

## **Why, as a photographer, are Public Liability and Professional Indemnity Insurances important to me?**

### **Do I need Public Liability Insurance?**

This is a question we get asked almost on a daily basis! There is an easy way to tell, if you accept any money, including expenses, for any work you undertake **or have undertaken** then you really should have Public Liability cover. As we often advise clients, the only photographer that doesn't need it is the photographer that can afford to lose their home so unless you fit into this small minority then you should consider this important insurance before you step out of your house.

Public Liability, or PL as it is known, covers your liability for any damage you may due to another person, or property, accidentally whilst undertaking work. This could be a simple accident such as someone falling over a tripod to being "bumped" with a long lens right through to more serious issues that could leave people scarred or disabled for life.

### **How bad can it get if I don't have any PL cover?**

The short answer is very bad. I believe there was a case not so long ago that demonstrated this, where a photographer was undertaking work for a Local Authority – luckily he had £5 million PL cover. As he was taking pictures of the mayor shaking hands at a Civic ceremony, he stepped back and knocked an old lady who was behind him on the pavement. She wobbled and fell, hitting her head on the corner of the paving stone separating the pavement and road. The accident left her severely brain damaged and she required constant care 24 hours a day as she was unable to look after herself. The photographer was taken to court and the family won £3.1 million in damages to ensure her care for the remainder of her life. This was a case in the UK !

Courts take a dim view of some accidents now, and with the growth of the "where there is blame there is a claim" culture, it is very important that you arrange suitable cover.

Whilst these things do happen, it should be pointed out that an incident like this is very rare, in reality you have probably better odds winning the lottery but they do happen and therefore it is important that you are covered when your numbers come up...

### **Surely, I can get away without it?**

Still not convinced? The other thing PL covers is 3<sup>rd</sup> party property damage. This would cover you if you damaged someone else's property whilst conducting some photographic work. For example, you could lean against a wall and knock part of it over with your weight as you are taking the picture! The fact that the wall was not "secure" enough is no protection in law. You would be responsible for the repair to it – after all, the property owner would argue that the wall was fine before you leaned on it! A simple accident like this could cost in the region of a £1,000 – something you wouldn't want to have to find as a photographer! Or, a more common claim, would be knocking over something in a client's house whilst you were there on business. Unlike other parts of PL cover, there is traditionally a £250 excess for 3<sup>rd</sup> party property damage, so it is worth remembering to try and be as careful as you can when your dealing with others!

### **Can't I buy PL insurance anywhere?**

Well yes, but not if you want to be properly covered! A number of High Street insurance brokers will charge you £60 - £100 for this cover but the most common carrier usually won't cover you whilst you're in someone's home and a number of the other Insurers just don't understand anything about photography! Always, always, buy this cover from a reputable specialist Photography Insurance Company – after all, the only time you'll find out that you're not covered properly is when you make a claim and then it is too late!

## **What level of cover do I need?**

Packages are available offering £1 million, £2 million and £5 million PL cover. If you are working in hotels, restaurants, for a Local Authority or in a shopping centre then the chances are you will be asked for the £5 million option. As with anything, the more cover you require the more expensive it becomes, but £2 million seems to be a popular starting point and you can always extend to £5 million for short term cover!

If you undertake work in airports, in the air, underwater or on the ground by the side of rails or track side at motor events then you will need the high limit and expect to pay slightly more as Insurers regard these activities as a greater risk.

## **What is the difference between Public Liability and Professional Indemnity?**

PL cover is for damage to another person or their property whilst Professional Indemnity or PI as it is known, covers your liability for failing to produce work to a professional standard. Professional Indemnity Insurance provides you with financial protection for your business, the costs of defending claims made against you, including damages that may become payable. Claims can occur where a client or other person suffers financial loss as a result of alleged errors or omissions on your part.

PI cover is a **MUST** for one off events like weddings, where you have been booked to provide photographs, but is unlikely to be needed at events where you would "sell" photographs afterwards to make money – after all, if you don't get the shot that is wanted you won't sell any pictures!

## **Will I always need PL & PI Insurance together?**

No. As I mentioned, if you are doing one off events on a commission, then it is important that you are covered. ( Always try in the case of weddings to get the Bride & Groom to cover themselves with wedding insurance too! ) If for example, you are a landscape photographer or deal solely in Portraits, if anything was to happen you could go back and take the pictures again. This is unlikely to be the case at a wedding!

## **How would having Professional Indemnity Insurance help me?**

You may be sued unfairly by a client who is merely dissatisfied, but has no valid claim. This would involve you in substantial legal costs and non-productive time. From the legal standpoint, the position with regard to the "duty of care" is the same for any professional. If you offer a service in a specific area or set yourself up as a specialist, you owe a "duty of care" to anybody who might reasonably rely upon your service and advice over and above that owed by the ordinary man in the street.

## **What is a good example of a PI claim?**

A good example of where PI would be useful is if you were to undertake wedding photography and the bride and groom felt the pictures you produced were substandard or you were unable to produce them as the film had been lost or stolen or the data card wiped. They may then choose to issue legal proceedings against you. If this was the case, PI insurance would cover the costs of defending and/or settling the claim.

## **What should I do next?**

- Always make sure that the cover you have in force is suitable. If you have bought PL cover from a High Street broker, write to them and make sure that it will cover you for the work you do. Never accept their word over the phone – if they won't put it in writing to you, even by email, then you have **No** proof that you are covered.
- Always use a reputable Insurer. If the company that you are with do not offer PL or PI cover, then the chances are they are not designed for the professional market. There are a couple of well known insurance companies that actively advertise photographic insurance but do not offer PI cover – don't use them if you are a wedding photographer – they don't offer the cover that is right for you.
- Try and always support your Association. They go to great lengths to find a reputable company for you to use, plus, if you are unhappy with the service the company offers you can always complain to the Association – they may have more sway on your behalf!
- Never, never, leave the house, or invite clients around without PL cover if you are earning money from photography. The risks are too great!

Insurance Companies want you to be safe and not make claims, as much as you do but my advice is don't take the gamble – you can buy combined PI and PL cover for £110 a year from Aaduki Multimedia – the cheapest in the market and only for SWPP & BPPA members. Alternatively, you can buy PL cover on its own - £2 million for £80 and £5 million for £105.

*Nik Stewert is the National Marketing manager for Aaduki Multimedia Insurance and was the previous Scheme Manager for Imaging Insurance. He has over 10 years experience in the insurance market with over 5 years specifically for photographers, journalists and video makers.*