
angel[®]

Trustee & Committee Members Liability Insurance



CATLIN
Underwriting Ambition

Protecting what others have worked so hard for can be a difficult business our Policies are designed to help

Facing up to today's challenges

Not for profit organisations rely on the unstinting work of their trustees, officers and committee members to achieve their goals and help make a positive difference to millions of people across the UK and beyond. Whilst helping to manage a charity, club or association can be very rewarding it could leave you personally exposed to litigation should the unexpected happen and something go wrong.

Our Trustee and Committee Members Liability (D&O) Policies can offer essential protection against the risks that trustees, officers, management committee members and their organisations face.

What are the risks?

The reality is that if you serve on the management committee or contribute to the decision making process of an association, charity or any other not for profit organisation, then you could be deemed to be one of its trustees or officers - whether you have the title or not. The role of a trustee or officer is defined by what you do, not what you are called.

Claims can arise from any number of situations including:

- Alleged breach of statutory duty – e.g. failing to manage health and safety issues.
- Alleged breach of trust – e.g. using money for purposes outside the Organisation's scope.
- Alleged breach of a duty of care – e.g. not acting in your Organisation's best interests.
- Alleged libel or slander – e.g. derogatory remarks made about another.
- Alleged discrimination or harassment – e.g. allegations of bullying.

The following represents some of the areas where our coverage can be of vital assistance:

The Companies Act

The Companies Act 2006 was fully implemented in October 2009. This Act is the single biggest overhaul of company law since 1985. Where an organisation has registered at Companies House, anyone serving as a trustee will be deemed to be a company Director and therefore subject to the Companies Act. Breaches of the Act can lead to unlimited personal liability in a wide range of circumstances. So if your role comes with duties and responsibilities then perhaps most importantly, it also comes with personal liability.

The Charities Act 2006

Where an organisation is a registered charity, Trustees also have to ensure that they comply with the obligations contained in the Charities Act. Trustees can be held personally liable for a failure to discharge their duties which results in a loss to the charity or improper gain to the trustee.

Employment Act 2008

In 2008/9 151,000 claims were accepted by the Employment Tribunal. In 2009/10 this rose by nearly 40% to 236,000. There can be little doubt that the new 2008 Act has swung the balance even further in favour of the employee when bringing an Employment Tribunal Claim. It is not only the Employer but also individual Trustee(s) who can be named in Employment Tribunal claims. Individual Trustees can be held liable for acts of harassment and discrimination towards employees and volunteers.

The Equality Act 2010

The Equality Act makes a number of changes to discrimination law and applies to all organisations and their Trustees that provide services to the public and therefore, can extend to voluntary and community organisations.

Under the Act, associations must not discriminate when deciding who to admit, or in setting or applying the terms of admission. Further, they must not discriminate by not considering particular applications for membership. The Act also places a duty upon associations to make reasonable adjustments for disabled members or guests (for example, adjustments for access) and provides that members (and guests) must not be harassed or victimised.

Volunteers Rights

In the UK, the legal status of volunteers is unclear and although there may be no written contract in place volunteers may still be protected by employment legislation. In addition under Health & Safety legislation, an organisation only needs one employee to be an employer and thus subject to Health & Safety law.

What you need to know...

POLICY KEY BENEFITS*

- Personal Liability – provides cover for individual trustees and officers for civil and criminal defence costs and covered losses arising from wrongful acts that are not indemnified by their Organisation. This is essential where the Organisation is not a legal entity (i.e. unincorporated).
- Reimbursement coverage – this reimburses the Organisation where it has indemnified the individual trustees and officers for covered losses.
- Fidelity Cover – reimburses the Organisation for loss of money from employee theft.
- Legal Helpline – as a policyholder you have exclusive access to our legal helpline, which is available for general legal advice on problems potentially giving rise to a claim covered by your policy. Advice is free and you can make as many calls as reasonably needed.
- Interest Free Direct Debit – Premium Instalment Plan.

How to apply

To apply for our Trustee and Committee Members Liability (D&O) Policy you will need to complete our application form. If you are aware of anything that you think may affect our decision to provide insurance, you must let your broker know. Not doing so may affect how a claim is settled under the policy or may make the policy invalid.

What to do if you have a claim?

If a claim is made against you, our claims specialists will work hand in hand with you to resolve it. In the event of court proceedings, we will arrange and pay for a legal expert to represent you who understands your business. Whether your case is successfully resolved or an eventual settlement is reached, we will be there to help you through what can be harrowing times.

Insurance quality guarantee

Financial strength and security are two of the most important factors when deciding upon Insurers.

Catlin Group Limited, headquartered in Bermuda, is one of the world's leading specialist property/casualty insurers and reinsurers. Gross premiums written in 2009 amounted to more than US \$3.7 billion.

Catlin's financial performance is reviewed by the A.M. Best Company, one of the foremost insurance rating companies in the world. Over 100 different financial tests are used to arrive at its financial ratings. Catlin's underwriting units are rated "A" (Excellent) by A.M. Best.

Catlin Insurance Company (UK) Ltd's registered address is 3 Minster Court, Mincing Lane, London EC3R 7DD. It is authorised and regulated by the Financial Services Authority (FSA). Further information about the FSA can be found on their website fsa.gov.uk and moneymadeclear.fsa.gov.uk.

Catlin shares are traded on the London Stock Exchange (ticker symbol: CGL). More information about Catlin can be found at catlin.com.

About Us

Angel was formed in 2003 by a group of insurance industry professionals. From the outset, Angel specialised in Professional Indemnity Insurance and Directors and Officers Liability. Angel became part of the Catlin Group of Companies in April 2010. More information about Angel can be found at angelunderwriting.com.

Important information

This brochure represents a brief overview and does not represent a comprehensive explanation of its subject matter. Whilst care has been taken to ensure the accuracy of the information provided, Angel Underwriting does not guarantee such accuracy and accepts no liability for loss or damage resulting from reliance on this brochure.



* Coverages listed may not be available in all circumstances.