



**RCSLT webinar – Assurance about your RCSLT Insurance: your questions answered
Monday, 22nd October 2018**

Kamini Gadhok MBE, CEO, RCSLT

Good afternoon everybody. My name is Kamini Gadhok and I'm Chief Executive at the Royal College of Speech and Language Therapists. I'd like to welcome you to the webinar this afternoon, 'Assurance about your RCSLT insurance: your questions answered'. I want to just introduce you to the panellists for today's webinar. As well as myself, we have Alex McLaggan, who's the Account Director at Premier BusinessCare; Karen Willis, the Head of Finance and Membership at the RCSLT and Tom Griffin, Enquiries Coordinator here at the RCSLT.

The webinar itself is going to be 45 minutes long with questions at the end. If you would like to interact, I'll just tell you a little bit about how you might do that. You will only see your name and the names of the panellists in the list of participants, however please be aware that many others will be online too. The host will tell you how many via the chat screen. Your host will also keep you updated via the chat screen throughout the event. Do use the Q&A button on the webinar software to submit a question and make sure that if you have a particular person you want to address the question to, then make that clear in your questions during the chat. You can also use the chat button on the webinar software to send an instant message and you can do that at any time during the event. If you do use Twitter, join the conversation using #RCSLT Webinar.

The webinar is being recorded and will go online with the slides in about two weeks' time. Just please note though that the details that you are going to be provided with are as in-line with the current Insurance that's provided. We of course do update our insurance in-line with requirements for our members, and so if things change, we will be making sure that we update the information that's available to you. And don't forget that Kaleigh Maietta is on hand to help.

So just moving on to the aims and objectives you'll have all seen when you signed up, the aims of the webinar include that we hope that you'll be aware of the full range of benefits of the insurance provided to the RCSLT membership, have an understanding of the key features of insurance and have an opportunity to ask some questions of the Expert Panel. We are aware that a number of questions that have been submitted are quite complex in nature and might be better dealt with through an FAQ, so we'll be alerting you to how we'll do that at the end of the event.

So, I'd like now to just talk a little bit about who's involved as part of the RCSLT insurance work. Obviously, the insurance is here for you as a member. The RCSLT Team here, the staff work with our key stakeholders to negotiate and identify how to support you in the best possible way. So, Premier BusinessCare, the insurance brokers, are critical in that, as well as Novae – the insurer for the medical malpractice professional indemnity and public liability policy. And then we work with Abbey Legal who are the insurer for the legal expenses policy. In addition, BLM provide the Solicitors who support you, should you be referred to the HCPC with respect to any fitness to practise claims.

I'm now going to pass over to Karen Willis and Tom. So, I think Tom, you're first up.

Tom Griffin, Enquiries Coordinator, RCSLT

Thank you Kamini. Good afternoon everyone.

The need for insurance and what the RCSLT policy covers are some of the most common enquiries that we receive here at the RCSLT and there can be many misconceptions and myths associated with insurance. So, we felt it was important to develop this webinar to help provide accurate information

to our members regarding policy, whilst also assuring you that the cover provided is comprehensive and provides you with more cover in a variety of situations than you may think.

Within this webinar, we will try to cover some key questions, namely: Why – why do we need insurance in the first place? What – what is the insurance and what does it cover? Which categories of membership have cover: so which provide full cover, and which have further requirements? Am I covered? We will discuss some common areas, styles of working and how these can be covered by the policy and how to access the policy if you should need to.

So, why is it important that we have insurance? Well, there are several reasons really. Firstly, legally the HCPC states that all registrants must have a professional indemnity arrangement, which is appropriate and adequate for the work you are doing as a condition of registration with them. Secondly: for your own protection. In the event that a service user is harmed in some way because of your negligence, then the service user will be able to recover any compensation awarded irrespective of personal assets. Thirdly, there may be a requirement from third parties. Many employers such as local authorities will require that you hold Public Liability Insurance. This is designed for professionals who interact with customers or members of the public. It protects against claims of personal injury or property damage that a third party suffers or claims to have suffered as a result of your business activities. And fourthly, in relation to fitness and practice and HCPC referral, which is commonly termed legal fees insurance. This is designed to cover you if there are any issues raised with the HCPC regarding your fitness to practice for any reason. This will also cover you if you are an NHS employee and need to prepare for a formal NHS disciplinary interview in relation to fitness to practice, as it will hopefully reduce the chance of any issue being escalated against the HCPC.

So, the RCSLT provides wide-ranging insurance benefits for its members. These benefits are provided under two separate policies. So, we'll try to explain exactly which each policy covers. Firstly, we'll talk about liability insurance which covers medical malpractice, professional indemnity and public liability and Karen's going to take you through what the policy is and what it covers.

Karen Willis, Head of Finance and Membership, RCSLT

Thank you, Tom. Good afternoon.

So, the question I want to look at is liability. What is liability insurance? So, the first question most members ask is what is the difference between medical malpractice and professional indemnity and public liability? Medical malpractice is typically for SLTs and other healthcare professionals who deal directly with patients. It's a type of professional indemnity insurance and it covers liability associated with wrongful practice resulting in bodily injury. Professional indemnity in general covers any other advice and services provided to clients or patients. Thirdly, public liability covers any harm caused to members of the public rather than patients. All these insurances pay out in the event of a claim for harm caused or financial loss suffered as a result of your actions. The claim would cover any damages agreed as well as the legal costs associated with defending the claim.

So, now I'd like to look at how much cover does our policy include? So, just like when you buy travel insurance or household contents insurance, an important consideration is how much cover to have. HCPC guidance merely states that, 'you must have enough cover appropriate to your practice taking into account the nature and extent of its risks.' We review the level of cover provided each prior to renewal, taking into account feedback from members and advice from our brokers. This year we've increased the cover provided from five million to ten million for medical malpractice professional indemnity and public liability. This cover is per member. Following member feedback, the policy also includes cover for claims under the Data Protection Act and criminal proceedings defence costs in respect of the Corporate Manslaughter and Corporate Homicide Acts.

So, who is covered? I'd liked to talk about who is covered by the liability insurance. If you are a currently practising member - whether certified or newly qualified, a student member or an assistant member of the RCSLT, then the policy will cover you for any claims for harm caused even if that was

before you were a member. We just ask you to make a declaration when you join that you aren't aware of any circumstances that might lead to a claim.

The policy also provides cover in respect of past practice for those no longer in the membership categories just identified. So non-practising and retired members are covered for past practice; i.e. for claims of harm caused when they were practising members of the RCSLT. You may sometimes hear past practice referred to as run-off cover. Former members are also covered if no longer practising due to death, disability, retirement or maternity or other good reason. However, please remember that if you are a non-practising or retired or former member you aren't covered for past practice if you then start to practice again but don't re-join RCSLT or remain in the retired and non-practising categories.

Finally, it's worth mentioning that if you were previously a UK-based member of the RCSLT and have now moved overseas and are practising overseas, then you are covered by the run-off cover in respect of your UK-based work.

So, who isn't covered? As I have already mentioned non-practising members are only covered in respect of past practice. It's important to remember to notify us if you return to practice. There are some categories of member who aren't covered. International affiliates will need to obtain insurance as required in their own country of practice and subscribers, typically this category is for non-SLTs with a professional interest in SLT work and you do not require insurance for this.

And now I would like to hand you back to Tom, who will talk in more detail about the cover.

Tom Griffin, Enquiries Coordinator, RCSLT

Thank you, Karen. So, as I said before, the enquiries team and the brokers receive plenty of questions from members checking that they are covered in their own particular circumstances. Questions like this tend to fall under one or more of these headings: for the type of work you are doing such as NHS work, working privately or portfolio careers where members are working in several different settings for several different employers; the physical location you are doing your work in, for example, your own home, a hired venue or a patient at home or school; who you're working with, so for example, if you're a sole practitioner you are employed by the NHS, a private provider or a school; and finally which country you are working in. We'll come onto this a little bit later on in the presentation.

Now let's go through those in a little more detail. You must meet all the HCPC standards of proficiency to register with the HCPC and meet the standards relevant to the scope of practice to stay registered with them. The RCSLT require all members to meet and adhere to the HCPC standards of proficiency and work within their own scope of practice in order to maintain RCSLT membership. A speech therapist's scope of practice is defined by the HCPC as, "the area or areas of your profession in which you have the knowledge, skills and experience to practice – lawfully, safely and effectively, in a way that meets our standards and does not pose any danger to the public or yourself." So as long as you make sure that you are practising safely and effectively within this given scope of practice and don't practice in areas where you are not proficient, there won't be a problem, you will be covered. Similarly, if you move outside of your scope of practice, you should be certain that you are capable to work this way and have had the appropriate training for this.

So, you see an individual scope of practice is fluid and may change over time depending on job role and appropriate training. With this in mind the RCSLT recognises the importance of role development and innovation and that members may work in ways with extended scope. As long as appropriate training is sought and completed, and the extended role is reflected within your job description and does not change that role such that it no longer falls within the scope of practice of speech and language therapists, then this will be covered by the RCSLT's policy.

Now let's look at where you work such as your own home, patient's home, school or somewhere else. Are you covered for this? The answer is yes to all of these, but you might need to think about some other issues, for example, if you are working in your home, is it safe to do this and does your

household insurer know that you are doing this? Some household insurers may see working like this as using your property as a place of business which changes their premiums. If you are working in a patient's home the RCSLT policy will fully cover you and this does include the public liability as we've suggested previously. If you are working within a school, the school will have a level of professional insurance which will cover you including public liability, but this will probably not cover medical malpractice, so RCSLT insurance will provide this. You may be working somewhere else, such as a rented room within a gym or a GP surgery, a community centre or somewhere similar. All of these will be covered, but it will be worth discussing anything that the venue requires which may be additional to the cover provided through the policy. If in doubt, please do contact us here at the RCSLT or Premier BusinessCare directly to discuss before sourcing additional cover which may or may not be required.

So, does it matter who you're working for? The simple answer to that is, "no it doesn't," but there may be some additional requirements in certain situations. A policy fully covers you if you're working for the NHS or as a sole practitioner, whether you're working in a multi-disciplinary practice in a school or in a portfolio career. The policy covers you as a therapist rather than the setting or settings you work in. As long as you are working within the scope of practice that we've previously mentioned – you're covered. The policy also covers you when working as a limited company. This includes if you are employing SLTs or SLTAs, as long as they are also RCSLT members. It is important to remember though, if you are employing someone you need to have employers' liability insurance. It is possible you may need other types of business insurance also such as buildings insurance. So please do call us here at the RCSLT, or again, Premier BusinessCare directly if you have any questions.

Another area is if you're going to work overseas. If you're going to work overseas, then there are three important questions to ask, "Are you in a category that includes professional indemnity insurance?". These categories are, as Karen has already suggested: practising members, overseas qualified practising members or students. Secondly, "Which country you are going to?" If you are traveling to or working in a country that has a requirement to join a regulatory body, then you may not be covered. So please check local requirements before doing so. And thirdly, "Is whether the overseas work is incidental work?" Incidental work is a term that the insurers have quite a wide definition of. One example of this would be, if you're going to be volunteering or working in a developing country for a set period of time, this will be covered. Although it's always worth checking with Premier BusinessCare prior to agreeing the role to ensure that they are aware of the period of time and are happy that this falls within their understanding of the term incidental. Finally, it's worth remembering that if you are in the international affiliate category, you are not covered by the professional indemnity insurance.

So, now I'm going to hand over to Alex McLaggan.

Alex McLaggan, Account Director, Premier BusinessCare

Thanks Tom.

Now we're going to talk about the legal expenses insurance: that's the other half of the insurance programme that's provided as part of your RCSLT membership. It's the policy that's covered with Abbey Legal. It's sometimes referred to as the legal fees or the legal expenses insurance, and it's supported by a legal helpline and claim support service by BLM Solicitors. So, what is it, and why do I need it?

Legal expenses insurance is very important because it helps in defending your reputation and your livelihood at a time when the HCPC may be investigating your professional work. It provides representation at fitness to practise hearings as well as many other valuable benefits. By way of background information, the HCPC annual report shows that of the 16 professions that it regulates, there are about 350,000 professionals who are covered, and 16,000 of those are speech and language therapists. In 2016/17 there were only 31 cases out of 2,260 that were reported to the HCPC that related to SLTs – that's 31 SLT referrals. So not many, but one common feature of them is that the claim itself is very expensive because of the legal costs that are incurred, and that's why the

policy is very important in providing support to you. We recognise that unions can be involved on occasions, that some of you will be working in employment where there is a role for a union, and whilst they will look at many areas of cover and various activities that you get involved in in your job, this one is focusing on more fitness to practise. When we go through the HCPC referral, the outcome that we're really looking for is for the case to be dismissed against you the member, and for the member to be exonerated; failing which there may be sanctions imposed which then result in interim hearings and a further return back to the HCPC panel at some stage in the future. In both scenarios the legal expenses insurance and BLM support is there to help you.

So, I just thought I'd pop up that slide again that Tom went through in relation to scope of practice and the HCPC, just as a reminder about how you work and working safely with the knowledge and skills that you have to do so; safely, lawfully and effectively.

So what areas are covered? The legal expenses policy comes in two sections – somewhat simplistically. The first part is fitness to practise protection. It provides cover for pre-hearing representation – where you need a response to an allegation, and also, moving on from that there's the actual fitness to practise defence cover up to a quarter of a million pounds per claim. This will help with drafting and submitting responses to the HCPC to the allegations that have been made, working in conjunction with BLM. One added benefit that was introduced a couple of years ago is the review hearings cover. So, the policy's not just there to support you. First to put in front of the HCPC, but then when you need to go back at the end of maybe the sanctions period for a further review – the policy is there to support you.

In terms of examples of referrals to the HCPC, a couple I could just mention. A member displayed an incorrect qualification on their business cards and documentation. It was an innocent mistake, but it was referred to the HCPC. The HCPC took action but moved on very rapidly because the member showed a professional response to resolving, as I say, what was an innocent mistake. Safeguarding is also an area where referrals are made to the HCPC, and failure to keep records on an ongoing basis when working with service users.

So, in the second part of the insurance programme these additional covers were also added in the last couple of years in response to member enquiry and also in dialogue with the RCSLT. So, we're now including criminal prosecution defence cover for up to a quarter of a million pounds, interview under caution two and a half thousand, coroner's inquest, property disputes, regulatory compliance, tax protection and court attendance for the limits that are shown there. The interview under caution will help if you're invited to a police station for interview in relation to a criminal prosecution. A coroner's inquest, again, if you are called to an inquest for a person that you provided care for – there is some support for you there. Property disputes cover a range of exposures typically: the landlord's failure to maintain property for example, regulatory compliance or data protection, and GDPR defence. Tax could be HMRC full enquiries or VAT disputes, PAYE disputes. And then finally court attendance for jury and/or witness allowance if you are attending court. It's a small limit, but it's very useful there to protect and provide some income.

Going back to the regulatory compliance, I should point out that the cover that's provided does not obviate the need for a full cyber liability policy. Particularly if you're holding lots of personal information relating to patients, then I would recommend that you include cyber liability insurance within your programme as an independent speech therapist.

So, are there any limits on the cover? Well, apart from the indemnity limits that we talked about there, there's always a reasonable chance of success clause that we need to be mindful of. The insurance company won't support what is basically a lost cause. And the other major exclusions relate to professional indemnity – because that's covered elsewhere: fines, defamation, VAT – if you're registered for VAT, and you can see more details about the policy cover by speaking to the membership department and getting hold of the policy summary, which provides a plain English explanation of the various sections of cover that you have.

With that I'll pass back to Tom.

Tom Griffin, Enquiries Coordinator, RCSLT

Thank you, Alex.

So, what should you do if you think you may need to claim? So, if you are concerned that a concern may be raised about you, the policy does include access to a legal helpline which you can access. There is no penalty for speaking to the helpline and it's not a black mark against your record. It's also important to contact the RCSLT and Premier BusinessCare as soon as you are aware that there is or may be a concern raised. This is so that we can get you linked up with the appropriate people and they will then advise at every stage what you should do and how to collect evidence. If you've actually been referred to the HCPC, then the sooner you get the legal advice the better. As previously mentioned, for those working in the NHS, the policy now also includes cover to support you if the formal NHS disciplinary procedures have been triggered in respect to a fitness to practise issue. The cover will provide support for formal meetings and assistance in compiling evidence to help your case.

And now I'm going to hand back to Karen.

Karen Willis, Head of Finance and Membership, RCSLT

So, how do I sign up for these insurances and how much does it cost? So, insurance cover is automatic. There is no specific joining process, instead there is a simple standard declaration of no claims or potential claims to complete on joining or re-joining. There is no extra charge for the insurance cover, it's included as part of your membership fee from the day you join or move into a relevant category. The other thing to note is that we put a copy of the professional indemnity certificate online for members to download and provide to anybody who asks to see this. The insurance policy runs for a year, but the cover is continuous from one year to the next.

So now I'd like to pass back to Kamini.

Kamini Gadhok MBE, CEO, RCSLT

Thank you very much to our panellists. Before I go onto the Q&A sessions, I just want to remind everyone that the information that you've heard is accurate as of 22 October and will be updated in the future as required.

So, we have a number of questions that were submitted prior to the webinar and we're just going to go through some of these. One of those was around the insurance cover liability for medico-legal work. So, if I could ask Tom and Alex to start with – actually to start that answer to that question?

Alex McLaggan, Account Director, Premier BusinessCare

Thanks, Kamini.

Yes, we've had the question in the past about medico-legal work, and I can confirm that in relation to registered intermediary activity the policy will provide the cover.

Tom Griffin, Enquiries Coordinator, RCSLT

Just on the back of that everyone; we have got some information about this on our website and a number of pages on medico-legal work which we'll be adding to the FAQs after this webinar.

Kamini Gadhok MBE, CEO, RCSLT

And we've had two questions about our RCSLT insurance cover when delivering training to organisations and also doing other types of work linking to a social model of disability. So, somebody is saying that, "you also provide inclusive communication activities with potential partners in the community and raising awareness and whether that's covered?" and the answer is yes to those questions, but Tom, do you want to just add a bit more to my responses.

Tom Griffin, Enquiries Coordinator, RCSLT

Yeah, thanks Kamini.

These both come under the umbrella of scope of practice as we've talked about throughout the webinar. As long as you're working within that scope of practice and you've got appropriate training to do these things, then they are completely covered by the policy.

Kamini Gadhok MBE, CEO, RCSLT

Thank you, Tom.

We've had a question and I'll read it out, "At present I'm the only employee and director of my limited company. Am I right in my understanding that I do not need additional insurance because public liability and malpractice is covered under my college representative?"

Over to you Tom.

Tom Griffin, Enquiries Coordinator, RCSLT

Thanks.

Yeah, you're definitely covered for that. But it is worth checking with Premier BusinessCare just to discuss whether there is any further cover you may need for your own personal circumstances. So, the answer is yes, but just check with Premier BusinessCare for any further cover you may need.

Kamini Gadhok MBE, CEO, RCSLT

Thanks, Tom.

And I think that links to another question we had which is about whether insurance that's required as a company, be it beyond the insurance provided by the RCSLT, and I think people have hopefully heard what some of those areas might be, but is there anything else that either of you'd like to add - either Tom or Alex? Alex?

Alex McLaggan, Account Director, Premier BusinessCare

Yeah. I was just really going to reiterate what Tom mentioned earlier. For the private limited companies in private practice, typically we'd expect to see some offices, and there'll be a need for an office policy on the contents and equipment, and computer insurance to protect the IT gear. If there's some travel overseas then travel insurance may be a consideration. And as I've mentioned the cyber liability sadly is a risk area that all businesses need to look at – large and small. Cover's available. We can get quotations if you apply to Premier BusinessCare. We can get you quotations for that side of things – and also for obviously the office travel and anything else that you need.

Kamini Gadhok MBE, CEO, RCSLT

Thank you very much.

We've had a question which is about where people need to go. So, if I was to set up an independent practice which insurance cover would I need – that provided by ASLTIP, RCSLT or a private company?

Hopefully we've responded to a number of the issues that people have raised, but I think that Sarah Lyons, who's Chair of ASLTIP, is listening in, so I'll ask her to respond through chat and I'll read out what she says in a few minutes' time.

So, before we respond to that question, I'll move onto another one. We've got one here which comes up quite frequently I understand, Tom, "A group of four students including myself are traveling to Kenya in January to support some speech and language therapists working directly with clients and delivering some CPD. Is there any public liability insurance coverage with student RCSLT membership?"

Tom Griffin, Enquiries Coordinator, RCSLT

Yeah. This is one we get quite regularly and it's great that students are able to travel through these countries to support speech and language therapy in developing countries. So, the answer is yes. As a student member of the RCSLT, you are definitely covered by the RCSLT insurance policy and it does cover public liability. So, yeah. The answer is yes.

Kamini Gadhok MBE, CEO, RCSLT

Okay. We've also had a question about how regularly the contract with the provider is reviewed and renewed. Karen, would you like to just answer that question?

Karen Willis, Head of Finance and Membership, RCSLT

The policy is renewed... well these policies - we have two policies. These policies are reviewed annually with the insurance broker, but equally if we have any questions or queries about the range of cover during the year, we would obviously be talking to the broker as soon as those queries arose, to see what we could do to help members as they move forward in their range of work. Hopefully that answers your question.

Kamini Gadhok MBE, CEO, RCSLT

Thanks very much, Karen. And is it possible to get a copy of the policy – Alex?

Alex McLaggan, Account Director, Premier BusinessCare

Yes. We provide a copy of the legal expenses policy and/or summary of cover. That's the one that most other members make enquiries about. It's written in plain English and is in a nice easy to follow format explaining the various sections of cover and what is and isn't covered. If you need that, get in touch with Tom at the RCSLT at the enquiries email address.

Kamini Gadhok MBE, CEO, RCSLT

Thank you and I'll just read out the response from Sarah which is that, "all ASLTIP members have to be RCSLT members and so should be covered by RCSLT insurance." Hopefully that answers that query.

So, I think we've covered off a number of the questions that were sent through. And just to say that we have some other questions that we haven't read out, because some of them are quite complex. What we're going to do, as I said earlier, is that we're going to do a frequently asked questions set for people to go and read some of the answers because we think that might be easier for the more complex questions that have been submitted. And I think as you've heard, we very much encourage you to get in touch if you have any questions because we do recognise that this is a very complex area and it is helpful to have somebody on the end of the phone – just to talk things through.

So, I think we will be just reminding everybody that this information is accurate as of today which is 22 October 2018, and we will be updating the information that's provided in the future as and when things change with respect to the insurance that's provided.

Thank you very much. Thanks to everybody. And just moving on, if you have, as I said, any further queries, then there's an email address for you to use and do get in touch as we want to hear from you if there's any insurance that you think we ought to be providing and you haven't heard about, as it's part of our way of working is to make sure we are responding to your needs.