



## **Practice Guidance Note: Insurance Requirements for Osteopaths**

**Effective from [Date]**

### **Introduction**

This practice note provides information about the insurance requirements for osteopaths and those intending to register as osteopaths with the General Osteopathic Council. The information in this Note will assist not only osteopaths and their legal representatives in meeting the requirements of the legislation but is also intended to be used by the Investigating Committee and the Professional Conduct Committee in reaching decisions in individual cases.

There are two types of insurance an osteopath must have in place in order to practise osteopathy in the UK: professional indemnity insurance and public liability insurance.

This note also explains the difference between these insurance types and describes the requirements for each. legally represented.

### **Professional Indemnity Insurance**

Professional indemnity insurance cover is a legal requirement for all osteopaths in the UK. Under Section 37(1) of the Osteopaths Act 1993 ("the Act") all osteopaths must have an indemnity arrangement which provides them with appropriate cover for practising osteopathy.

Professional indemnity insurance is also a requirement of the Osteopathic Practice Standards (Standard D1(3)).

Immediately upon being admitted to the Register an osteopath must activate their insurance cover before entering clinical contact with patients. Once on the Register, an osteopath

### **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 – within a six year limitation period

An osteopath's failure to have insurance is not an 'administrative' failure and can potentially have wider consequences i.e. for the public interest.

An osteopath practising without any/adequate indemnity insurance should be taken seriously as it is a statutory requirement.

A failure to have appropriate indemnity insurance will not be regarded as less serious by a Professional Conduct Committee simply because an osteopath has not seen patients.

must maintain continuous cover, including where appropriate, run-off cover.

The fundamental purpose of indemnity insurance is to protect and assure patients and the public and to ensure that an osteopath is indemnified against liabilities incurred while registered.

Professional indemnity insurance provides cover if a claim is made against an osteopath for damage or injury caused during their work as an osteopath. For example, it provides cover if a patient suffers harm as a result of treatment carried out on them by an osteopath.

An osteopath must have an indemnity arrangement in place which provides cover of £5 million, in the aggregate, as a minimum.

The General Osteopathic Council (Indemnity Arrangements) Rules 2015 clarify the requirements for run-off cover, by specifying that 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 insurer.

Osteopaths have a legal requirement to advise the GOsC immediately if their PII cover ceases.

Not being insured – even over a short period, even where retrospective cover has been obtained, and whether or not any patients come to harm – could make place an osteopath at risk of fitness to practise proceedings.

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

### **Public Liability Insurance**

Public liability insurance is a requirement of the Osteopathic Practice Standards (Standard C5.3). Public liability insurance 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 they sustained after 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.

There is no fixed minimum amount of cover for public liability insurance. What cover is appropriate will depend on where and how an osteopath works.

Osteopaths must make sure that their place of work is covered by adequate public liability insurance, whether or not they themselves are the policy holder.