



UNISON'S PROFESSIONAL INDEMNITY

Cover for health workers

UNISON's professional indemnity

As part of your membership of UNISON we offer our members in health and social care professional indemnity insurance. This is a very important benefit as indemnity cover is now a legal requirement if you are on a professional register.

The cover offered by our insurers is what is known as a 'contingent' policy which means that members must first and foremost be insured by the organisation they work for (under what is known as a 'frontline' cover). In simple terms this means that in order for you to be covered by UNISON's policy, your employer must provide cover for you.

Then why do I need UNISON's cover?

UNISON's cover is for the rare occasion where the employer's insurance doesn't protect you. This is a valuable benefit when, for example, the organisation you work for doesn't recognise that they have a responsibility for actions you took while at work. This is known as vicarious responsibility.

When am I covered?

If you work for the NHS

If you work for the NHS, you will already have an appropriate indemnity arrangement. The NHS insures its employees for work carried out on its behalf. This means that you will be covered if a claim is made against you in an NHS role, i.e. the NHS cover acts as your 'frontline' cover. You are therefore covered by UNISON's professional indemnity cover. This includes members who work as an agency nurse or who are self-employed working wholly within the NHS.

For more information, please see the FAQs on professional indemnity insurance from NHS Employers at the end of this booklet.

If you work in private healthcare/ agency work outside the NHS

If you are employed in private healthcare (for example, a nursing home or general practice), it is likely that your employer will have an appropriate indemnity arrangement for you.

This will provide appropriate cover for all the relevant risks related to your job.

Arrangements may vary between employers so you should always be sure to confirm what the cover is where you are working.

It is essential when you do not work for an NHS body, for example when you work for a GP practice or private run facility such as a nursing home, that the organisation you work for provides professional indemnity cover for you. We recommend that you ask them to do so and, if they refuse, they need to explain why they don't think you need it.

However, if they continue to refuse to provide professional indemnity cover for you, then you (or your agency) will need to arrange your own professional indemnity insurance and provide your agency with proof that you have done this.

Just so you are clear, you cannot use your UNISON membership as proof of having professional indemnity insurance in place (as you cannot rely on the existence of our 'contingent' policy when there is no 'frontline' policy). UNISON's position, in this situation, is that we would expect your agency to agree to arrange professional indemnity cover on your behalf at their expense.

If you carry out work for two private healthcare providers, for example you work as a practise nurse in two separate GP practices, you should be insured by both with one of the practices being the lead insurer (the lead insurer should be the one where most of your work is carried out. If you work equally in two practices then your insurers should negotiate who the lead insurer should be).

If you are self-employed

If you are self-employed or are an independent contractor, working on your own and taking responsibility for your own actions – for example where you are genuinely acting and practising independently on a fee-for-service basis – you have no employer who has a duty of care and who is vicariously liable for your actions.

If this is the case for you, you will need to arrange your own cover because although UNISON's cover is very comprehensive our insurers have not agreed to extend cover to this group of workers.

If you are a student

Student nurses are covered where you are a student working on a placement under the supervision of a NHS employer you are covered by NHS Indemnity.

If you are a volunteer

The charity or other organisation arranging your volunteering must provide its own indemnity insurance for health professionals acting in voluntary roles in order for UNISON's contingent insurance to apply. If it does not you are unlikely to be covered by UNISON's insurance.

If the provider of the volunteering opportunity – the charity or NGO – takes out their own front-line cover for you then you will be covered by UNISON's contingent insurance. If they don't then you should arrange your own frontline cover, in the same way you would if you were self-employed. If you do UNISON's contingent insurance is likely to apply.

If you act as a 'Good Samaritan'

UNISON's cover extends to where nurses are called upon to provide emergency care (a Good Samaritan act) outside their normal working hours, as long as they can demonstrate they

were acting within their competence and were aware of their own personal safety.

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 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.

Are you able to provide a letter confirming my membership?

Your regional office can supply you with a letter confirming your membership. Your branch will be able to give you the contact details for your regional office. Use our branch finder at **branches.unison.org.uk** or you can call UNISON direct on 0800 0 857 857.

And finally

Like any insurance policy, our contingent cover is subject to detailed terms and conditions that would need to be considered in the event of a claim being made. You must contact us immediately in the event that a claim is made or threatened, or even if you are only aware of circumstances which might result in your needing to call upon our policy at some point in the future. You should contact the health team initially: **health@unison.co.uk**.



Requirement to have professional indemnity insurance FAQs (advice from 2014)

Introduction

Later this year it will be a legal requirement for all regulated healthcare professionals to have in place an indemnity or insurance arrangement.

The NHS Employers organisation has worked with unions and professional bodies to develop this FAQs document for information.

Question 1

I work in the NHS as a regulated healthcare professional (doctors, nurses, midwives, physiotherapists etc), what will this mean to me?

Answer

By the nature of your employment with the NHS you are fully covered for the practice you do as part of your employment. Regulated Health Professionals will be asked by their regulator on first registration or re-registration to tick a box confirming that they have indemnity cover.

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

Question 2

I am employed by a GP practice.

Answer

You should be covered by your employer. System regulators (CQC etc.) expect all employers to acknowledge their vicarious liability* for the actions of their employees and make their own appropriate insurance arrangements.

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

** Vicarious liability ensures that all those who have suffered harm secure compensation from a financially secure enterprise, rather than relying on the finances of the individual who has carried out any wrong doing*

Question 3

I am a student about to register with my professional regulator but don't have a job yet.

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.

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 you will do when you begin practising in the UK. However if you are a practising within the EU you will also be required by the member state to have your own insurance or indemnity arrangement.

Question 6

I'm self employed.

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. This may be through your non-NHS employer, your professional regulator or private cover that you have arranged. If you are in any doubt contact your professional regulator for advice.

Question 8

What about Samaritan acts?

Answer

Good Samaritan acts are not generally regarded as professional practice for which indemnity insurance is required.

Question 9

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

Answer

It is up to each individual to take responsibility for having an appropriate indemnity arrangement in place. Individuals should seek advice from their professional regulator on what information you are required to provide.

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



Join online at
joinunison.org



Call us on
0800 171 2193



Ask your UNISON rep
for an application form