Summary of Professional Liability Insurance Policy

The Society of Radiographers has a professional liability insurance policy which is placed with certain Underwriters at Lloyd’s, the Royal & Sun Alliance Insurance plc and Novae Insurance Co Ltd, to provide cover for members against claims made in respect of their professional duties. The policy covers full members, those life members who have paid separately the triennial premium, members of associated professions, as approved by the Society of Radiographers and for which there is an agreement for cover, student/trainee members during recognised placements and under supervision.

The policy indemnifies members against such sums as they may become legally liable to pay in respect of claims made against them arising from bodily injury or disease (fatal or non-fatal) to persons, or damage to material property, caused by any incident resulting in a claim being made during the period of the policy. The indemnity applies to claims made anywhere in the world other than the United States of America and Canada. Payment will also be made in respect of costs and expenses incurred with the written consent of Underwriters in the defence of any such claim. Cover is restricted to members working in the U.K. and subject to prior approval by the Society of Radiographers short term overseas placements. Cover extends to members working in the Channel Islands, the Isle of Man, Gibraltar, and the Falkland Islands. Members in both the National Health Service and in the independent sector are covered by the insurance.

The policy is a ‘claims made policy’. This means that you must have been in membership at the time of any incident and also in membership when a claim is made even though this may occur some time after the incident.

The total amount of the indemnity provided is £5,000,000 in respect of any one incident or series of incidents arising out of one originating cause (inclusive of costs and expenses) and in total in respect of any one member during any one period of insurance. Certain Underwriters at Lloyd’s provide the first £100,000, Royal & Sun Alliance Insurance plc £1,900,000 in excess of £100,000 and Novae Insurance Company Limited £3,000,000 in excess of £2,000,000.

It is important to know what else is not covered, and the specific exclusions for which this policy does not cover liability are as follows:-
1. Any claim where the incident giving rise to such claim occurred before 1st April, 1987;
2. Any claim as a result of bodily injury sustained by any person arising out of and in the course of his employment by a member of the Society under a contract of service;
3. Any claim for damage to material property owned by or occupied by any member of the Society or of any servant of such member;
4. Any claim involving liability assumed by any member of the Society by agreement or under contract unless such liability would have attached to the member in the absence of such agreement;
5. Any claim caused by any ship, craft, aircraft or mechanically propelled vehicle which is:- (i) owned by or in the custody or control of a member of the Society; (ii) in the custody of an employee of a member of the Society; (iii) being moved by whatever means by a member of the Society or an employee of a member of the Society. However, provided the member of the Society is not entitled to indemnity under any other policy, cover will apply in respect of any claim:- (i) caused by any mechanically propelled vehicle which is not licensed for road use and for which no Certificate of Motor Insurance is required, or (ii) arising from the act of loading or unloading a mechanically propelled vehicle, including assisting persons into or out of a mechanically propelled vehicle or the bringing or taking away of a load from such vehicle;
6. Any claim directly or indirectly occasioned by, happening through or in consequence of war, invasion, act of foreign enemy, hostilities (whether war be declared or not), civil war, rebellion, revolution, insurrection or military or usurped power;
7. Any claim for:- (i) personal injury or bodily injury or loss of, damage to or loss of use of material property directly or indirectly caused by seepage, pollution or contamination (ii) the cost of removing, nullifying or cleaning-up seeping, polluting or contaminating substances (iii) fines, penalties, punitive or exemplary damages;
9. Any claims made or judgements rendered in the Courts of the United States of America or Canada. The Policy also excludes any legal fees, costs and expenses related to such claims.

There is also an extension in the policy to cover National Councils/Regional Committees of the Society of Radiographers and individual members in respect of their legal liability incurred arising out of activities and meetings held by the National Councils/Regional Committees.

Cover also includes indemnity to members in respect of legal liability arising from their acts as Expert Witness or as an External Appointment Assessor.

It is important to note that the cover provided is for a member’s work as an individual professional and will not cover any
The SoR is neither an insurance broker nor insurance company. The final decision to accept a claim will rest with the underwriter, albeit based on the advice of the Society of Radiographers and as long as the conditions for cover are met. The Professional Indemnity Insurance member benefit is applicable if a particular practice is recognised as being within the Society of Radiographers approved Scope of Practice which is revised and updated periodically.

The scheme applies to eligible members whether they are in full or part time employment.

The Society of Radiographers is frequently asked to give advice to members on their legal liability. A member is liable at common law for any injury caused to a patient through negligence in carrying out his or her duties, in the same way as any other person holding him or herself out to the public as having special skills. In most cases the employing authority would also be vicariously liable to the patient for the same negligent act and although it would normally meet any claim brought by the patient without seeking contribution from the member personally, that course is always open to it and the authority could well do so in some circumstances.

Clinical imaging or radiotherapy procedures involving ionising radiation must have a referral from a statutorily regulated healthcare professional, this is a legal requirement. For examinations and procedures involving the use of non-ionising radiation the Society is now more flexible over the source of referral for examination and treatment. This cover also now applies to self-referrals and referrals from non-statutorily regulated healthcare professionals subject to compliance with the Society’s advice on the acceptance of this type of referral.

When undertaking clinical imaging or radiotherapy procedures, members may also be asked to report on these procedures. Producing reports, whether written or oral, is within the Society of Radiographers approved Scope of Practice. Members are advised to inform their employer that they are issuing reports, and that the practice will continue unless the employer notifies the member otherwise.

Members must act within the Society of Radiographers published professional guidance for the professional indemnity insurance benefit of membership to be effective. Specifically, members must practice in accordance with the Scope of Practice and the Code of Conduct approved by the Council of the Society of Radiographers. These are reviewed and revised periodically, with the most recent editions (2013) available to all members via the document library on the Society of Radiographers website.

The Society also expects members practising as independent practitioners to adhere to its guidance in its publication ‘Professional Standards of those working as Independent Practitioners’. This is updated regularly and is available to all members in the document library on the SoR website.

Failure to adhere to the above conditions may compromise insurance cover.

In the event of an incident occurring out of which a claim might arise, members are instructed to communicate immediately with the Chief Executive Officer, at The Society of Radiographers, 207 Providence Square, Mill Street, London, SE1 2EW. No written or oral statement should be made to the patient or the patient’s solicitor except on the direct advice of the solicitors appointed by the Underwriters underwriting the SoR’s PII policy. The work of these solicitors may be seriously hampered by an inadvertent remark acknowledging liability for the accident, while a case may easily be lost if the insured member offers to pay a small sum in compensation; such an offer seldom has the desired effect of ending the case but frequently prejudices the issue. Members must co-operate in every way with the Underwriters’ solicitors and give all possible facilities for full enquiry into any claim that arises.

This is a summary of the policy which is worded in much greater detail and in more legalistic terms. As is usual in explanations, nothing written here can override the provisions of the policy.

A series of Frequently Asked Questions can be found on https://www.sor.org/being-member/professional-indemnity-insurance.

Appendix 1: Society of Radiographers membership categories and PII benefit eligibility

<table>
<thead>
<tr>
<th>Membership Category</th>
<th>PII Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant practitioner (accredited)</td>
<td>YES</td>
</tr>
<tr>
<td>Associated professional (non radiographer)</td>
<td>YES</td>
</tr>
<tr>
<td>UK Qualified radiographer</td>
<td>YES</td>
</tr>
<tr>
<td>Overseas Member (any category)</td>
<td>NO</td>
</tr>
<tr>
<td>Radiographic Assistant</td>
<td>YES</td>
</tr>
<tr>
<td>Retired (not working)</td>
<td>YES (for three years beyond retirement date)</td>
</tr>
<tr>
<td>Student radiographer</td>
<td>YES (for approved placements)</td>
</tr>
<tr>
<td>Trainee assistant practitioner</td>
<td>YES (for approved placements)</td>
</tr>
</tbody>
</table>

Society for Vascular Technology of Great Britain and Ireland (SVT) Members

In addition, full ordinary members of the SVT benefit from the Society of Radiographers Professional Indemnity policy on payable of the required fee.