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Information for registrants

# Professional indemnity and your registration

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By law, registrants (other than social workers in England) **must** have a professional indemnity arrangement in place as a condition of their registration with us. We have not yet introduced the declarations described in this guidance, but we plan to do so in the future.

# Section 1 – Introduction

## About this document

We have written this document about the requirement for you to have a professional indemnity arrangement in place as a condition of your registration with us.

It explains what this requirement means for you. This document will also be helpful for individuals applying for registration with us.

**The legal requirement to have a professional indemnity arrangement in place as a condition of registration does not apply to social workers in England.**

## Your responsibility as a registrant

As a registrant, you are personally responsible for maintaining your registration and continuing to meet our standards. You are now also responsible for making sure that you have a professional indemnity arrangement in place when you are registered with us.

This document will help you understand our requirements.

## How this document is structured

Throughout this document:

- ‘we’ and ‘us’ refers to the Health and Care Professions Council (HCPC);
- ‘registrant’ refers to a professional on our Register; and
- ‘you’ or ‘your’ refers to a registrant or, where we say otherwise, an applicant.

## About us

We are a regulator and were set up to protect the public. To do this, we keep a register of professionals who meet our standards for their professional skills and behaviour. Individuals on our Register are called 'registrants'.

We currently regulate 16 professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Social workers in England
- Speech and language therapists

# Section 2 – Summary

The following is a summary of what having a professional indemnity arrangement in place means for you. We have explained more about this in section three.

## Registrants

If you are a registrant (other than a social worker in England), you now have to make sure that you have a professional indemnity arrangement in place as a condition of your registration with us. This means the following.

- You must make sure you have a professional indemnity arrangement in place when you practise. This could be an arrangement provided:
  - through your employer if you are employed;
  - as part of membership of a professional body, trade union or defence organisation; or
  - directly from an insurer.
- Or, it could be a combination of the above.
- You must make sure that the professional indemnity arrangement you have in place provides appropriate cover. This means that the cover needs to be appropriate to the risks involved in your practice so that enough compensation will be paid if a successful claim is made against you.
- If you are employed, your employer’s indemnity arrangements are very likely to provide appropriate cover for the activities that you perform as part of your job.
- If you are self-employed, you will need to make sure that you have put in place your own arrangements for professional indemnity.
- If you carry out both employed and self-employed work, you need to make sure that you have professional indemnity arrangements in place which provide appropriate cover for all parts of your practice.

- If you are registered with us but are not currently practising, you do not need to have a professional indemnity arrangement in place. However, you will need to make sure that you do have this arrangement when you begin to practise.

## **Social workers in England**

If you are registered with us as a social worker, this condition of registration does not apply to you.

## **Applicants**

If you are not yet registered with us, we will ask you to complete a declaration when you apply for registration. This will confirm that:

- you understand the requirement to have a professional indemnity arrangement in place which provides appropriate cover; and
- you will have an arrangement in place when you begin to practise.

# Section 3 – About professional indemnity

This section provides more information about the requirement to have a professional indemnity arrangement in place as a condition of your registration with us.

## A condition of registration

In 2014, legislation was introduced which means that all registrants (other than social workers in England) must have a professional indemnity arrangement in place as a condition of their registration with us. The arrangement must provide appropriate cover.

This requirement has been introduced so that if a service user is harmed in some way because of the negligence of a registrant, the service user will be able to recover any compensation they may be entitled to.

This requirement applies to all registrants (other than social workers in England) and to all aspects of professional practice.

We ask registrants and applicants for registration to make a declaration that they have a professional indemnity arrangement in place which provides appropriate cover, or that they will have an arrangement in place when they begin practising.

## Meeting the requirement

Many registrants will be employed, for example, in the National Health Service (NHS), by a local authority or in the independent sector, where their employer will indemnify them or they will have already made their own professional indemnity arrangements.

**This means that many registrants will already meet this requirement and will not need to take any further action.**

However, you may need to take steps to make sure that you have a professional indemnity arrangement in place which provides appropriate cover. You can do this in one of the following ways.

- A professional indemnity arrangement through your employer.
- A professional indemnity arrangement as part of being a member of a professional body, trade union or defence organisation.
- A professional indemnity arrangement you buy direct from an insurer.

## **Appropriate cover**

You must make sure that the professional indemnity arrangement you have in place provides appropriate cover. This means that you must have an arrangement in place which provides cover appropriate to your practice, taking into account the nature and extent of its risks.

This level of cover needs to be enough to meet any liability (legal responsibility) to pay compensation if a successful claim is made against you. What is appropriate cover for you may depend on a combination of factors, including, for example:

- the practice area or areas you work in;
- the service users you work with; and
- the risks involved with your practice.

What might be appropriate cover for one registrant may be inappropriate for another registrant. You need to make sure that you consider the risks which may arise from your own practice and make sure that you have a professional indemnity arrangement in place which provides cover which is appropriate to those risks.

We cannot advise you about the level of cover that you will need. We consider that you are in the best position, getting advice as appropriate from your professional body, trade union, defence organisation or insurer, to make reasonable, informed decisions about the level of cover appropriate to you and your practice. You need to be able to justify your decisions.

## **If you are employed**

If you only work for an employer, your employer is very likely to have made professional indemnity arrangements which will provide appropriate cover for all the relevant risks related to those activities you carry out as part of your job.

However, the arrangements may vary between different employers, so if you are not sure, you should always check with your employer.



An employer's arrangement will only provide cover for activities you carry out as part of your duties during the course of your employment.

### **If you are self-employed**

If you are self-employed, you will need to make sure that you have put in place your own arrangements for professional indemnity. Some professional bodies, trade unions and defence organisations offer professional indemnity cover as part of their membership or for an extra fee. Or, you can arrange your own cover direct through an insurer.

### **If you carry out a combination of employed and self-employed roles**

If you are an employee and you also carry out some self-employed work, you will need to make sure that you have arrangements in place for your self-employed work, as this will not be covered by any arrangements put in place by your employer. You should always make sure you have arrangements in place which provide appropriate cover for all parts of your practice.

### **If you are registered but not practising**

We know that professionals are sometimes registered with us but may not be practising for short periods of time. For example, you might be on a career break or looking for employment.

If you are registered with us, but not practising, we will **not** expect you to have a professional indemnity arrangement in place. However, we will expect you to have the arrangement in place when you begin to practise again.

### **Voluntary work**

The requirement applies to all professional practice, including any voluntary work you carry out. If you practise your profession as a volunteer, you will need to make sure that you have a professional indemnity arrangement in place which provides appropriate cover for this part of your practice. Some voluntary organisations will

already have made arrangements which will cover the activities that their volunteers carry out. Any existing professional indemnity arrangements you have in place may also apply to any voluntary work you do.

You may be carrying out voluntary work which is not related to your profession and which does not need HCPC registration. This type of voluntary work does not amount to professional practice for which you must have a professional indemnity arrangement.

### **‘Good Samaritan’ acts**

We do not treat actions as a ‘good Samaritan’ – someone who provides first aid or other emergency help when there is no professional obligation to do so – as professional practice for which you must have a professional indemnity arrangement.

### **If your practice changes**

We recognise that your practice may change. For example, this might be because you specialise, start working with a new client group, or move into a role in management, education or research. This might mean that the level of cover you need changes or that you need to make other arrangements. You should make sure that you continue to have professional indemnity arrangements in place which provide appropriate cover.

### **If you have made your own professional indemnity arrangements**

If you have made your own professional indemnity arrangements, you should make sure that you understand how cover will work. For example, most indemnity insurance will be offered on a ‘claims made’ basis. This means cover would need to be in place both when the event giving rise to a claim happened, and when the claim was made, which may be some years later.

This also includes understanding any requirements to declare relevant information to your indemnity provider. Requirements may vary between different indemnity providers. You will need to make sure that you fully declare all important information which would

influence a provider's decisions about whether or not to provide or continue to provide cover.

## **Checking that an arrangement is in place**

As a registrant, you are already responsible for maintaining your registration with us and for continuing to meet our standards.

The members of each profession registered with us renew their registration every two years. When you renew your registration with us, we ask you to make a number of declarations. For example, we will ask you to confirm that you continue to meet our standards for continuing professional development.

We will now ask you to make a declaration about the professional indemnity arrangements you have in place. We will ask you to confirm that:

- you have a professional indemnity arrangement in place which provides appropriate cover; or
- if you are not practising at that time, you understand the requirement and will have an arrangement in place when you begin to practise.

We will not ask you to routinely send us certificates or other evidence of your professional indemnity arrangements. However, we may ask you for evidence if, for example, there is concern that you may not have a professional indemnity arrangement in place or that it may not provide appropriate cover.

Because having a professional indemnity arrangement in place is a condition of your registration, if you cannot complete the declaration, you will not be able to renew your registration with us and we would remove you from the Register.

If at any point when you are registered with us you stop having a professional indemnity arrangement in place which provides appropriate cover, you need to write to our Registration Department and tell us immediately. However, you do not need to tell us about routine changes, such as a change of provider or not having an arrangement in place because you are no longer practising.

## **Applicants for registration**

If you are applying to be registered (or re-registered) with us, we recognise that you may not yet have found a job, or been able to arrange a separate professional indemnity arrangement. You will still be able to register with us, as long as you fill in a declaration.

When you apply for registration, we will ask you to confirm that:

- you understand the requirement to have a professional indemnity arrangement in place which provides appropriate cover; and
- you will have an arrangement in place when you begin to practise.

Because having a professional indemnity arrangement in place is a condition of registration, if you cannot complete the declaration, you will not be able to register with us.

## **Professional indemnity and fitness to practise**

Our fitness to practise process is the way in which we can consider concerns about registrants.

Most registrants will complete declarations honestly and make sure that they have a professional indemnity arrangement in place which provides appropriate cover. However, we will consider taking action if we believe that you have not met these requirements. For example, we could take action if you:

- make a declaration that you have a professional indemnity arrangement in place when you do not;
- register, or renew your registration with us, but cancel your professional indemnity arrangement and fail to put other arrangements in place while continuing to practise; or
- knowingly have a professional indemnity arrangement in place which does not provide appropriate cover.

## **Social workers in England**

The legal requirement to have a professional indemnity arrangement in place as a condition of registration does not apply to social workers in England (or social workers registered with their regulators in other parts of the UK). This is because this requirement has been introduced by the UK Government to enforce European legislation which applies to all the other professions registered by us but does not apply to social workers.

However, many social workers registered with us are likely to meet the requirement anyway. Their employer will indemnify them for the activities they carry out as part of their employment, or they will have made their own professional indemnity arrangements (or both).

Although it is not a condition of your registration, if you are a social worker registered with us, you may still want to make sure that you have a professional indemnity arrangement in place which provides appropriate cover.

## Section 4 – More information

If you have any questions about this document, please contact us. However, we cannot offer advice on different professional indemnity arrangements or what level of cover is appropriate. You can contact us at:

Registration Department  
Health and Care Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

Phone: +44 (0)845 300 4472

Email: [registration@hcpc-uk.org](mailto:registration@hcpc-uk.org)

You can see ‘frequently asked questions’ about this requirement on our website at: [www.hcpc-uk.org/registrants](http://www.hcpc-uk.org/registrants)

If you are a member of a professional body, trade union or defence organisation, they may be able to offer you advice on professional indemnity arrangements.



Park House  
184 Kennington Park Road  
London SE11 4BU

tel +44 (0)845 300 6184  
fax +44 (0)20 7820 9684  
[www.hcpc-uk.org](http://www.hcpc-uk.org)

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