

## When are employers responsible?

Employers are legally responsible for the actions you carry out in the course of your work. This is known as vicarious liability, and your employer will have insurance for this purpose. Vicarious liability is not something the employer can choose to accept or reject. The employer is vicariously liable if the incident happened during the course of your employment. However, this employers' liability will obviously not protect you if you are self-employed or, for example, you are sued for an action performed outside of your employment (such as some voluntary/charitable nursing activity you engage in in your spare time). Further, in rare circumstances, an employer may try to recover from you the damages and costs they paid to a successful claimant, as the result of their vicarious liability for your negligence. The RCN scheme covers you in these circumstances.

## When and how should I use the scheme?

You should use the scheme if allegations are made which suggest you may have caused harm to someone in your professional care.

If this happens you should immediately contact your RCN steward, regional, or national board office for advice before making any statement about the incident. You can also call RCN Direct in the first instance on 0345 772 6100. The RCN will decide how best to support you.

In certain exceptional circumstances, the RCN may provide you with legal support when giving evidence at an inquest or fatal accident enquiry.

A fuller summary of the terms of the RCN Indemnity Scheme can be found at [www.rcn.org.uk/direct](http://www.rcn.org.uk/direct) (search for Indemnity)

## How will I know whether the information contained in this leaflet is still up to date?

The information in this leaflet was correct at the date of publication (see below). Accordingly, you should always check on the RCN website for updates on the scope and coverage of the RCN indemnity scheme as it may change at very short notice.

## How do I join the RCN?

If you would like to know more about the full range of members' benefits, and the support provided by the RCN for nurses throughout their professional careers ring RCN Direct on 0345 772 6100.



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[www.rcn.org.uk/direct](http://www.rcn.org.uk/direct)  
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## The RCN's indemnity scheme



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Increasingly demanding work environments can lead to claims of professional negligence being made against nurses.

Your professional skills are as important to us as they are to the health of your patients. That's why your RCN membership is our way of protecting your future, and supporting you through the most difficult times.

If the worst happens, your RCN membership means you can rely on a full range of benefits, including legal. This includes the indemnity scheme which gives you up to £3 million of financial protection wherever you work in the world.\* There is no need to buy additional indemnity cover, unless your care services are excluded under the scheme. The RCN can advise you about that.

*\*There is no indemnity scheme cover for the USA or Canada*



## What cover does the RCN indemnity scheme provide?

### 1. Public and medical malpractice liability.

This means that if, when performing a health and social care service acceptable to the RCN, you cause:

- personal injury through careless clinical care (i.e. medical malpractice)
- damage to property or personal injury to another, not being medical malpractice (i.e. public liability).

Then you are covered by the RCN scheme for both damages and legal costs.

### 2. Professional indemnity.

This means that if, when performing a health and social care service acceptable to the RCN, you cause financial loss through your negligence (not covered by public and medical malpractice liability), then you are covered by the RCN scheme. However, this cover is restricted only to nurse expert witnesses and occupational health nurses.

## Who is covered?

- full and joint\* members of the RCN, irrespective of their employment status (subject to exceptions described below)
- student members
- health care assistant and nurse cadet members
- career break members on a reduced annual fee who work no more than 37.5 hours a month or five weeks a year.

*\*joint RCN/RCM members who are full RCM members are not covered by RCN indemnity scheme. The RCM scheme will apply.*

## When are you covered?

RCN members are covered when undertaking a health and social care service acceptable to the RCN. Advice on what is acceptable may be obtained from the RCN. However, the exceptions to this are:

- if your negligence causes a financial loss only, not associated with any personal injury or damage to property (this exception does not apply to nurse expert witnesses or occupational health nurses)
- members who engage in midwifery direct with a third party for a fee (not including pre-natal or post-natal care, or parent education)
- self-employed members (whether working as sole proprietors, partners or behind a limited company) who employ or otherwise engage in their business other health care workers who are not RCN members (e.g. a doctor who prescribes for your client)
- members working or resident in the USA or Canada or where legal proceedings arise in either country.

In all of these situations the member needs to organise alternative cover for her/his practice or business.

## Why do I need the indemnity scheme?

Nurses are legally accountable for their professional actions. So, if you face allegations of professional negligence, you can be sued. Defending yourself against legal action, and meeting the costs and damages awarded, can be very expensive. That's why the RCN has set the scheme at £3 million to make sure that you are properly protected.

