

# Contingent Medical Malpractice cover (CMM) for Unite Members



**Bespoke professional  
indemnity scheme for  
healthcare professionals**

[www.unitetheunion.org/health](http://www.unitetheunion.org/health)



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the **UNION**  
in **HEALTH**

# Contingent Medical Malpractice cover (CMM)

## What is Contingent Medical Malpractice cover (CMM)?

It is cover that helps protect you professionally if claims are brought against you by a client/patient due to a problem they encountered whilst you were carrying out your professional duties.

## What does it cover?

Unite's CMM provides cover for claims made against you arising out of negligent errors or omissions committed by you in the course of your occupation or 'good Samaritan' acts'. It also covers your legal liability to pay compensation and costs/expenses in respect of accidental personal injury (including needle stick injuries which may result in HIV/ Hepatitis or damage to third party property).

Cover is provided on a contingent basis. This means that your employer must have primary medical malpractice insurance and primary public liability cover in place. Unite CMM comes into operation to protect you should your employer's primary cover fail.

## Who needs CMM?

Anyone who:

- Provides advice to clients/patients
- Handles patients' data
- Provides a professional service
- Is vulnerable to a claim of negligence because the professional advice fails to meet a client's expectation.

## Why join Unite and choose Unite's CMM?

CMM can give peace of mind for members working in the health sector (NHS and non-NHS organisations), in that if things go wrong, then there is help available for them. You should check with your employer to establish if they are providing primary cover.

As a health professional you will be acutely aware of the increasingly litigious nature of society. As a result, we are able to offer an additional member benefit that entitles you to join our CMM Scheme which provides up to £5 million cover for claims made against you by a patient, colleague, or member of the public.

## The Health Care and Associated Professions (Indemnity Arrangements) Order 2014

As of July 2014, the UK Government has introduced legislation which requires registrants to have a professional indemnity arrangement in place as a condition of their registration. This directive means that all healthcare workers dealing with patients will need professional liability cover; both to protect the patient and to cover themselves in the case their practice is questioned.

## Who is covered by Unite CMM?

Certain groups of Unite members have automatic CMM cover included in their membership at no extra cost. If in doubt, please check with your representative or regional office. The groups who are automatically covered include:

- Members of Community Practitioners' and Health Visitors' Association (CPHVA)
- All Registered Nurses (excluding midwifery)
- Members of the Mental Health Nurses' Association (MHNA)
- Members of the Society of Sexual Health Advisors (SSHA)
- Members of College of Healthcare Chaplains (CHCC)
- Counsellors, Psychotherapists & Arts' Therapists
- Perioperative Practitioners (including Theatre Nurses, Operating Department Assistants and Operating Department Practitioners)
- Registered osteopaths.

All existing members of the above professions have CMM included as part of their subscription. Any new members of the above professions joining the union also have CMM included as part of their membership subscription rate.

Some members of the not-for-profit sector are also included in the scheme including:

- Clergy
- Disabled Housing Trust Carers

All other health professional members of Unite, whether in the health sector or any other Unite sector (including Veterinary practitioners) may choose to buy into the Unite voluntary CMM scheme.

***Please note that the scheme provides contingent cover only and does not cover private or self-employed work.***



### **Basis of Cover**

The policy is dependent on your employer having 'vicarious liability' for any work you undertake in your job. Vicarious liability means an employer will be liable for the acts or omissions of its employees and ensures a financial remedy can be given when something has gone wrong and harm caused. This would be through a negligence claim made against your employer. Alongside this, most professional associations and trade unions have contingent cover in place for additional protection, in the unlikely event of your employer's cover failing. The Unite Contingent Medical Malpractice scheme is such a policy.

We recommend that NHS employees should note the NHS arrangements for vicarious liability. The provisions in respect of this scheme are different in England, Scotland, Northern Ireland and Wales. In general terms, the nature of your employment with the NHS means you are covered for the practice you do as part of your employment.

### **Eligibility and range of cover**

You can join the scheme provided you are a fully paid up member of Unite and are a practitioner who is in full, or part-time employment, or undertaking voluntary work.

In addition to the general professional liability, the Unite policy also covers:

- 'Good Samaritan' Acts
- Agency Workers
- Overseas work (except Canada and USA)
- Independent prescribing (pharmacists only).

### **When does cover not apply?**

- As this is a contingent liability based scheme it does not provide cover for self-employed work.
- Cover is not available under this scheme for midwifery or for members working in Canada or the USA.
- Cover does not operate if your membership has lapsed.

### **Cover Limits**

- Contingent Medical Malpractice: £5,000,000 any one occurrence (£10m in the aggregate)
- Public Liability: £5,000,000 any one occurrence (£10m in the aggregate)
- HIV/Hepatitis Non A: £500,000 any one occurrence & in the aggregate.

## **Find out more now online**

Visit the Health Sector section of the Unite web site and contact your local Unite office to get covered. [www.unitetheunion.org](http://www.unitetheunion.org)

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The policy is underwritten by Marketform Lloyds Syndicate 2468 via Marketform Limited. The policy holder is 'Unite the Union', with blanket cover given to union members who opt for the cover (or where it has been automatically included as part of their membership). Members will not therefore have a separate policy in their name, and the payment of £15 or £1.25 is not an insurance premium but a way of reimbursing Unite for the cost they have outlaid. Unite the Union are introducer appointed representatives of Alan Boswell Insurance Brokers Ltd who are authorised and regulated by the Financial Conduct Authority. Alan Boswell Insurance Brokers Ltd provide advice to Unite about the overall suitability of the policy, but neither Unite or Alan Boswell Insurance Brokers Ltd give advice to individual Unite members.

**Unite are only authorised to introduce business and cannot discuss the policy with members in any detail. Members decide whether to take the policy on a non-advised basis having read the details on Unite's website or other printed documents.**

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