EPONAQUEST BACKGROUND DOCUMENT

EFL Practitioners & Insurance

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If you are an entrepreneur, you are required by Dutch law to have liability insurance that adequately covers the risks of the work you do. This document provides an overview of the types of liability insurance you should look out for as an EFL practitioner in the Netherlands and how you can ensure you are covered for liability in your coaching practice and/or while carrying out your Level 1 practice assignments.

Summary:

Determining who is liable in case of incidents involving injury can be complicated, especially if you work with horses that you do not own yourself, as the owner of the horses is usually held liable by default.

As an Eponaquest student or professional EFL practitioner you are responsible to ensure you know what liability insurance covers your practice situation.

Once insured, you have to determine how to carry out your EFL work for your specific target group, while staying within the parameters set by your liability insurance.

There is no "one size fits all" in terms of insuring your work with horses. Therefore it is important to invest in getting good legal advice that is tailored to your specific practice and sufficiently knowledgeable about local hippic law.

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This document represents the Dutch national situation and perspective. Regulations and insurance options in other countries may vary from what is written here, but this document may help as a starting point to know which type of issues to check.

1. What liability insurance do you need as an EFL practitioner?

What liability insurance you need to cover your EFL work, generally depends on what your target group is and what kind of activities you will be carrying out specifically. At the very least, you need to look for a **professional liability insurance** (bedrijfsaansprakelijkheidsverzekering) that will cover all your intended activities at the locations where you intend to work and with the specific horses you intend to work with. To be adequately covered, you need an insurance that will cover incidents up to at least €2 million EUR per incident. Such insurance is affordable, it should cost no more than around €15,- per month.

In some cases, you may need **additional liability insurance to do with the impact of your profession** (beroepsaansprakelijkheidsverzekering) to cover any financial damages people may incur by you inadvertently giving them the wrong advice; for example:

- if your coaching activities are part of professional consultancy services combining legal and/or financial advice to companies regarding work practice, and you provide coaching and/or training to implement the advice;
- if you work with clients with medical conditions as a licensed medical professional, therapist or company social worker, and their work with you is part of their prescribed medical route.

This type of insurance is generally very expensive (€80-€100 per month) and there are only a few professional situations in which you are really legally obliged to have it. Most training & coaching activities have no direct financial risks for the client and therefore you as coach or trainer don't need this insurance. Note: some professional coaching associations such as the Dutch NOBCO, still require that their members have such insurance as a general rule.

It is in any case advisable to make sure that you provide **general terms and conditions (or in the US, hold harmless agreements)** that state people take part in your sessions at their own risk. Examples can be found in your Eponaquest materials. Also here please don't copy these provisions blindly as they may not cover your specific situation, so it is key to get your own legal advice once you are starting your coaching practice.

To ensure your general terms will hold up to protect you in legal conflict situations, it is important that your clients have clearly been informed that they apply and that they ideally have acknowledged reading and agreeing to these general terms before embarking on their work with you (for example on their intake form).

2. Your Level 1 Practice Assignment & Insurance

In Holland, there is no professional liability insurer that will cover practice sessions by trainees with their 'practice clients' as part of a tuition program like ours if they do not happen on our own location under our direct personal supervision. Therefore, practice activities are only covered if this practice happens as part of the apprenticeship program itself under supervision of the tutors, and if the practice clients are signed up directly by the person organizing the program.

What this means with regards to your coaching practice assignment, is outlined below. There are four possible basic scenarios that should be applicable for our students – please check which one applies to you:

1. You are not (yet) set up professionally as an EFL practitioner or riding instructor, which means you have no professional liability insurance.
2. You have your own therapy or coaching practice, already work with clients, have professional liability insurance, but do not yet work with horses.
3. You have your own therapy or coaching practice, already work with clients and provide EFL sessions, have professional liability insurance, and your work with horses is part of the activities that this insurance covers.
4. You are a professional horse trainer and/or riding instructor and have a professional liability insurance covering this work.

You are personally responsible to determine which situation applies to your Level 1 client sessions. If assistance is required from an insured Eponaquest Instructor to ensure you can complete your Level 1 client sessions, we will do our utmost to provide this where possible.

Outlined below are the ways to deal with your practice assignment in each of the four scenario's.

1. **You are not (yet) set up professionally as an EFL practitioner or riding instructor, which means you have no professional liability insurance**

If you presently are NOT yet set up professionally as a trainer-coach and do not yet have professional liability insurance, you are NOT insured for liability if you charge a fee for the practice sessions!

Therefore, to avoid your practice session entering a grey area where it may be seen as professional, you should not charge a fee but should provide the coaching as a personal favor.

This means any incidents during the activities are covered by your private liability insurance **but only to the max per incident of what your insurance states. Before proceeding, you should always check directly with your insurer how they deal with damages around doing voluntary activities with horses.**

Please note that private liability incidents (regardless of whether they involve horses) are usually only covered to the tune of several thousand euro's per incident. Professional liability insurance can cover incidents for up to several millions of EUR depending on individual insurance package terms.

If you provide the trial coaching as a personal favor, you should draw up a contract (or waiver/'hold harmless agreement') between yourself and your coachee, which you both sign. This should state that no fees are charged, that your coachee takes part in the activity out of free will and on their personal risk, that they are aware that this is a practice situation and that you are a trainee, and that they waiver your liability for damages above the specific amount that your private insurance will cover.

If you use your own horse for the session, you are personally liable for any damage your horse causes.

If you need to use someone else's facility and horse to carry out the practice assignment, under Dutch law, the owner of the horse is liable for any damage the horse causes, unless the horse is legally under your guardianship, by way of you signing a contract to rent it. It is advisable to actually pay an amount to cover the rent to legally secure this transaction - even if this is a symbolic €1,-! This ensures, you as the person renting the horse, are liable for any damage the horse causes under your direction and the responsibility of the owner is waivered.

If your 'practice client' has their own horse, and you work with that horse in the session, the same applies: the client will be liable for any damage the horse causes, unless you sign a rental contract and pay a rental fee.

If you know someone who professionally runs a horse riding or coaching facility and find them willing to let you carry out the sessions at their facility with their horses under their supervision, their company or professional insurance will be liable.

In this case, the owner should be present within sight (and be able to step in for safety reasons) while you carry out the sessions. Therefore it is to be expected they charge a fee congruent with a coaching session or riding lesson of the duration of your practice session. You can of course ask the practice client to cover this fee.

2. **You have your own therapy or coaching practice, already work with clients, have professional liability insurance, but do not yet work with horses.**

You should first of all check in how far the EFL coaching activities you will carry out for the Eponaquest certificate and the location where you will do this, are covered by your present professional liability insurance terms.

If your insurance does cover the activities, you may charge a fee for the practice sessions that is representative of your experience. You are obliged to let your 'practice client' know that it is a practice setting in which you work with new material to gain a qualification and you may therefore want to charge less than your usual fee.

If your present insurance does not cover EFL work with horses, and you do want to include this in your practice, you will need to change your professional liability insurance to include EFL sessions in your work. Until and unless that is done, you should carry out the practice sessions in the way described under A. above, since they do not fall under your present coaching practice and insurance.

3. **If you have your own therapy or coaching practice, already work with clients and provide EFL sessions, have professional liability insurance, and your work with horses is part of the activities that this insurance covers.**

If you are registered and insured as EFL practitioner, and already carry out EFL sessions in your company, your practice sessions will just be you practicing a different way of coaching but with the same risks. In this case the practice sessions are in all likelihood covered by your insurance and so you may charge a fee for them. It is still important to double check this with your insurer!

You are still obliged to let your 'practice client' know that it is a practice setting in which you work with new material to gain a qualification. You may therefore want to charge a slightly lower fee than usual for the practice sessions.

4. **You are a professional horse trainer and/or riding instructor and have a professional liability insurance covering this work.**

If you are a riding instructor and insured for giving riding lessons, in all likelihood your insurance will also cover your EFL coaching activities (whether they are at your own location with your own horses, or whether you rent a facility and horses). It is still important to double check this carefully with your insurer!

In this case, you are still obliged to let your 'practice client' know that you are in training to be an EFL coach and that this is a practice setting to gain your qualification. You could charge a normal riding lesson's fee for the session.

Remember: no matter how well insured you are, the most important advice for being safe in working with horses at any given moment, comes from being in connection with your your own body and gut feeling. While we should not see our gut feeling as a replacement for professional insurance, it IS our natural warning system, so the best thing to under any circumstance is to heed it well.