

# UNISON'S PROFESSIONAL INDEMNITY

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Cover for health workers

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**This is the most comprehensive package of cover UNISON has ever been able to offer its health care members.** We now provide cover for professional malpractice claims for all health care employees. This is important as indemnity cover is now a legal requirement if you are on a professional register.

### **What is professional indemnity cover for?**

UNISON will cover you for any claim made against you for professional malpractice incurred by yourself in the course of your employment as a health care worker.

UNISON provides cover for all health care employees including nurses, students, health visitors, midwives (except those working outside the NHS), ambulance workers, professions allied to medicine, PTA and PTB staff, administrative and clerical workers, operating department practitioners managers and ancillary staff.

UNISON provides cover whether you are working inside or outside (with the exception of midwives) the NHS.

### **Does my employer have any responsibilities?**

Yes your employer does have responsibilities. That is why UNISON's

cover is what is called 'contingent' or 'fall back' cover.

All organisations involved in the provision of health care, both inside and outside the NHS, have a duty of care and are vicariously liable for the actions of all staff who are directly or indirectly under their employment. This includes voluntary organisations that have a duty of care to their volunteer workers.

### **What is NHS indemnity?**

The NHS takes its responsibilities regarding vicarious liability very seriously. In its booklet "NHS Indemnity: arrangements for clinical negligence claims in the NHS", it makes it clear that: "NHS bodies should accept full financial responsibility where negligent harm has occurred, and not seek to recover their costs from the health care professional involved".

The NHS fully accepts its responsibility for the actions of, not only those working under a contract of

employment with an NHS body, but also agency staff, students and volunteers.

Therefore, although UNISON continues to provide such cover, there are no foreseen circumstances in which a NHS employee is likely to be sued for their actions.

You are also covered by the NHS scheme when working bank or agency in the NHS.

### **Then why do I need UNISON's cover?**

UNISON's cover is for the rare occasions where the employer's cover fails to protect the employee (subject to the exemptions listed below).

### **Is there a limit to UNISON's indemnity?**

Yes, there is a limit of £1,000,000 for any one claim.

### **Why has UNISON set its cover at this level?**

The chance of any member being successfully sued is very slim. To our knowledge there has never been a successful claim against a UNISON member for professional malpractice. In addition any increase in the cover we provide, would increase the possibility

of a malpractice claim against the individual employee and undermines the responsibilities of employers. Therefore we believe, taking into account these points as well as the cost to UNISON of providing increased cover, we have set our cover at the right level.

### **Am I covered if I am a student?**

Yes. In addition if you are a student working on a placement under the supervision of a NHS employer you are covered by NHS Indemnity.

Where there are clinical placements outside of the NHS, then whoever is providing the placements (ie nursing homes, residential home or private hospital) is vicariously liable for your action.

UNISON however provides cover if, for any reason, this cover should fail, as long as appropriate supervision is provided.

### **Am I covered if I work overseas?**

Yes, with the exception of any work carried out in the USA (including Protectorates) and Canada.

## Are there any other exemptions to UNISON's cover?

Yes. The following groups are exempt from UNISON's cover:

- Midwives working outside the NHS
- Medical practitioners
- Expert witnesses
- Self employed independent practitioners and individuals working on a fee for service basis
- Beauty treatments or medico legal work (other than those employed by the NHS)

- All claims relating to transmission of hepatitis non A (outside the NHS).

Please note UNISON did not wish to exclude these groups. The decision to exclude these groups was taken at the instruction of its underwriters.

Despite these exclusions this is the most comprehensive professional indemnity cover package UNISON has provided for its health care members since its formation in 1993.

## Three simple ways to join UNISON today and get essential cover wherever you work



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[joinunison.org](http://joinunison.org)



Call us on  
**0800 171 2193**



Ask your UNISON rep  
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