

PROFESSIONAL LIABILITY COVER for Perioperative Practitioners

£3,000,000 - for civil liability cover

The health sector professional department of Unite receives frequent queries regarding professional liability cover. The attached paper provides supplementary information supplied by our insurers.

CRITERIA FOR COVER

Members should note that their professional liability insurance policy will automatically cover them both within and without the NHS as long as:

1. They are qualified to do the work in question and, where necessary have been assessed for competency by their employing organisation.
2. The practitioner acknowledges their own competence in this area of work and is working within their scope of practice.
3. They adhere to their professional code of conduct where applicable.
4. The trust, board or other employing authority or organisation has acknowledged that the work is part of the practitioners' role and is within their scope of professional practice.

These four criteria are paramount for members to ascertain for themselves if they are covered. With these criteria in mind some common queries are:

- a. **Working as Advanced Scrub Practitioner (ASP) or first Assistant within the operating theatre.**
ASPs are covered if your employer is aware that you are doing this and have agreed it is part of your role. You are not covered for work you undertake on a self-employed basis.
- b. **Agency work including nursing and operating department practitioners.**
In most cases agencies are not employers. You are deemed to be in employment by the organisation which engages the agency. You are therefore covered.

- c. **Self funded students on practice placement**
You should ensure that you have an honorary contract in writing with the trust, board or health care provider where you are undertaking the placement.
 - d. **Helping in a voluntary capacity but as a nurse**
This could be for example accompanying children on holidays where a nurse is required. If you are working in voluntary capacity you are covered. If you are being paid and it is not part of your regular work, you need to ensure you have a written contract for the fixed period. This would then effectively make the organisation you are working with your employer for that period.
 - e. **Nurse prescribing – all practitioners who have passed the course are covered.**
Members should be clear that anyone who is self-employed is not covered.
5. Notification must be timely and prompt – by individual member – as soon as you have a hint that there may be a problem. Notification must be sent in writing to the Unite full-time officer in your region who is representing you. Please also inform Carol English at Unite (carol.english@unitetheunion.org), who will then immediately notify the insurer.

PROFESSIONAL LIABILITY INSURANCE SUPPLEMENTARY INFORMATION

The Unite policy insures members for up to £3 million in respect of civil liability claims made against them in any of the following categories of work:-

- Perioperative Practitioners including:-
 - ↳ Theatre practitioners
 - ↳ Operating Department Practitioners
 - ↳ Surgical Care Practitioners
 - ↳ Anaesthetic Practitioners
 - ↳ Endoscopy Practitioners
 - ↳ Emergency Care Practitioners
 - ↳ Critical Care Practitioners
 - ↳ Assistant Theatre Practitioners
 - ↳ Student ODPs, Nurses and Trainees
- Tutors/Lecturer - all duties relevant to perioperative practice.
- Temporary work as a general nurse or operating department practitioner
- Alternative Health Remedies
- Occupational Health Nursing



This cover applies to all the above categories and to certain other categories providing the following conditions are met:-

1. They take place anywhere in the world except USA/Canada.
2. The person concerned is **not** self-employed.
3. The person concerned is competent, qualified and contracted to undertake the duties.
4. The duties have been authorised by the employer if done in the course of employment.

The policy **does** cover duties undertaken **outside** the course of employment so long as the member is not carrying them out in a self-employed capacity and meets the other criteria whether or not the person is paid. These could include, for example, unpaid professional work or assisting at a roadside accident.

The Insurance cover is held with the Royal & Sun Alliance Group and provides cover against legal liability in respect of claims for breach of professional duty consequent upon any neglect, error or omission in providing advice, treatment or prescriptions in the course of the business.

The insurance cover is held with the Sun Alliance Group and provides cover against legal liability in respect of claims for breach of professional duty consequent upon any neglect, error or omission in providing advice, treatment or prescriptions in the course of the business. The cover applies to members in the categories listed above who are current members of Unite at the time of the alleged breach.