



Royal College
of Nursing

Workplace representation

Indemnity

**WE'VE GOT
YOU COVERED**

NMC referrals

Legal advice and support

All the support you need, when you need it

As an RCN member, you are entitled to support in the workplace and throughout your professional career. Whatever your problem or question, we've got you covered. If you have an issue or dispute at work, the RCN's network of stewards is there to support and represent you, backed up by your regional or country office.

In 2013, RCN stewards and officers represented more than 14,000 members in 12,000 workplaces.

Sometimes complex cases need to go higher to an employment tribunal to protect your interests or save your job. Last year the RCN took more than 100 cases to employment tribunal. We have got a great track record of success.

Eight million pounds for RCN members

Across the UK we secured £8,842,479 in compensation for RCN members last year – that's a combination of employment tribunal and personal injury compensation. It's a record to be proud of.

WANT TO GET INVOLVED?

RCN members depend on the work of stewards, health and safety representatives and learning representatives. You could be that representative and make a difference to your colleagues.

Find out more
[www.rcn.org.uk/
becomeanactivist](http://www.rcn.org.uk/becomeanactivist)

Referral to the Nursing and Midwifery Council

All registered nurses, midwives and health visitors are accountable to the Nursing and Midwifery Council (NMC) for their practice. That is right and proper and protects patient safety.

If doubts are raised or allegations made about your clinical practice, and you are referred to the NMC, you can rely on RCN support every step of the way. Many referrals are unfounded or unjustified but, sadly, the number of referrals is rising year on year. The RCN supported 1,288 members through NMC procedures last year.

Happily, with our support, in more than 70 per cent of cases, the nurse had no case to answer, or received no sanction from the NMC.

Clinical negligence claims

The prospect of being sued for clinical negligence can be a worry for any member of the nursing team. Despite best intentions, care can go wrong and patients may pursue a claim for compensation against the hospital or health care organisation that treated them.

The employer is responsible for meeting the costs of these claims on behalf of their staff. This is called vicarious responsibility and is why employers insure against the risk of claims. Within the NHS, all such claims are dealt with through the Clinical Negligence Scheme for Trusts in England, the Clinical Negligence and Other Risks Scheme in Scotland, the Welsh Risks Pool in Wales and a risk pooling scheme in Northern Ireland.

Even if the claim is successful, there is generally no financial claw back against individual staff. The NHS is very clear that it accepts responsibility for the actions of its staff and will not pursue claims against them.

Bank or agency work in the NHS, is also covered.

The same applies to staff working as employees outside the NHS. All employers, whether they are independent sector, charity, social enterprise, GP practices or out-of-hours providers, have vicarious responsibility for the actions of their staff and they should meet the costs of any clinical negligence claims.

The RCN indemnity scheme

The RCN indemnity scheme provides back up cover for clinical negligence claims, so that members can be confident that they will never suffer a financial penalty. This cover extends worldwide (except for the USA and Canada) and is worth up to £3 million for each claim. It means you can have peace of mind if you take part in education placements, voluntary, good Samaritan or charitable nursing work. It covers self-employed members for their practice – with certain exceptions.

For employed members, the cover is not needed for work undertaken as part of their contract of employment – because the employer is liable.

Closing a loophole to protect the RCN

Some health care organisations have been trying to shift their costs onto the RCN, even insisting that their staff have personal indemnity cover.

This is unacceptable, because all employers are responsible for the actions of their staff. The NHS does not do this. Some GP practices used to do this until we tightened the rules of our scheme two years ago. Some out-of-hours providers and a few other types of health care organisation are still trying to cut their organisational insurance premiums by doing this. It is wrong and poses an unacceptable financial burden on RCN members by putting pressure on RCN subscription income. RCN members should not be subsidising employers.

Changing the RCN scheme from 1 July 2014

To close this loophole, the RCN is making some small, technical changes to the indemnity scheme so that employers cannot shift the costs of indemnity cover onto the RCN. This change takes effect on 1 July. Any member whose employer is difficult about this should contact RCN Direct in the first instance. We will support you.

Self-employed members

Self-employed members will continue to be covered by the RCN indemnity scheme, but there are exceptions and exclusions, so members must check the scheme and take advice if they are not sure their work is covered. A new exclusion comes into force on 1 July. The RCN will no longer cover aesthetic practice, given the high claims risk in this area.

ADVICE AND CONTACT POINTS FOR RCN MEMBERS

RCN Direct is your first port of call for all enquiries. Call **0345 772 6100** for advice and information or contact the service online at www.rcn.org.uk/direct

Problem at work? Contact your RCN steward or ring RCN Direct. They will refer you to your local office if more detailed support is needed.




Personal problem? Our Member Support Services will provide free, confidential help and counselling on financial, relationship, welfare and immigration issues.

Personal injury? The RCN can support you with your claim. Visit RCN Direct at www.rcn.org.uk/direct or call **0345 772 6100** to speak to an adviser.

Professional and practice queries? The RCN offers a wealth of opportunities to develop your practice through conferences, publications, our library and information services and access to expert nursing advisers who can talk to you about specific areas of practice. Check the website or call RCN Direct to be signposted to help and support.

More questions on indemnity? There is a set of frequently asked questions on the RCN website and RCN Direct can talk you through your queries.

Check the website for events in your area
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