

University Insurance and College Fellows

Public Liability insurance

1. Legal liability for accidental injury to third party persons or damage to third party property caused by the University, its employees including labour only sub-contractors and self-employed individuals and any anyone undertaking University activities and whilst under the direct control and supervision of the University will be covered by our public liability insurance.

In the past we have sought indemnities from third parties on our premises in respect of situations where they have caused the damage and asked them to prove that they have insurance cover.

However experience shows that the insurers regard the University as a public place and that everyone who is entitled to be here and under our supervision should be treated as a "member" of the University community, irrespective of whether they are a visitor, a college fellow, a student or a member of the University staff.

Insurers do not therefore seek to pursue individual third parties carrying out teaching or research who have caused issues on site unless they are providing work or services to the University in a professional business capacity and their work is not under the control of the University. (e.g. Building contractors carrying out works or repairs to the University estate would be required to have the appropriate insurance for their work as a matter of normal practice in the construction industry)

Professional Indemnity Insurance

2. The University's professional indemnity insurance will extend with our consent to indemnify anyone whom we consider to be a "member" of the University i.e. under our supervision and control and contributing to University's teaching and research. However if the person (eg a college fellow) is involved in an activity which has nothing to do with the University, then (a) a claim may be brought against them and/or their employer rather than the University, in which case the insurers could not respond to the claim, or (b) if the claim were brought against the University, the University insurers would say in its defence that the matter complained of was something which was outside its control as it was not University activity. The most likely issue to lead to a professional indemnity claim is intellectual property rights infringement.

This analysis applies irrespective of what is put in the agreement between the University and the third party, and there is no significant benefit to be obtained from seeking indemnities either way. However it does suggest that Colleges and others who have employees or officers working in the University on research which does not contribute to University activity should have their own Professional Indemnity cover in place.