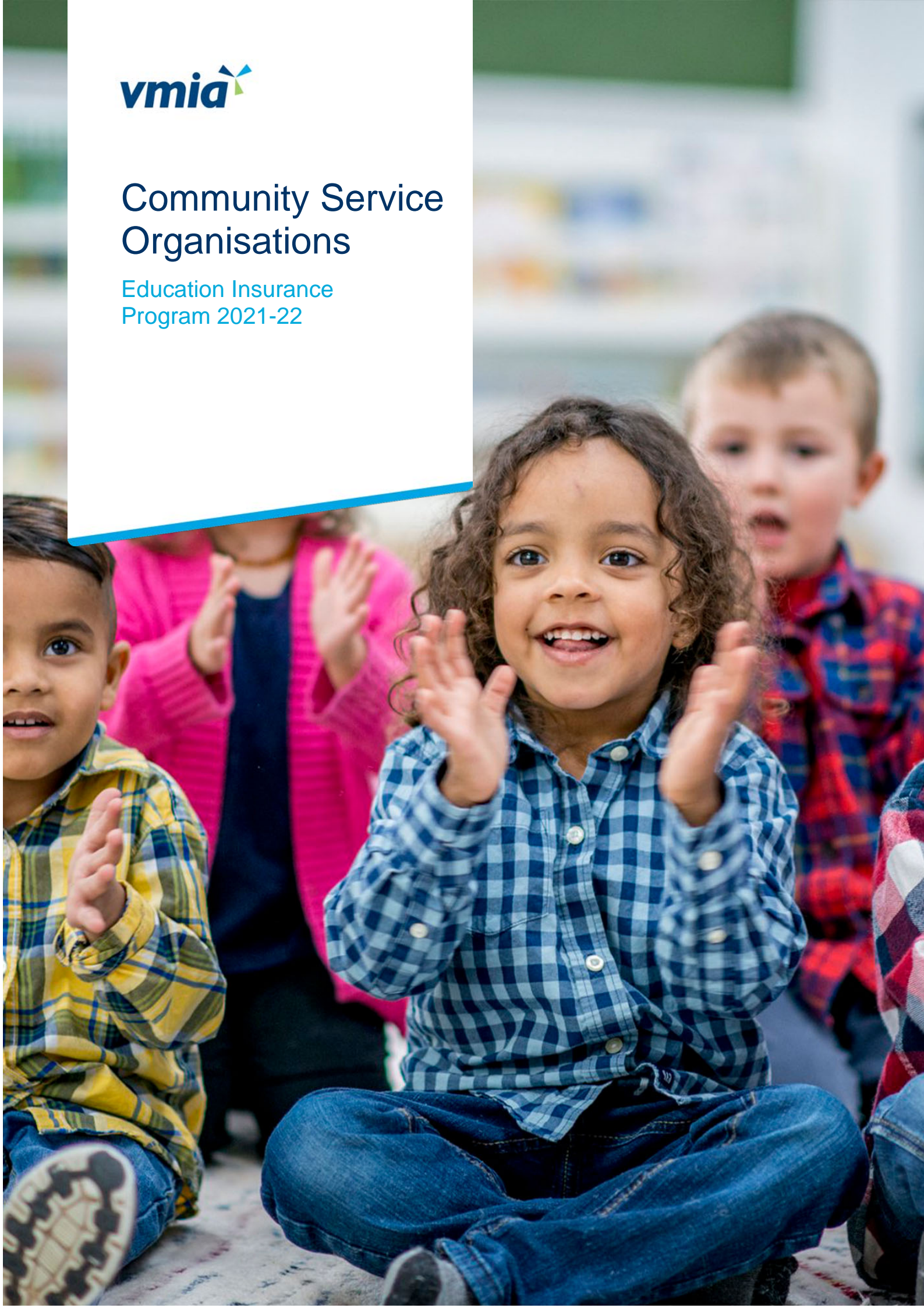




Community Service Organisations

Education Insurance Program 2021-22



Contents

About the CSO Education Insurance Program	3
Why it's needed.....	3
Policy cover	4
Frequently Asked Questions	5

Disclaimer: The information provided in this document is intended to be general advice only. All claims will be assessed on a case by case basis and subject to the terms, condition and exclusion of the VMIA policies applicable to your organisation

© State of Victoria 2021



You are free to re-use this work under a Creative Commons Attribution 4.0 licence, provided you credit the State of Victoria (Victorian Managed Insurance Authority) as the author, indicate if changes were made and comply with the other licence terms. The licence does not apply to any branding, including Government logos.

Kindergartens and learning centres are an important part of the Victorian community, providing valuable education services and a place for people to come together and connect with their community. Delivering these important educational services, with the help of dedicated committee members, can carry significant financial and reputational risk.

VMIA's Community Service Organisations' Education (CSOE) insurance program provides insurance coverage for eligible community service organisations, funded by the Department of Education and Training (DET) and/or the Adult, Community and Further Education Board.

About the CSO Education insurance program

The Program provides a suite of insurance policies to meet the needs of kindergartens, learning centres and other community service organisations. Insurance policies provided are:

- Public and Products Liability
- Professional Indemnity
- Directors and Officers Liability
- Entity Fidelity
- Personal Accident.

Why it's needed

Due to the breadth of services provided to members of the community, organisations are exposed to claims from several sources. These include:

- **Parents and guardians** - alleging a loss, damage or injury arising from your organisation's negligence
- **Employees** - allegations may include wrongful dismissal, discrimination or sexual harassment
- **Regulators** - investigations carried out by ACCC, WorkSafe, the Privacy Commission or a Royal Commission
- **Business partners** - those who transact business with your organisation may allege a financial loss arising from a breach of professional duty
- **Volunteers** for injuries sustained while volunteering on behalf of your organisation
- **Children** - allegations of institutional child sexual abuse or molestation, arising from your organisation's negligence.

Policy cover

The Program provides a suite of liability coverage for your organisation, your management, committee members, directors, officers, employees and volunteers.

Policy cover	Summary	Policy limit
Public and Products Liability	Cover for your organisation to pay compensation for personal injury and/or property damage to third parties arising from your business activities.	<p>Public Liability \$20,000,000 any one occurrence, and in the aggregate.</p> <p>Products Liability \$20,000,000 any one occurrence, and in the aggregate.</p>
Professional Indemnity	Cover for your organisation for an alleged breach of professional duty.	\$20,000,000 any one claim and in the aggregate.
Directors and Officers Liability (including entity cover)	Cover for civil claims made against your organisation's directors and officers (including Employment-related matters) while acting in that capacity representing your organisation.	\$20,000,000 any one claim and in the aggregate.
Entity Fidelity	Cover for loss of your organisation's money or other property arising from any dishonest or fraudulent act committed by an employee or volunteer of your organisation.	\$100,000 any one claim and in the aggregate.
Personal Accident (Volunteers)	Cover for volunteers and eligible people within your organisation whilst performing their duty, for accidental bodily injury that results in loss of life, permanent or temporary disablement.	Lump sum benefits up to \$250,000.

* For full policy terms and conditions please refer to www.vmia.vic.gov.au.

Excess - the only excess applicable is \$25 for non-Medicare medical expenses under the Personal Accident (Volunteers) policy.

Policy period - the policies renew at 1 July every year.

Victoria-wide coverage - these products provide a comprehensive suite of liability coverage for CSOs and their activities originating in and from Victoria.

The policies respond to pay any damages on the CSO's behalf and fund the defense of the original action.

Other insurances - the Program does not provide cover for:

- buildings, contents or any property owned by your organization, or for which your organisation is responsible
- construction works
- motor vehicles
- WorkSafe/workers compensation.

More information

Visit www.vmia.vic.gov.au, phone 9270 6900 or email contact@vmia.vic.gov.au

Frequently Asked Questions

How can we receive a certificate of currency?

A certificate of currency acts as proof of your insurance. A set of certificates is emailed to the head of your organisation prior to 1 July each year.

You can request a copy of your certificate by emailing contact@vmia.vic.gov.au

Are our volunteers covered?

Yes, volunteers who work for your organisation are covered while volunteering on your behalf.

Volunteers are covered for claims made against them by third parties alleging property damage, bodily injury or financial loss under your Program.

They are also covered if they get injured while volunteering on your behalf.

Are contractors covered under our Program?

No, contractors are not covered. You should request a copy of their certificate of currency to ensure they are adequately insured.

However, contractors who are receiving payment for providing educational or training services or training-related activities on behalf of your organisation are covered.

Do we have to notify VMIA of every activity or event?

It is not necessary to notify VMIA of every activity or event your organisation engages in. The Program provides insurance coverage for your involvement in events such as sausage sizzles, market stalls, functions or excursions; however, your organisation must authorise and have control of the activity or event.

Your organisation's board or committee of management must be satisfied that the organisation has enough capability to engage in the activity. This would require the application of risk management to identify, assess and treat potential risks before approving the proposed activity.

Are our organisation's buildings and contents covered? What about construction activities?

No, there is no cover for your building or contents. In addition, motor vehicles, goods in transit or workers compensation are not covered by the Program.

Construction activities are not covered.

If you are using a builder, make sure they hold contract works and construction liability insurance.

Can this Program be extended to cover contents or any other liability?

No, your Program is arranged and funded by the DET. If you need any insurance cover outside the Program, contact your insurance broker.

We have people and groups outside our organisation offering to raise funds for us. Are their activities covered under our Program?

If the fundraising event is not run or controlled by your organisation, then your insurance does not cover these people or groups.

Are people who attend our event covered under our Program?

No, people who participate in your events are not covered. Your organisation, its employees and volunteers are covered for any legal liability arising out of their negligence to a third-party including participants.

Are stall holders covered under our Program at a community event we organise?

No, stall holders are not covered, and you should request a copy of their certificate of currency to ensure they have adequate insurance cover.

Are goods sold and/or products manufactured by our organisation covered?

Yes, your Program covers you for personal injury or property damage claims arising from any goods sold and/ or products manufactured for which you are legally liable.

Can you assist us with our risk management obligations?

Yes, VMIA has several useful risk management resources available on its website including guides, tools and templates to assist implementing and improving your organisation's risk management practices.

Are we covered while transporting clients to functions or events?

If an injury occurs while you are transporting someone to a function or event, this incident would typically be covered by statutory third-party insurance (TAC in Victoria). This applies to registered motor vehicles only, so please ensure you make the relevant enquiries as to the vehicle's current registration.

We will be hiring a venue or leasing temporary premises for our event. Are we covered?

Yes, you are covered for your negligence at any premises in Victoria, or any temporary premises or venue you may lease or hire. However, you will not be covered for any negligent acts of the landlord, guests, customers or participants.

We will be leasing a room at our premises to a third-party group. Will our Program cover this?

You are covered for your negligence to third parties as a property owner, but your Program will not cover any negligent acts of the hirer, guests, customers or participants.

An unincorporated community group has asked for cover under our Program. Are we able to provide this? Can we auspice them?

Your Program, in certain circumstances, accommodates cover for auspice arrangements. This has the benefit of enabling unincorporated community groups with limited economic resources to access your insurance cover as the auspice body. It aims to support the unincorporated group carrying out activities that align to your own purpose and objectives. **This arrangement does not extend to incorporated groups.**

Please note: Your organisation needs to provide the following information before VMIA can extend cover to the Auspice Group under the CSO program.

Responsibility

Auspice arrangements broaden the scope of activities that are undertaken by an organisation and this in turn results in an increased level of risk that needs to be managed by your board or committee of management. Accordingly, you need to be mindful of the additional responsibility that arises from an auspice arrangement before you commit to auspice a group.

Your board or committee of management which is considering entering into an auspice arrangement needs to properly consider.

- The merits, benefits and risks to the agency which arise from the additional activities of the unincorporated group.
- The board or committee of management must approve and pass by resolution that your organisation has agreed to auspice the group and its activities.
- If this procedure has not been followed, the auspice is invalid.

Control

For an auspice arrangement to be eligible you must be able to demonstrate;

- that your organisation exercises sufficient control over the unincorporated group.

The term 'control' implies financial, legal and administrative processes. If you have no (or will have no) control over the group, or if the group challenges that control, then you are not in a position to auspice the group.

In conclusion, if an incident originates from an unincorporated group and is reported to the VMIA, the VMIA can exercise its rights to make enquiries of the administrative arrangements relating to the auspice arrangement. This can include the application of control that your organisation exercises over the unincorporated group.

What do we do in the event our organisation ceases to exist or is merged with another organisation?

You must contact VMIA and notify the DET when you become aware of this. You must also advise VMIA of any claims, outstanding matters or incidents that could give rise to a claim.

Once your organisation ceases or is merged with another organisation, your Directors and Officers Liability Policy will provide automatic run-off cover for up to seven years.

Are we covered for activities for which we receive funding?

Subject to the terms, conditions and exclusions of your organisation's policies you are covered for all activities undertaken by your organisation within your insured Business as defined in your policy schedules, irrespective of how the activities are funded.

What if we lose our departmental funding?

If you lose your funding, DET will inform VMIA that your organisation is no longer receiving funding and advise if cover under the Program will continue or cease. You should also confirm the validity of your insurance period with the DET. If cover is to cease, we allow you 30 days from your end date of funding to arrange alternative insurance.

Is the organisation insured against employment practices violations such as unfair dismissal and discrimination claims?

Yes, your organisation and its directors, officers and employees are covered for claims (including reasonable legal, accounting and other professional fees) alleging an employment practices violation.

If we appoint additional or alternate directors during the year, are they covered?

Any new or additional directors who are appointed during the year are automatically covered.

If a director resigns, are they still covered?

Yes, directors who resign are covered while this insurance remains current. The cover provides protection for these directors while they acted on behalf of your organisation, for as long as this insurance remains in force.

Do we need to notify VMIA of incidents?

Yes, you are required to notify VMIA immediately if your organisation becomes aware of an incident which may give rise to a future claim. Please email contact@vmia.vic.gov.au with all the relevant details.

This must be done in addition to reporting the incident to the DET. If you fail to promptly notify VMIA of an incident, you may not be protected in respect of any subsequent claim. If in doubt, report it or contact VMIA for advice.

Regarding institutional child sexual abuse, does this Program meet the appropriate requirements for insurance cover under the Victorian Funding Guideline for Services to Children?

Yes, your Program meets the requirements for insurance under the Victorian Funding Guideline for Services to Children. However, some historical incidents may not be covered. You should notify VMIA immediately of any claims of institutional child sexual abuse against your organisation.

Is my organisation covered for coronavirus?

We aim to address every client's individual circumstances and assist them in understanding their coverage. For more information and general guidance on how VMIA insurance policies may respond for first and third-party exposures arising from coronavirus, please refer to our [website](#).

How do I lodge a claim?

Download the relevant claim form from VMIA's website at www.vmia.vic.gov.au/lodgeclaim

Email or send the completed form to claims@vmia.vic.gov.au. Alternatively, you can contact our claims team on 03 9270 6900.

To avoid prejudice to your organisation's rights under the Program, you should not settle a claim or admit liability without first obtaining VMIA's written approval to do so.