

European Directive 2011/24/EU on Cross Border Healthcare becomes fully operational from 25th October this year. From this point forward it will be a legal requirement for all regulated healthcare professionals to have in place an indemnity or insurance arrangement.

Each of the regulators is consulting on how they will adapt their processes to take account of this change. UNISON has put forward a strong case for the processes to be risk-based and proportionate. Whilst this affects all registered practitioners; it's important to note that only a very small number of staff will need to make changes to their current arrangements.

Question 1

I work in the NHS as a statutory regulated healthcare professional (Nurse, Midwife, Occupational Therapist, Paramedic, Operating Department Practitioner etc), what will this mean for me?

Answer

You will not need to take any action as by nature of your employment with the NHS you are fully covered for the practice you do as part of your employment.

This will also apply to individuals employed through an agency to work within the NHS.

Question 2

I am employed but not in the NHS – by a GP practice. What will this mean for me?

Answer

You should be covered by your employer. System regulators (CQC etc.) expect all employers to accept vicarious liability for the actions of their employees.

If you are uncertain, ask your employer about their insurance cover.

Question 3

I am a student about to register with my professional regulator but don't have a job yet. What will this mean for me?

Answer

You will be able to tick the self declaration or complete a self declaration form stating that as and when you are practising you will have insurance by virtue of your employment.

Question 4

I'm currently not working/on maternity leave or on a career break. What will this mean for me?

Answer

You will be able to renew your registration but you do not require insurance as you are not practising.

You will be able to tick the self declaration or complete a self declaration form stating that as and when you are practising you will have insurance by virtue of your employment.

Question 5

I'm currently practising outside the UK

Answer

You will still need to make the declaration because you will be declaring that you either have insurance or indemnity in place or that you will do when you begin practising in the UK. However if you are practising within the EU you will also be required by the member state to have your own insurance or indemnity arrangement. In this applies to you, please contact your employer or the relevant regulator for the EU country you are working in.

Question 6

I'm self employed. What will this mean for me?

Answer

You will need to find insurance that is appropriate for the type and scope of your practice. Contact your professional regulator for more information.

Question 7

What if I do some practice outside of my employment?

Answer

If you practice outside of your employment with the NHS, it is your responsibility to ensure that you have an appropriate indemnity arrangement in place for that part of your role. This may be through the employer you provide the work for. If you are in any doubt contact your professional regulator for advice.

Question 8

What about 'Good Samaritan' acts? Do I need indemnity cover for these

Answer

So-called Good Samaritan acts, is where a healthcare registrant assists in an emergency situation outside their work (e.g. if a member of the public collapses at a social event) these situations are not generally regarded as professional practice for which indemnity insurance is required by either the NMC or HCPC.

It is important to be aware that a Good Samaritan who provides first aid or other emergency assistance, still assumes a duty of care to them in those circumstances

Good Samaritan

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96172_01

Questions 9

Will my professional body need to know if I change jobs?

Answer

The regulators will not need to know when you change jobs. However, it remains your responsibility to ensure you have appropriate cover in place, either through your employer (if you work in or for the NHS) or through your own arrangements.