
A: No. There is no difference between the cover offered to caving and non-caving members – it is the same policy. The reason for the difference in contributions is because this is a fairer way of dividing up the cost of the insurance. People who go caving and want to be part of the PL scheme MUST pay the caver contribution..
- 45 **Q:** *How much of the contribution goes on administration?*
A: This question is essentially impossible to answer accurately because the PL scheme administration is inextricably linked with our membership and publication subscription administration. However, our budget allows for administration costs of about £3.00 per individual member.
- 46 **Q:** *I am a member of more than one caving club. Do I have to pay a contribution through each club?*
A: No, you only pay once into the scheme, either as a caver or a non-caver. You will need to nominate one of your clubs as the route through which your card should be issued.
- 47 **Q:** *Two clubs of which I am a member have paid a contribution on my behalf. Can I get a refund?*
A: Yes. Contact the Membership Administrator to discuss the matter.
- 48 **Q:** *Will BCA contact me if they receive contributions from me through more than one club?*
A: No. The onus is on you to contact BCA to resolve this.
- 49 **Q:** *Is there a time limit by which I need to reclaim any duplicate contributions?*
A: Yes. In order to enable us to properly complete the annual audit, claims for overpayment must be made by the end of February in the year following the year in which the over-payment was made.
- 50 **Q:** *If the scheme makes a surplus, where will that money be used?*
A: It is used to create a fund from which the claim excess can be paid. It can also be used to help reduce the contributions if the premium cost goes up.
- 51 **Q:** *Is anyone getting paid for dealing with all this?*
A: Yes, the BCA Membership Administrator is a paid to do the majority of the leg work. However, all the people who deal with managerial and strategic issues (and to whom the Membership Administrator reports) are unpaid volunteers.
- 52 **Q:** *What other benefits do I get as a member of BCA?*
A: So far as insurance is concerned, the cover is the same for Club members and Direct Individual members of the scheme but if you join BCA via a caving club, the extra benefits will be very limited in order to try to keep the cost as low as possible. The subscription for Direct Individual members of BCA costs more, but you will get extra benefits including publications and discounts on entrance to the annual conference etc.
- 53 **Q:** *If a member of our club is a Direct Individual caving member of the BCA does he/she pay anything to the club as a "non-caving" member?*
A: No, members only have to make a single payment to be a member of BCA
- 54 **Q:** *If a Club caving member joins BCA as a Direct Individual member later in the year, will he/she end up paying twice for insurance?*
A: No, they will receive a discount of the fee already paid via the club. However, note that while clubs can join BCA without joining the insurance scheme, individuals cannot.
- 55 **Q:** *How do we insure temporary members (e.g. novices coming on their first caving trip)?*
A: Clubs will automatically be covered for temporary members so long as they have paid for all of their normal members as either caving or non-caving members of the scheme. There is no a limit on the number of temporary members a club can take caving in any given year, but, see 56 and 57 below:
- 56 **Q:** *How long does temporary member cover last?*
A: Temporary members' cover lasts for 17 consecutive days only (i.e. three weekends). It cannot be renewed. If people want cover for longer than this, they will be expected to join the scheme as a full member and pay the appropriate contribution.
- 57 **Q:** *Will clubs still have to keep records of temporary membership?*
A: Yes, the names and addresses of temporary members, and the dates on which they went caving, will need to be recorded and sent to BCA at or before the end of each year.
- 58 **Q:** *What about a club's probationary members?*
A: Probationary members often do more caving than many full members of the scheme. They should be considered as full members and pay the contribution accordingly. Specifically, temporary member cover does not include a club's probationary members.

- 59 Q: *Do guests staying at our caving club have to be considered as temporary members?*
A: No. They need only be considered as temporary members if they actually participate in your club activities.
- 60 Q: *Are guests staying at the hut covered by the insurance?*
A: Only in the sense that the club is covered if one of them claims against it. The guests themselves have no cover for their personal liabilities unless they are members of the scheme by another route.
- 61 Q: *If guests attend a club caving meet and they have BCA caving insurance through membership of another club does this provide cover or do we have to take additional action?*
A: They are covered without further action being taken.
- 62 Q: *Are explosives users expected to pay more?*
A: Explosive users are covered without additional payment, but must belong to the EUG.
- 63 Q: *Are cave divers expected to pay more?*
A: No. Cave divers are covered via their CDG membership.
- 64 Q: *Is the use of Hilti caps covered?*
A: No. While it is an open question as to whether the technique is actually legal or not, the fact remains that the experience to date indicates that the technique is simply not safe enough to be considered as an acceptable risk in the context of caving in general. It may be that individuals have identified equipment and procedures which leave them satisfied that the technique is safe enough for their own purposes, but this is still a long way from being able to accept the risk of a claim from an untrained and inexperienced individual. Over time, we may be able to define procedures, training and equipment which allow the use of Hilti caps to be seen as low enough risk that they can be included in the PL scheme, but this point has not yet been reached and therefore we must regretfully conclude that the scheme cannot cover this activity whoever undertakes it.
- 65 Q: *Can I be insured for cave diving without joining the Cave Diving Group?*
A: No. CDG is the representative member body of BCA for cave divers. We do not recognise any other body as representing cave divers.
- 66 Q: *What is an 'Access Controlling Body'?*
A: An 'access controlling body' is one which arranges access to a particular site on behalf of the caving and mine exploration community. Such a body may or may not be the freeholder or leaseholder of the property in question.
- 67 Q: *Can a caving/mine exploration club also be an Access Controlling Body?*
A: Yes.
- 68 Q: *Is a Regional Caving Council an Access Controlling Body?*
A: Yes, if there are any access agreements which are arranged in its name, but note that Regional Caving Councils do not pay to be members of BCA.
- 69 Q: *What is the fee for insurance for an Access Controlling Body?*
A: Please see the relevant proposal forms on the BCA web site at <http://www.british-caving.org.uk/?page=19>.
- 70 Q: *Does an Access Controlling Body have to pay any additional fee for the members of its controlling committee, or for its leaders or wardens?*
A: No. It is assumed that the majority of the personnel involved in an Access controlling body will be personally insured by virtue of their membership of the scheme by another route (i.e. Direct Individual or Club membership) and this is why there are no separate fees for the individual leaders/wardens or members of any controlling committee. However, a linkage with an access controlling body will only provide cover for duties associated with that body, and this cannot be used as a means for individuals to obtain cover for other caving activities without paying the appropriate fee. Individual membership cards will not be issued to access controlling bodies who are not also a properly constituted caving club which has insured all its members.
- 71 Q: *My club controls access to one or more sites and we need cover as an Access Controlling Body. Can we just pay the relevant fee instead of insuring ourselves as a caving club and having to pay individually for each member?*
A: No. Your organisation is a caving club in the first instance and your position as an access body is only incidental to this. If a club wants insurance of any sort, all its members must buy into the scheme. This is partly for the legal reasons outlined elsewhere, but also because we are paying a huge premium for this cover and we have to bring reasonable pressure on the people who benefit from it to pay their share towards the cost.
- 72 Q: *We are a caving club which controls access to a cave and which also has a club hut. Do we have to pay the £50.00 hut fee as well as the £50.00 Access Controlling Body fee?*
A: No. BCA has decided that it is sufficient for a club to pay only one of these additional fees, so you should pay for the hut and not as an access controlling body. However, you must complete the application form for Access Controlling Bodies so that we can keep track of who is benefiting from this cover.

- 73 Q: *Our club has negotiated access to some old mines with the landowner and has fitted gates at their request. However, we do not issue keys – these are obtained from the landowner directly and the landowner has not asked us for any indemnity. Are we an Access Controlling Body?*
A: No.
- 74 Q: *Does the cover include indemnity for landowners?*
A: Yes, landowner indemnity is included.
- 75 Q: *Will landowner indemnity certificates be available and if so, how much will they cost?*
A: Yes, documents which confirm cover for a particular site are available. Please contact the Membership Administrator if you need one.
- 76 Q: *Our club is a climbing club, not a caving club. The climbers do not want to have to pay for the few members who go caving. How can we get cover?*
A: All the caving members must join the BCA scheme either through the club or as Direct Individual members. They will then be insured, but the club will not be insured for club related caving risks.
- 77 Q: *Our club has several members who say their household insurance covers them for caving and they are therefore not willing to pay the BCA individual caver contribution. Can we buy insurance just for the people who are not covered by their household insurance?*
A: Household insurance will not provide cover for any club related caving risks, and is probably inadequate in other ways as well. Some other insurance schemes (see below) will be adequate alternatives to individual caving membership of the BCA scheme, but there are no household schemes we are aware of which fit this description. The BCA scheme will not recognise any household insurance as an adequate alternative.
- 78 Q: *Our club has members who are members of a university club which is insured by the university. Is this cover an adequate alternative to the BCA individual caving cover?*
A: No, the university cover will only insure its members when they are participating in university trips. All your club members who go caving as part of your club activities must be insured through the BCA .
- 79 Q: *We are a university caving club. Do we need to have BCA cover?*
A: BCA cover is optional and you can join BCA as individual members without insurance if your university provides adequate alternative cover. However, if your university does not provide cover for caving then you would be advised to join the BCA scheme, and this will be a requirement for booking trips in certain caves.
- 80 Q: *What is the period of the insurance (what dates are we covered for)?*
A: The insurance runs from 1 January to 31 December of each year.
- 81 Q: *I'm a direct individual member. Do I have to pay my subscription renewal on 1 January in order to be insured for next year?*
A: No, BCA permit a period of grace which ends on 31 January. So long as we receive your subscription by then, your cover will be unbroken.
- 82 Q: *What about people who join our club part way through the year? Will they have to pay the full contribution?*
A: Caving and non caving members who join throughout the year will be expected to pay pro-rata for the number of quarters (or part-quarters) for which they are members of the scheme.
- 83 Q: *Are new members insured from the time that they join our club, or from when BCA receives their contribution?*
A: They are insured from the time that they join your club.
- 84 Q: *Say we run a caving trip and one of our non-caving members goes caving. Is every member's cover null and void?*
A: This must remain at BCA's discretion. Certainly, any non-caving member who goes caving will not be covered for member to member and other caving related risks. However, BCA's concern is to try to provide adequate cover for the whole caving community and to recover the costs of that cover from the people who use it. We are prepared to be flexible where we can, but if the activities of individuals appear to be aimed primarily at avoiding paying for the proper cover, we will take a hard line in order to avoid a few spoiling the scheme for the many who will participate in an open and honest fashion.
- 85 Q: *Our club has an annual trip into a show cave or a similar easy-to-access site as part of its annual dinner activities. Will all the participants in these trips need to be caving members of the scheme in order to be covered?*
A: No. So long as this is only an annual event and it does not involve the use of caving gear ('caving gear' includes caving clothing) then the non-caver contribution will cover this activity.
- 86 Q: *Does the caving member's cover only apply to official club trips, or to trips which only have other members of my club on it?*
A: The caving member's cover applies whoever you go caving with, but if other members of the same trip do not have caving cover, then you may be more at risk of an uninsured claim than you would otherwise be. The safest position to be in is to ensure that all other members of your caving trip are caving members of the BCA scheme.

- 87 Q: *I cave both as a member of a club and independently with family and friends. If I have insurance as a 'caving' member of my club, does this cover me for personal liability on trips that I undertake independently?*
A: Yes.
- 88 Q: *Is there a date by which the club has to pay BCA in order for the insurance to be valid?*
A: Yes. The club should have renewed its membership by 31 March each year if they want continuous cover.
- 89 Q: *Can payment of the contributions be staggered to allow the club committee time to ask its members whether they want to be caving or non-caving members?*
A: Yes. If getting the information required from the members quickly is a problem, the club should pay the non-caving rate for all its members and then 'top up' the contribution for the caving members as they confirm their membership status.
- 90 Q: *Should we wait until the end of the year to send in the top-up contributions and the additional contributions for new members?*
A: No. BCA needs to know how many people are in the scheme and how much income it has received well before the end of the year if we are to be able to organise insurance for the following year. We suggest you send your extra contributions either as soon as is practicable, or no later than the end of each quarter.
- 91 Q: *Can you confirm that members who have paid the club but have not yet had their money passed on to BCA are still covered?*
A: Yes, if members have paid their money in good faith, they will be covered.
- 92 Q: *Are minors (persons under the age of 18) covered by the scheme?*
A: Yes, as normal members of a caving club. However, this insurance scheme is not designed to provide cover for the adult leaders of parties of children from outdoor centres, educational establishments or similar institutions.
- 93 Q: *Do a minor's parents also have to be members of the club for them to be covered?*
A: Not necessarily, but the legal guardians of a minor are responsible for children below the age of legal responsibility and so clubs are advised to be clear about who is legally responsible for any minors who attend any sort of club function.
- 94 Q: *Our caving club has overseas members. Should we pay to insure them?*
A: Yes, you should pay at least the non-caver rate for each member. If they want to be covered for caving activities then they need to pay the caving member rate.
- 95 Q: *Are 'professional' cavers covered by the scheme?*
A: No, this policy does not cover people who go underground as part of their employment. The policy will cover such a person's leisure caving activities, but persons who derive personal income from their caving activities should make their own arrangements for personal cover.