

Professional indemnity

**A requirement for
registration**

Professional indemnity: what you need to know as a nurse, midwife or nursing associate

What is an indemnity arrangement?

In common with other regulated healthcare professionals, by law, nurses, midwives and nursing associates must have in place an appropriate indemnity arrangement in order to practise and provide care in the United Kingdom (UK). It is your responsibility as a professional registered with the NMC to ensure that appropriate cover is in place for your whole scope of practice.

The requirement for professional indemnity is to make sure that if someone has suffered harm through the negligent action of a nurse, midwife or nursing associate they will be able to claim any compensation to which they are entitled.

We know that the professionals on our register take this obligation very seriously.

You, as an individual, do not need to hold an arrangement, but it is your responsibility as a professional registered with the NMC to ensure that appropriate cover is in place for your whole scope of practice.

If you practise without an appropriate indemnity arrangement in place, you may be removed from our register and will be unable to practise until appropriate indemnity cover is in place.

What do you need to tell us?

You need to self-declare that you have in place, or will have in place when practising, an appropriate indemnity arrangement at the following points:

- When you apply for registration with the NMC for the first time
- Each time you renew your registration through revalidation
- If your registration has lapsed and you want to apply for readmission to the register
- If you are applying for restoration to the register after having been struck-off for fitness to practise reasons

You must tell us whether your indemnity arrangement is through your employer, membership of a professional body or through a private insurance arrangement. The large majority of nurses, midwives and nursing associates will meet the requirement through their employer's arrangements.

If you are an employee in the NHS or independent sector, your employer will normally have indemnity arrangements that will cover your work.

However arrangements may vary between employers and it is your responsibility to check with them.

If you are self-employed you will need your own cover. This may be:

- as part of a membership of a professional body or trade union;
- directly from a commercial provider; or
- a combination of the above.

If you undertake a combination of employed and self-employed work, or work for more than one employer, you must have an appropriate indemnity arrangement in place for each area of your practice.

Please note that the NMC **does not** provide indemnity cover.

What is 'appropriate' cover?

Appropriate cover is an indemnity arrangement which is appropriate to your role and scope of practice. It must take into account the nature and extent of the risks of practising in your role.

Below we set out the likely arrangements depending on where you work.

If your circumstances change while you are registered with the NMC, you must ensure that your indemnity arrangements are still appropriate for the risks of your practice.

The cover must have enough financial resources to meet an award of damages for a range of situations if a successful claim is made against you, including the costs of a large claim or several smaller claims. If your indemnity provider does not have enough resources to meet the cost of a claim, then you will have to secure alternative indemnity cover to meet the indemnity requirement.

To help you to decide whether you have appropriate cover you should think about:

- what your job involves and where you work;
- who you provide care to and the level of care you provide
- the risks involved with your practice; and
- the possible size of any claim for damages

We cannot advise you about the appropriate level of cover that you need. You are in the best position to decide, with your indemnity provider, what level of cover is appropriate for your practice. You could seek advice from your professional body, trade union or insurer to inform your decision. As noted above, if you are an employee in the NHS or independent sector, your employer will normally have indemnity arrangements that will cover your work but it is your responsibility to check.

If you have made your own professional indemnity arrangements, you should make sure that you understand how your cover will work. For example, most indemnity insurance will be offered on a 'claims made' basis. This means the cover would need to be in place both when the event causing the claim occurred and when the claim was made (which may be years later). You need to be able to demonstrate that you gave your indemnity provider full details of your scope of practice and the risks involved in it. You also need to give the indemnity provider any information that would influence whether or not they offer cover.

If you are employed

If you work for the NHS, you will already have an appropriate indemnity arrangement. The NHS insures its employees for work carried out on their behalf, which means you will be covered if a successful claim is made against you in that employment. Further information will be available from your NHS employer.

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

Outside the NHS, many employers are likely to have professional indemnity arrangements that will provide appropriate cover for all the relevant risks related to your job and scope of practice.

Arrangements may vary between employers and it is your responsibility to check with them.

Clinical Negligence Scheme for General Practice (CNSGP)

From 1 April 2019, NHS Resolution created a new state-backed indemnity scheme for general practice in England called the Clinical Negligence Scheme for General Practice (CNSGP). It covers clinical negligence liabilities in general practice for incidents that occur on or after 1 April 2019 and will provide a fully comprehensive indemnity for all claims within its scope.

All providers of NHS primary medical services will be eligible for cover under CNSGP, including out of hours providers. Therefore, if you are a nurse, midwife or nursing associate working for general practice and are carrying out activities in connection with the delivery of primary medical services, it is likely you will be covered by the scheme.

If you are self employed

If you are self-employed, work as a consultant or through an agency, you are likely to need to have your own indemnity arrangement in place. Professional bodies may offer professional indemnity insurance, or you can arrange your own cover directly through a commercial provider. It is important that you understand the terms of your insurance policy and it is your responsibility to ensure that the cover provided is appropriate.

If you have a combination of self-employed and employed work

If you undertake a combination of employed and self-employed work, or work for more than one employer, you must have an appropriate indemnity arrangement in place for each area of your practice. An employer's arrangement will only provide cover for activities performed by an employee as part of their duties during that employment.

If you work in education

If you are a nurse, midwife or nursing associate and are employed in education it is likely that your employer will have an appropriate indemnity arrangement for you.

Arrangements may vary between employers and so you should always check with them. You need to ensure that your indemnity arrangement provides cover for all aspects of your role, particularly if some aspects are in a practice setting (for example, practice placement based teaching or providing support for learning and assessment in practice settings).

Voluntary work

You are required to be registered with us if you undertake voluntary work where you are practising as a nurse, midwife or nursing associate. Indemnity cover for voluntary work may be provided by some voluntary organisations or your existing indemnity arrangement. However, if you are unsure, you should ask the organisation you are volunteering for or raise the issue with your insurance provider.

Good Samaritan acts

The law only requires that you to have insurance or indemnity as part of your employment or self-employment. The NMC does not regard 'Good Samaritan' acts, where someone provides first aid or other emergency assistance to an individual where there is no legal duty to do so, as professional practice for which indemnity insurance is required. This exception would not cover situations where a you had an existing professional relationship or agreement to provide any type of nursing and midwifery service to someone.

Good neighbour acts

Good neighbour acts (such as helping out in your professional capacity within your local community) are less clear cut and you should use your professional judgement to determine whether you need indemnity cover in such situations. While single, unpaid acts are unlikely to be classed as carrying out work as a nurse, midwife or nursing associate, repeated acts over a sustained period may, even if they are unpaid, require appropriate cover. If you are worried about any potential liabilities as a result of such acts, you should check with your professional body, trade union or insurer whether you have or need cover for such acts.

If you are entering the register for the first time

Newly qualified nurses, midwives and nursing associates, and those coming from European Economic Area (EEA) and non-EEA countries who are registering with the NMC for the first time may not yet have secured employment. If this applies to you, you will still be able to register with the NMC as normal because the indemnity declaration states that you will have in place an indemnity arrangement when you practise in the UK.

If you have a break in practice

If you decide to take a break from practising, you do not need to let us know. As long as you are covered when you practise, you can continue to be registered with us. This includes breaks for maternity leave, travelling, or a break in employment.

Evidence of cover

You are responsible for maintaining your registration with us. When you first register or you renew your registration with us, we ask you to sign a number of self-declarations confirming you meet the requirements for registration with us. These include holding appropriate indemnity insurance. By signing these declarations you are stating that you meet the conditions of registration, and that you will continue to do so during the period you are registered.

If you practise without cover you will be breaking the law, even though you may only have to sign the declaration when you renew your registration.

If you are self-employed or undertake consultation work, it is important that you maintain a record of your cover, or are able to obtain a record of your cover quickly.

You are not required to provide a copy of your documents for your indemnity arrangement when you self-declare. However, maintaining good records of your indemnity arrangement is important and is reflected in the Code.

If you are unable to complete the self-declaration you will be unable to apply for registration, renew your registration or apply for readmission or restoration to the register.

As long as you are covered by an appropriate indemnity arrangement when you practise, you can continue to be registered with us.

If your indemnity arrangement is no longer appropriate for your scope of practice, and you no longer meet our registration requirements, you must inform us immediately by contacting our registration department on 020 7333 9333.

Fitness to practise

Our fitness to practise process is the way in which we can consider concerns about nurses, midwives or nursing associates. We will consider taking fitness to practise action under circumstances including:

- making a false declaration that you have professional indemnity cover in place;
- practising while having an indemnity arrangement that is not appropriate for your practice; and
- cancelling your indemnity cover after registration or renewal and failing to put alternative cover in place while still practising.

More information

If you have any questions, please contact us, although we cannot offer advice on what level of indemnity cover is appropriate for you. You can contact us by:

Email: UKenquiries@nmc-uk.org

Telephone: +44 (0)20 7333 9333