

Insurance and risk management for open home events

Open home events have a great track record, and the chance of a serious incident is remote. However, there are risks involved in running any event, so make sure to protect your group, home openers and visitors with a robust insurance and risk management plan.

This is one of a series of information sheets for community groups organising green open homes events. Find the rest at www.greenopenhomes.net

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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.

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What insurance is required for an open homes event?

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. This is to cover you for any legal action following the unlikely possibility of an incident at your event.

Public liability insurance

This covers you in the event of injury (or damage to property) to a member of the public as a result of coming into contact with your group. The liability limit is usually

somewhere between £2 million and £5 million depending on the activities and needs of the organisation.

The premium will depend on the level of cover required and will likely be in the region of £250 and above. Your volunteers' activities should be covered in this, but make sure it's explicitly mentioned as this 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 your 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. If they're not, you might need to take out a new policy. Unfortunately, both options will add to your project's running costs. However, the need for insurance mustn't be overlooked to save on cost.

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 types are necessary to protect your hosts, so make sure they have this cover in place. Buildings insurance will cover the host for an accident arising as a result of issues with 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 this and whether their policy also 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, it is extremely unlikely that anything like this would happen. In over ten years of supporting Green Open Homes, we haven't heard of any instances of theft at 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 whilst building work is taking place as this is a great time to demonstrate the nitty-gritty of installing an energy-saving improvement. As the risk of accidents is higher on a building site it is important to make sure there is adequate insurance in place. 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.

How can we get a good deal?

You should be able to get a better deal on public liability insurance if you shop around. Start looking early and ask for recommendations from other groups, especially groups that have run open homes events before. There are guides to getting insurance and managing risk at ncvo.org.uk. There is lots of useful information on the Charity Commission's website at charitycommission.gov.uk.

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 if we can't afford insurance?

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 which already has suitable insurance, especially to run their first open homes event. Some green open home days have been run in conjunction with Heritage Open Days at heritageopendays.org.uk, which, 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 our guide *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.

Here are some examples of what other groups have done for their insurance:

"We have insurance arranged with our local Community Action Group hub."

Lorna Bonthron, Sustainable Wallingford

"We have insurance through TCV."

Jonathan Atkinson, Carbon Co-op

"Last year we took out public liability insurance with Park Insurance. This year 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

Would we be liable if something went wrong?

To prove an individual 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 proven that you were negligent i.e. 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 home 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 of course be the case for your visitors and your volunteers so you must make sure you take all reasonable steps to protect them while they are attending your event. Making a risk assessment is a key step – see the next section.

What to do 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. An accident log is a record of the time, date, and location of the incident, who was involved and what happened. If necessary, ask for witness accounts and take contact details. Even if you never need these for legal purposes, they will help you eliminate or mitigate the risks next time.

Risk management and risk assessments

There are several things you can do to significantly reduce the potential risk to visitors. Firstly, make sure you have a good risk management plan in place for your event, outlining what could potentially go wrong along the way and what you will do about it. Refer to your plan regularly and update it as the project goes on and when you discover new risks.

The National Council for Voluntary Organisations has a web guide *How to manage risk*, which includes a template 'risk register' management plan. ncvo.org.uk

Using a risk assessment

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 space you are planning to open. Risk assessments are not complicated to complete but if you have lots of homes opening, you should factor some extra time for this into your project timescales.

There are some very good reasons for doing risk assessments:

- Your insurance may not cover you without them.
- Without them, you might miss an obvious risk.
- Risk assessments can help you prioritise what you need to spend time on if you need to do any mitigation.
- It shows you take your hosts' concerns seriously, which may persuade more people to open their homes.

We recommend that you conduct the risk assessment together with your host. Your host 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 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 several potential hazards might not be suitable. The risk assessment will also help you identify what accessibility information you'll need to pre-warn visitors about, such as steep steps.

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. 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.

Explore risk assessment guidance and templates at hse.gov.uk. You could use theirs, make your own, or check out our resource *Risk assessment guide for home openers*.

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, you or your hosts could be liable if an accident does happen.

Not all risks can be removed entirely (perhaps a home has a very steep staircase or low hanging beams). There are still ways to reduce the likelihood of an accident – like good signage, verbal warnings, hazard tape/stickers and the presence of volunteers/stewards. Make sure you do everything you reasonably can to reduce all risks you and the host have identified.

Are disclaimers the answer?

In short, no! You might be thinking about using disclaimers 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.

Advising all visitors to be careful in the home can and should be part of risk mitigation in your risk assessment. But a disclaimer sign telling all visitors that 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.

It's worth the effort

All this might sound a bit intimidating and like a lot of paperwork, but it is well worth doing. The steps above protect your visitors, 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 everyone safe. You and your hosts should be protected if anything goes wrong, leaving everyone free to enjoy your event without worrying about the what-ifs.

This information sheet was produced by the Centre for Sustainable Energy. We're committed to supporting low carbon retrofit by promoting open homes events and helping you get going with resources, practical support and funding.

You can find more advice at www.greenopenhomes.net.

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