

# INFORMATION

## Information for women and their families currently supported by IMUK midwives

### **What is a professional indemnity arrangement, and why does my midwife need to have one in place?**

In order to practise in the UK all midwives, wherever they practise, have to be on the NMC's register and meet all their legal requirements. In 2014, the UK Government introduced a new requirement for all healthcare professionals to hold an appropriate indemnity arrangement. Since then, it has been a legal requirement for all nurses and midwives to declare that they hold an appropriate indemnity arrangement in order to be registered with the Nursing and Midwifery Council.

Each nurse and midwife is responsible for making sure they have the appropriate cover for their role and scope of practice.

It's important to stress that the cover they have in place should be relevant to the risks involved in their practice, so that it is sufficient if a claim for damages is successfully made against them.

### **Who provides professional indemnity for nurses and midwives?**

The vast majority of nurses and midwives employed in both the NHS and the independent sector are covered by their employer's indemnity arrangements. A small number of nurses and midwives work on a self-employed basis and are responsible for securing their own professional indemnity arrangement. Some independent midwives have been relying on an indemnity scheme provided to the members of the organisation Independent Midwives UK (IMUK).

### **What's the problem with the indemnity scheme provided to IMUK members?**

Following receipt of a complaint, the NMC's Registrar investigated the appropriateness of the professional indemnity arrangement relied upon by independent midwives who are members of IMUK.

This investigation resulted in the NMC deciding that the IMUK scheme is not appropriate because it is not able to call upon sufficient financial resources to meet the costs of a successful claim for a payment of damages for a range of situations. These include rare cases of catastrophic injury, such as cerebral palsy. This could have the effect that mothers and babies who suffer injury through the negligence of an attending midwife are not properly compensated for their injury.

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## **What action has the NMC taken, and why has it taken it now?**

After a detailed investigation, the Registrar of the NMC made a provisional decision in August 2016 that the scheme was not appropriate and wrote to IMUK and all the midwives affected to tell them our provisional decision. At this point, we then gave a further opportunity to IMUK and the individual midwives to assure us that the cover provided through the indemnity scheme was appropriate. Unfortunately, none of the information we received assured us that the cover provided was appropriate. We wrote to IMUK and all the affected midwives in December 2016 to tell them that our decision was final.

This decision was not taken lightly as we fully understand the impact that this could have for both the individual midwives and the women they care for. However, our overall concern has to be that the public are protected. The NMC supports a woman's right to choose how she gives birth and who supports her, but we also have a responsibility to make sure that all women and their babies are provided with a sufficient level of protection should anything go wrong.

## **I'm due to give birth soon. Can my IMUK midwife still act as my midwife during my labour?**

All midwives who provide midwifery services must be covered by an appropriate indemnity scheme. Unfortunately, any IMUK midwife who is not covered by an alternative indemnity scheme cannot provide midwifery care.

## **If my midwife can't act as a midwife during my labour, can she still attend the birth to offer me support if she doesn't take part in my clinical care?**

No. A registered midwife can only attend a woman during a birth if she has appropriate indemnity cover. The midwife cannot avoid this legal requirement by attending the birth in a 'non-midwife' capacity. This is because their professional and legal obligations remain the same in these circumstances. The only exception to this is when a midwife attends a birth in a personal capacity to support a family member or close friend for whom they have not previously provided midwifery services.

## **Why am I only finding out this information now?**

We have been in dialogue with IMUK since 2014 on this issue. We gave all midwives affected a significant period of time in which to secure access to an alternative indemnity scheme so that care to their clients was not affected.

Every IMUK member was informed in August 2016 that we had made a provisional decision that they could not rely on the scheme provided to IMUK members and they were encouraged to either find an alternative indemnity scheme or confirm that they were no longer practising and therefore did not need cover. Our final decision was sent to all IMUK midwives on 20 December 2016. It was made clear at that point that they should not continue to provide midwifery services to women in childbirth, unless they had arranged alternative cover.

We are very concerned to hear that some IMUK midwives have only just informed their clients about this issue and what this means for their care. We have written to IMUK to raise our concerns with them directly.

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### **Does the NMC think that midwives practising independently are unsafe?**

The NMC supports a woman's right to choose where she gives birth and who she chooses to support her through that birth. It is important to recognise that this decision relates solely to the appropriateness of the professional indemnity arrangements of those independent midwives who are relying on their membership of IMUK to provide them with indemnity cover. It does not relate to independent midwives who have indemnity cover with other providers.

### **How do I find another midwife or service to support me through my birth?**

Your independent midwife may be able to secure alternative indemnity cover or refer you to an alternative independent provider. Alternatively, she should advise you how you can make contact and book for maternity care with your local NHS provider. Please speak with your independent midwife about what options are available to you as she has already been provided with this information by NHS England.