

Professional indemnity changes prompts cover questions for nurses.

Nurses working in the private sector need to make sure that their insurance covers them for professional indemnity in the wake of recent legislative changes by the British Government.

In July 2014 The Health Care and Associated Professions (Indemnity Arrangements) Order 2014 came into effect. Drawn up by the Department of Health, it introduced new legislation in respect of practising regulated healthcare professionals, requiring that they have indemnity insurance which provides appropriate cover in respect of the risks that may arise in the course of their work to ensure that patients are able to claim compensation they may be entitled to.

“New legislation requires practising regulated healthcare professionals to have professional indemnity insurance”

In the event that a patient is negligently harmed by a nurse in some way – anything from providing too much paracetamol to turning a complex machine (like a ventilator) off by mistake - nurses open themselves up to possible legal claims from patients or, if the worst comes to the worst, the family of deceased patients. Legal costs alone can run into thousands of pounds, whilst damages can run to millions of pounds. Sadly cases of alleged medical malpractice appear in the media all too often, especially as medical equipment becomes increasingly complicated.

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The change was introduced by the British Government to strengthen patient protection and means that anyone joining the nursing register or renewing their registration will have to confirm that they have indemnity cover in place.

In addition the changes coincide with recent alterations to the Royal College of Nursing's (RCN) own indemnity scheme, which means it no longer covers employed nurses. The RCN scheme is a contractual arrangement providing members with cover for clinical negligence claims and isn't intended to replace or supplement the general cover arranged by an employer as work performed under a contract of employment is in fact excluded.

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At the moment the RCN scheme covers non-financial loss (such as physical injuries suffered by the patient), financial loss associated with the personal injury (such as cost of future care, lost wages) and legal costs.

Currently, the RCN scheme may cover members up to a maximum of £3 million for any one claim. Where more than one member is involved in the same incident of clinical negligence, the RCN's liability will be limited to £3 million in respect of all claims arising from that incident.

Some nursing practices – such as cosmetic procedures like Botox injections – are also no longer covered by the RCN scheme due to the higher risk of compensation claims linked to work of this kind. Nurses working for the National Health Service should be automatically covered by their employers insurance. However, those working outside the health service, or nurses and midwives who are self-employed, are being advised to check their insurance arrangements to make sure that they are covered.

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The changes are being looked at with urgency by the Nursing & Midwifery Council (NMC), which has announced that if it discovered a nurse or midwife practising without an appropriate indemnity arrangement in place, they will be removed from the NMC's register. Removal from the register means that they will no longer be able to practise as a nurse or midwife.

Nurses working for a non-NHS employer should check that their employers indemnity insurance extends to include them while they are working on behalf of their employer. Markel has long

had a finger on the pulse of the nursing industry and pre-empted the change in legislation amending the basis of their cover to indemnify nurses under their Social Welfare contract.

Some care organisations also have members of staff who aren't nurses but who are trained to administer medication – under the Markel policy they are covered as well.

Given some of the horror stories that have emerged in the media in recent years – both in terms of tragic medical malpractice cases and in terms of the sheer sums of money being awarded in damages and compensation, the reassurance that cover is indeed in place can be an important element when working for an independent care provider.



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