



College of Operating Department Practitioners

Professional Indemnity Insurance

The College of Operating Department Practitioners through UNISON now provides free professional indemnity insurance to its members. All members are automatically covered whilst working as employed ODPs both within and outside the NHS.

The policy covers only claims arising directly from alleged malpractice during the course of your professional employment as an operating department practitioner, or as a pre-registration student whilst on placement, or whilst undertaking operating department practitioner duties as an agency worker.

The policy covers you wherever in the world you may be employed with the exception of the USA, the USA protectorates, and Canada.

The policy does not provide cover for self-employed or independent practitioners working on a fee for service basis, or arising from your role as an expert witness, or any claim relating to transmission of hepatitis non A (outside the NHS).

The policy requires that you must notify the CODP in writing immediately once you become aware of any claim or potential claim against you. The insurer reserves the right to decline a claim where the action arises from willful negligence on your part and decisions made by the insurer will be final.

The below question and answer sheet tells you not only the extent of CODP's cover through UNISON but also the responsibilities of your employer regarding incidents of professional malpractice.

What is professional indemnity cover for?

It means that CODP through UNISON covers you for any claim made against you for professional malpractice incurred by yourself in the course of your employment as a health care worker.

CODP through UNISON provides cover for all health care employees including nurses, health visitors, midwives (except those working outside the NHS), ambulance workers, professions allied to medicine, PTA and PTB staff, administrative and clerical workers, managers and ancillary staff.

This will cover you whether you are working inside or outside (with the exception of midwives) the NHS.



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Is there a limit to this indemnity?

Yes, there is a limit of £1,000,000 for any one claim and in all which include costs.

Does my employer have any responsibilities?

Yes your employer does have responsibilities.

All organisations involved in the provision of health care, both inside and outside the NHS, have a duty of care and are vicariously liable for the actions of all staff that are directly or indirectly under their employment. This includes voluntary organisations that have a duty of care to their volunteer workers.

Then why do I need the cover offered by CODP?

This cover is for the rare occasions where the employer's cover fails to protect the employee (subject to the exemptions listed below).

Am I covered if I work overseas?

Yes, with the exception of any work carried out in USA (including Protectorates) and Canada and their overseas territories and possessions.

Am I covered if I am a student?

Yes. In addition if you are a student working on a placement under the supervision of a NHS employer you are covered by NHS Indemnity.

Where there are clinical placements outside of the NHS, then whoever is providing the placements (i.e. nursing homes, residential home or private hospital) is vicariously liable for your action.

This cover occurs if for any reason this cover should fail, as long as appropriate supervision is provided.



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Are there any other exemptions to the cover made available by the CODP?

Yes. The following groups are exempt from this cover:

- Midwives working outside the NHS
- Medical practitioners
- Expert witnesses
- Self employed independent practitioners and individuals working on a fee for service basis
- Beauty treatments or medico legal work (other than those employed by the NHS)
- All claims relating to transmission of hepatitis non A (outside the NHS).

Please note CODP did not wish to exclude these groups. The decision to exclude these groups was taken at the instruction of UNISON'S underwriters.

What should I do if a claim or potential claim is made against me?

The policy requires that you must notify the CODP in writing immediately you become aware of any claim or potential claim against you.

Under the terms of this contiguous policy cover:

- representations will be made to remind your employer of its vicarious liability for the actions of its staff;
- you should not instruct solicitors or other representative. The policy will not reimburse you for any legal expenses or costs arising from your seeking to defend a claim independent of the policy. The instruction of solicitors and any representational costs will be determined by the insurer.
- decisions made by the insurer will be final
- the insurer reserves the right to decline a claim where the action arises from willful negligence on your part