

## Requirement to have professional indemnity insurance - FAQs

It is a legal requirement for all regulated healthcare professionals to have an indemnity or insurance arrangement in place.

NHS Employers 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 (doctor, nurse, midwife, physiotherapist etc), what will this mean to me?

#### **Answer**

By nature of your employment with the NHS you are fully covered for any practice you do as part of your NHS employment. This means that those working or going into the NHS will be able to confirm when asked by their regulator if they have or will 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, such as the Care Quality Commission (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.

### **Question 3**

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

#### **Answer**

You will be able to tick the self-declaration option or complete a self-declaration form stating that 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.

\*vicarious liability ensures that 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.

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.

#### **Questions 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.