



Guidance note: insurance requirements for osteopaths

Effective: November 2020

Introduction

This guidance provides information about the statutory requirements that all osteopaths and those intending to register as osteopaths with the General Osteopathic Council must have in place.

The legal requirement for osteopaths to have an appropriate level of indemnity cover is set out in section 37 of the Osteopaths Act 1993 (the Act). This requirement is linked to an osteopaths' registration and is therefore required even where an osteopath does not intend to see patients or for periods where they are on holiday or have been unwell.

The fundamental purpose of insurance is to protect and assure patients and the public in the event of a claim. It ensures that an osteopath is indemnified against liabilities incurred while registered.

Osteopaths are personally accountable for their practice and it is their responsibility to ensure that their insurance provider is aware of and understands the requirements of the GOsC professional indemnity insurance rules to ensure the insurance cover they have taken out is valid.

A failure to make appropriate arrangements may result in refusal of entry onto the register and refusal of entry for those applying for restoration, as set out in section 37(9) of the Act.

Fitness to practise

If an osteopath does not renew their professional indemnity insurance or fails to have the required cover and yet continues to be registered, the GOsC has a duty to investigate the matter under our fitness to practise procedures.

An osteopath continuing to practise while knowing they do not have insurance, could face an additional allegation of lack of integrity or dishonesty.

Key points

- Practising without indemnity insurance calls into question an osteopath's commitment to patient safety.
- It is important that patients can recover any compensation they might be entitled to in the event of a successful claim.
- An osteopath's failure to have insurance is not an 'administrative' failure, it is serious and can potentially have wider consequences for the wider public interest including maintaining proper professional standards of conduct and maintaining public confidence in the profession.
- A failure to have appropriate indemnity insurance should not be regarded as less serious by a Professional Conduct Committee solely because an osteopath has not seen patients.

Professional indemnity insurance

1. Professional indemnity insurance protects an osteopath against claims for compensation.
2. It provides cover for damage or injury caused during their work as an osteopath, for example if a patient suffers harm as a result of treatment that the osteopath carried out on them.
3. An osteopath must have the minimum cover of £5 million.
4. Osteopaths have a legal requirement to advise the GOsC immediately if they have ceased to practice.
5. Osteopaths should check they are compliant with current Professional Indemnity Insurance Rules at: legislation.gov.uk/ukxi/2015/693/schedule/made
6. Osteopaths must have cover in respect of any claim that may arise at any time, even if they have since ceased to practise and/or changed provider.
7. Professional indemnity insurance is a legal requirement of the Osteopaths Act 1993.
8. It is also a requirement of the Osteopathic Practice Standards (OPS)
Theme D: Professionalism, specifically:

D1.3: You must have a professional indemnity insurance arrangement which provides appropriate cover in accordance with the requirements of the Osteopaths Act 1993 and the current Professional Indemnity Insurance Rules.

D4.5: You should inform your professional indemnity insurers immediately if you receive a complaint.

Public liability insurance

9. Public liability insurance protects an osteopath against claims for compensation.
10. It provides cover for damage caused at an osteopath's place of work, **outside of their work as an osteopath**. For example, if a patient makes a claim for an injury sustained by falling over in an osteopath's waiting room, this would be covered by the osteopath's public liability insurance arrangement. A professional indemnity insurance policy would not cover this because the injury did not happen during the osteopath's work as an osteopath.
11. There is no fixed amount for this cover. An osteopath will need to discuss the range of policies available and an appropriate amount of cover with an insurance broker based on where and how they work.
12. Some insurers offer combined policies providing cover for both public liability and professional indemnity. If an osteopath decides to purchase a combined policy, it is their responsibility to check that the professional indemnity cover meets all the requirements set out in the GOsC Indemnity Insurance Rules (see osteopathy.org.uk/insurance).
13. It is a requirement of the Osteopathic Practice Standards (OPS) **Theme C: Safety and quality in practice, specifically:**
C5.3: You must have adequate public liability insurance.