

Insurance and risk management for an open homes event

Open homes events have a great track record, and the chance of a serious incident is remote.

But there are risks involved in running any event, so to protect your group and your open homes hosts from any legal action following an incident at your event, you should make sure you have robust insurance in place.

Insurance is particularly important if your group is unincorporated, as in the eyes of the law it is not considered a legal entity and therefore any or all members of your group are at risk of being held personally liable for the activities of the group.

What insurance does an open homes event require?

Although there is no legal requirement for you to have insurance, it is highly recommended. Your group should ideally have public liability insurance and your hosts should have home insurance.

Public liability insurance

This covers you in the event of injury (or damage to property) of a member of the public as a result of coming into contact with your group. The liability limit is usually between £1m and £5m, depending on the activities and needs of the organisation.

The premium will depend on the level of cover required and will probably be in the region of £150 - £300. Your volunteers' activities should be covered in this, but make sure this is explicitly mentioned as it isn't always the case. If you employ staff (or if your public liability insurance does not cover volunteers) you must also have employers' liability insurance.

Open homes events can be tricky to insure simply because there can be an overlap or grey area of liability between the group and the open homes hosts. This means that even if your group already has public liability insurance it is vital that you check the policy wording carefully to make sure your open homes event is going to be covered. If you are in any doubt at all speak to the insurer; don't be tempted to assume an encouragingly but vaguely worded section

of the policy is enough, even if it seems to fit your event. Get confirmation in writing if you can.

If your group's current public liability insurance does not cover you for an open homes event, you may be able to add this cover to your policy if your insurer is able and willing, but you may need to take out a new policy if they are not. Unfortunately, both options are going to add to your project's running costs.

Be aware that your insurer will likely want to know how you are managing risk before they insure you. Your public liability insurance should cover your organisation for any accidental injuries to visitors as long as you have gone through a risk assessment with the host, have agreed this and kept a record of it. Ask your insurer to explain the details (and see below for more information about managing risks).

Home insurance

This falls under two categories: buildings and contents. Both are probably necessary to protect your hosts, so you should make sure they have this cover in place. Buildings insurance will cover the host for accidents arising as a result of the building structure (e.g. a loose tile falling on somebody's head) while contents insurance typically includes personal liability for accidents around the home. Most comprehensive home insurance policies cover both, but hosts would be advised to double check both this and whether their policy covers legal fees, which is not always the case.

Hosts should bear in mind that theft of their personal possessions is not likely to be covered as they are allowing visitors in voluntarily, so valuables should be locked away. Having said this, we haven't heard of any instances of theft at previous open homes events, so hosts shouldn't let this put them off as long as they are sensible and remove temptation.

Some hosts are keen to open their homes whilst building work is taking place as this is a great time to demonstrate the nitty-gritty of installing an energy saving improvement. If they're doing the work themselves – particularly if it is a large extension or new build – they'll need to check their insurance policy to see if it includes public liability. If the building work is being carried out by a company, the builder who is considered the main contractor is

required to have public liability insurance and you or the host will need to get permission from them to invite people onto the building site. As the risk of accidents is higher on a building site it is important to make sure there is adequate insurance in place.

How can we get a good deal?

If you don't want to, or cannot, pay for insurance but don't want to run your event uninsured, there are still options open to you. One of these is to work with a partner or lead organisation that already has suitable insurance in place (you'll need to check this). Some green open homes days have been run in conjunction with Heritage Open Days (www.heritageopendays.org.uk) who, as the umbrella organisation, would provide the necessary cover.

There is more information about working in partnership or joining in with a wider event in the Green Open Homes resource '*Choosing an open homes approach*'. And of course, make sure you check that your chosen partner's insurance does cover what you want to do.

If you prefer to go it alone, you should be able to get a better deal on public liability insurance if you shop around. Start looking early and ask other groups, especially those that have run open homes events before, for recommendations. The National Council for Voluntary Organisations (NCVO) has produced a guide to getting a good deal on insurance which you can download here: <http://bit.ly/NWDJzu>, and the Charity Commission has lots of useful information about insurance that's worth reading, though aimed specifically at charities: (<http://bit.ly/ctKxXg>).

You may come across references to professional indemnity insurance. This covers you for claims for any damage that might result from giving improper professional advice. It's unlikely this would be necessary for your event unless you intend to offer specific professional advice to visitors. If you have installers at your event they will have their own professional indemnity insurance in place.

What have other open homes events done about insurance?

Here are some comments from groups that have run open homes events, along with some examples of the insurers they went with:

“We have insurance arranged with our local Community Action Group hub.” | Lorna Bonthrone, Sustainable Wallingford

“We have insurance through TCV, it’s only £100-150 per year.” | Jonathan Atkinson, Carbon Co-op

“In 2011 we took out public liability insurance with Park Insurance. In 2012 we used Naturesave for public liability insurance, employers’ liability insurance and professional indemnity insurance. Public liability insurance covers accidental injury within homes but only if a suitable risk assessment has been carried out. Employers’ liability covers event stewards.” | Kate Watson, Bristol Green Doors

“One of the reasons we timed our event to coincide with Heritage Open Homes was to benefit from their insurance. We are not doing that this year but Transition Town Totnes has its own insurance.” | Chris Bird, Transition Town Totnes

Are we liable if something goes wrong?

To prove an individual’s or organisation’s liability for an incident, it must be shown that they were in some way negligent and that they failed in a duty of care.

Negligence

If somebody has an accident at your event, it does not necessarily mean you are liable for any damages. It must be proved that you were negligent – that you failed to do a reasonable thing that a reasonable person would have done to ensure the safety of that person. Insurance is therefore only there to protect you in the very unlikely event that your group’s negligence leads to an incident. For example, if you fail to carry out any risk assessments and a visitor is injured falling on an obscured obstacle that is not clearly pointed out to them (by signage, hazard warnings or other deliberate and accessible means) you (and/or the host) could be held responsible for

the incident. If a visitor trips over in a house purely by accident you should not be held responsible for any injury or damage to property that may result.

Duty of Care

As well as displaying negligence you must also owe a duty of care to an individual if you are to be held responsible for their safety. This will be the case for your visitors and your volunteers so you must make sure you take all reasonable steps to protect them.

How can we protect visitors?

You can do a number of things to significantly reduce the potential risk to visitors. First of all, make sure you have a good risk management plan in place for your event, outlining what could potentially go wrong and what you can do about it. Refer back to your plan regularly and update it as new risks are identified. This guidance document explains how to draw up a risk management plan if you haven’t done one before: <http://bit.ly/19AgeU4>

In the lead up to your event you should carry out (or ask your hosts to carry out) a **risk assessment** for every home or other space you are planning to open.

There are some very good reasons for doing this:

- *Your insurance may not cover you without them.*
- *By not going through the process you might miss an obvious risk.*
- *Risk assessments can help you prioritise what you spend time on if you need to do any mitigation.*
- *It shows you take your hosts’ concerns seriously and may persuade more people to open their homes*

Risk assessments are not particularly complicated or difficult, but if your event has lots of homes you should allow extra time for doing them.

Ideally, you should conduct the risk assessment together with your host. He/she will be aware of things such as a wobbly step or a loose paving stone, whilst you will be looking at the property with a fresh pair of eyes and see things that the host may

miss. You will need to weigh up whether any of your homes pose an unacceptably high risk that cannot be easily mitigated. Homes with inadequate insurance and/or a number of potential hazards might not be suitable.

If you don't have time to carry out a risk assessment for each home and are relying on hosts for this, make sure your risk assessment template is detailed and clear and includes prompts and examples for those filling it in. And be sure to explain the benefits of risk assessments to the host, so that they realise it serves a purpose and isn't an exercise in red tape. Heritage Open Days has produced guidance for their hosts on carrying out risk assessments (see <http://bit.ly/15jxuIJ>) and also have a downloadable risk assessment template (<http://bit.ly/1dXPjGQ>).

The Health and Safety Executive provides guidance on risk assessment at www.hse.gov.uk/risk/index.htm

But don't stop there! It's not uncommon for a risk assessment to be carried out, filed away and never seen again, let alone acted upon. Try to mitigate any risks that have been highlighted before your event, prioritising high and moderate risks. Make sure you clearly outline any steps you expect hosts to take to mitigate any risks they identify and agree this in writing with them. If you have lots of homes you might need to set up a system to make sure the work is done before the event opens to the public. If the mitigation work is not done, your hosts could be at risk if an accident does happen.

If you can't remove a risk entirely (e.g. a very steep staircase or low hanging beam), there are still ways to reduce the likelihood of an accident – like good signage, verbal warnings, hazard tape or stickers and the presence of volunteers or stewards in high-risk areas. You might be thinking about **disclaimers** too,

but be aware that under the Unfair Contract Terms Act 1977 a disclaimer does not absolve you from liability if it can be shown you have failed in your duty of care to a visitor by negligent behaviour.

In other words, a sign telling all visitors they enter homes at their own risk and cannot hold you responsible for any consequences probably won't hold up in court if someone is injured in a scenario which you could reasonably have been expected to foresee and prevent.

What if something happens?

If anything does go wrong, no matter how minor it is and whose fault it appears to be, make sure all your hosts and volunteers know to fill in an accident log, so that you will know exactly what occurred. If necessary, ask for witness accounts and take contact details. Even if you don't need these for legal purposes they may help you eliminate or mitigate the risks next time.

It's worth the effort

All this might sound a bit of a grind, but it is well worth doing, though the risks may be small. Not only will the steps above protect your visitors, they will also protect your group and your hosts because, in the unlikely event of a serious incident on the day, you will all be able to demonstrate (with good documentation to back you up) that you have taken all reasonable steps to keep visitors safe. Together with your insurance, you and your hosts should be protected if anything goes wrong. That knowledge will leave you all free to enjoy your event without worrying about the what-ifs.

The **Green Open Homes** network supports low carbon retrofit by promoting existing open homes events and helping new initiatives get going with resources, practical support and funding.

We've produced lots of other information sheets like this one covering legal and insurance issues, volunteers and marketing.

See www.greenopenhomes.net



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