

Malpractice and Professional Liability and Public and Products' Liability Insurance for BAOT Members

Briefing

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Lead group: Practice

Country relevance: UK wide

Insurance requirements

All registered occupational therapists are required to have professional indemnity arrangements in place as a condition of their HCPC registration. The cover must be appropriate to their practice. As of 1 April 2015, applicants who apply for registration, or renew their registration with the HCPC, must make a professional declaration about the professional indemnity arrangement they have or will have in place when applying for admission to the Register. The insurance cover needs to be appropriate to the risks involved in the registrant's practice. (Ref HCPC). More information about HCPC insurance requirements is available here:

<https://www.hcpc-uk.org/registration/you-r-registration/1-ega1-guidelines/professional-indemnity/>

<https://www.hcpc-uk.org/globalassets/registration/attachments/professional-indemnity-and-your-registration.pdf>

BAOT Malpractice & Professional Liability and Public & Products' Liability Insurance

As part of BAOT membership benefits, members domiciled in Great Britain, Northern Ireland, Isle of Man, the Channel Islands or Australia or in the European Union are covered by insurance that provides Malpractice & Professional Liability cover and Public & Products' Liability cover in respect of occupational therapy work (as defined by the Royal College of Occupational Therapists - see scope of occupational therapy below) and the provision of normal services acceptable to the British Association of Occupational Therapists.

The policy includes a warranty and conditions precedent which support good practice in the areas of preventing cross infection and record keeping, and exclusions to the policy, of which you should be aware. A summary of insurance cover is set out in the "summary of liability insurance" located on the RCOT website. The underwriters require some special conditions and exclusions to the policy, which are listed in the summary document.

(<https://www.rcot.co.uk/about-us/join-us/membership/tax-relief-and-insurance-rcot-members>)

The scope of occupational therapy work

Practitioners must consider whether their work can be considered as within the scope of occupational therapy practice. At the heart of occupational therapy is the belief that the ability to participate in meaningful occupation is fundamental to health and wellbeing, and that occupation in itself has therapeutic value. From this it can be said that the core skills of an occupational therapist focus on the assessment of occupational needs and the facilitation of occupational performance/engagement. Thus, any activity that an occupational therapist uses or does therapeutically, in order to enable or enhance

occupational performance, may be considered within the professional scope of practice. If asked, the practitioner concerned must be able to demonstrate that their professional rationale for any activity or intervention is the enhancement of health and wellbeing through the promotion of occupational performance/engagement. The title of the practitioner's job is not relevant to this decision.

If a BAOT member can meet this requirement in their practice, the professional body insurance would cover their work, providing they were within a membership category that includes insurance cover. If the activities or interventions they use have no basis in occupational performance/engagement, cover would not be provided.

If the member's views were ever doubted, it is the BAOT's decision which is final as regards what is defined as occupational therapy at any particular time.

More information is available in the *Scope of Occupational Therapy briefing* (RCOT 2023) available on the Royal College website:

<https://www.rcot.co.uk/practice-resources/occupational-therapy-topics/scope-practice>

Accessed 6.10.23

Aon UK contact details

Bob Litchfield (bob.litchfield@aon.co.uk) 0116 280 7041 or
Rainer Tilley (rainer.tilley@aon.co.uk) 0116 280 7552

Employment status

BAOT Malpractice & Professional Liability and Public & Products' Liability insurance covers all members whether "employed" or "self-employed" including private practice work. The cover is to protect the members only and it does not cover employers (who should have their own insurances) or any corporate entities (who should have their own cover).

Voluntary work and returning to practice

BAOT members employed as volunteers are covered by the BAOT professional indemnity insurance as an individual and should also be covered by the organisation's own Liability cover. Confirmation of this should be sought from the organisation's Human Resources department.

For members who are retired from professional practice and carry out voluntary occupational therapy work, they will be covered by the BAOT members' insurance policy as an individual as long as they remain registered with HCPC or are within a two-year lapse period from the last point of renewal. Please note that such work carried out whilst not under HCPC registration plus two years cannot be termed occupational therapy and so the BAOT members' insurance policy does not provide cover.

For occupational therapists returning to practice, who are on placement, they are classed in the same category as volunteers for the purposes of the host organisation's insurance policy. If the returner is a BAOT member they will also be covered by the BAOT insurance policy.

Working overseas

The policy covers BAOT members who are domiciled in Great Britain, Northern Ireland, Isle of Man, the Channel Islands or Australia or in the European Union whilst they are engaged in physical occupational therapy in-person in countries other than where they are domiciled – but excluding the USA and Canada - for a period of no longer than one month in any Policy period. However, members working in other territories should check whether there is a legal requirement to arrange local cover. The policy will only respond to claims first made or filed in domiciled in Great Britain, Northern Ireland, Isle of Man, the Channel Islands or Australia or in the European Union and will

only pay damages awarded by courts of these countries.”

Whilst the policy covers BAOT members engaged in occupational therapy work worldwide (excluding the USA and Canada), members working in other territories should check whether there is a legal requirement to arrange local cover. The policy will only respond to claims first made or filed in the European Union, the Channel Islands and Australia and will only pay damages awarded by courts of these countries.

Indemnity to other persons

In the event of the death of the insured member indemnity is provided to the personal representative(s) of the insured member.

Limit of cover

The limit is £10,000,000 for any one claim per member, defence costs and expenses in addition and £10,000,000 in the annual aggregate per member, defence costs and expenses in addition.

Making a claim

If the BAOT member knows of any claim being made against him or her (whether this is alleged or actual) or circumstances likely to give rise to a claim, notification must be made immediately in writing to: Rainer Tilly, Client Service Manager, Aon UK Ltd, Mercury Place, 11 St George Street, Leicester LE1, 1DR (rainer.tilley@aon.co.uk)

Additional insurance cover

The BAOT insurance policy only provides cover as detailed above. If members require additional covers which are not included in the BAOT insurance in order to cover their specific needs, e.g., legal expenses cover for contract disputes or employment issues, they can contact Aon UK Limited or any other insurance brokers or companies to obtain a quote for a policy in their own name.

Please note: The Royal College of Occupational Therapists cannot provide insurance advice.

If this briefing does not provide adequate information, members are encouraged to contact Aon UK Ltd (Details above).

Resources

BAOT insurance policy – cover summary

Download from:

<https://www.rcot.co.uk/about-us/join-us/membership/tax-relief-and-insurance-rcot-members>

Or contact the Royal College of Occupational Therapists' Membership Excellence Team on 020 3141 4648 or Email: membership@rcot.co.uk

Accessed 6.10.23

References

Royal College of Occupational Therapists – BAOT malpractice and public liability insurance summary

(October 2023 to September 2024). London.

Royal College of Occupational Therapists (2023) Scope of Occupational Therapy briefing. London: 2020. Both documents are available from the Royal College website: <https://www.rcot.co.uk/>

Accessed 6.10.23