Members working for social enterprises are only covered by the RCN indemnity scheme when the employing organisation has appropriate insurance or indemnity cover for vicarious liability for the actions of its health care staff.

**Why then do I need the benefit of the RCN indemnity scheme?**

An employer’s vicarious 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 a voluntary or charitable nursing activity you undertake 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, with up to £3 million protection.

**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 0845 772 6100. The RCN will decide how best to support you.

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

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**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 0845 772 6100.
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

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 as described above), 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 joint³ 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.

² Payments are at the discretion of the RCN under the terms of the scheme.

³ Joint RCN/RCM members who are full RCM members are not covered by the 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. The following exclusions apply:

- if your negligence causes only a financial loss, not associated with any personal injury or damage to property (this exclusion does not apply to nurse expert witnesses or occupational health nurses)
- self employed midwives (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 working with you 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 their practice or business.

When is my employer responsible for my negligence?

As a nurse or health care assistant you are legally accountable for your actions, and may be sued if you are negligent and cause someone harm. Employers however, 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 or its own indemnity arrangements for this purpose. Vicarious liability is automatic wherever you work under a contract of employment. The employer is vicariously liable if the incident happened during the course of your employment.