

SCHEDULE 1

Amendments relating to indemnity arrangements

PART 6

Amendments to the Health and Social Work Professions Order 2001 and related matters

New article 11A

14. After article 11 insert—

“Indemnity arrangements

11A.—(1) Each practising registrant must have in force in relation to that registrant an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question.

(2) For the purposes of this article, an “indemnity arrangement” may comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person;
- (c) a combination of the two.

(3) For the purposes of this article, “appropriate cover”, in relation to practice as a registered member of a relevant professions, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(4) The Council may make rules in connection with the information to be provided to the Registrar—

- (a) by or in respect of a person applying for registration (including an application for restoration or readmission) for the purpose of determining whether or not the Registrar is satisfied that if the person is registered, there will be in force in relation to that person by the time that person begins to practise, an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question;
 - (b) by or in respect of a person applying for renewal of their registration for the purpose of determining whether or not the Registrar is satisfied that if the person's registration is renewed, there will be in force in relation to that person, by the time that person resumes practice an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question; and
 - (c) by or in respect of a registrant for the purposes of determining whether, at any time, there is in force in relation to the registrant an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question.
- (5) Rules made under paragraph (4) may require the information to be provided—
- (a) at the request of the Registrar; or
 - (b) on such dates or at such intervals as the Registrar may determine, either generally or in relation to individual registrants or registrants of a particular description.

Changes to legislation: There are currently no known outstanding effects for the The Health Care and Associated Professions (Indemnity Arrangements) Order 2014, Paragraph 14. (See end of Document for details)

(6) The Council may also make rules requiring a registrant to inform the Registrar if there ceases to be in force in relation to the registrant an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question.

(7) The Council may also make rules requiring a registrant to inform the Registrar if there is in force in relation to the registrant appropriate cover for practising as a member of the relevant profession in question provided under an indemnity arrangement by an employer.

(8) If a registrant is in breach of paragraph (1)—

(a) the Education and Training Committee may remove that person from the register; or

(b) the person's fitness to practise may be treated for the purposes of article 22(1)(a)(i) as being impaired by reason of misconduct, and the Council may accordingly refer the matter to, persons appointed by it under article 22(5)(b)(i) (where rules under article 23 provide) or to a Practice Committee under article 22(5)(b)(ii).

(9) If an applicant breaches rules under paragraph (4)(a), or there is a breach in respect of the applicant of rules under paragraph (4)(a)—

(a) the Education and Training Committee may refuse the applicant's application for admission (or readmission) to the register; or

(b) in the case of restoration to the register, the Registrar may refuse to register the applicant in the register in accordance with article 33(7).

(10) If a registrant breaches rules under paragraph (4)(b) or (c), that person's fitness to practise may be treated for the purposes of article 22(1)(a)(i) as being impaired by reason of misconduct, and the Council may accordingly refer the matter to persons appointed by it under article 22(5)(b)(i) (where rules under article 23 provide) or to a Practice Committee under article 22(5)(b)(ii).

(11) For the purposes of this article, “relevant profession” does not include the social work profession in England.

(12) This article does not apply to a person who has an entitlement to be registered under article 13A (visiting health professionals from relevant European States).”.

Changes to legislation:

There are currently no known outstanding effects for the The Health Care and Associated Professions (Indemnity Arrangements) Order 2014, Paragraph 14.