

Appendix D: Insurance

Insurance: General introduction

Insurance needs to be considered from the various perspectives of what could go wrong and who can be adversely affected. This appendix provides a brief summary of generally available insurance cover that is particularly relevant to student placements.

Placement Learning Co-ordinators can seek further advice from the Insurance Office.

Where students are providing their own cover, they should check the wording, and particularly the exclusions, carefully to ensure that it meets their requirements.

The University is not approved by the Financial Services Authority either to charge students for insurance cover or to provide advice to students on insurance cover.

To comply with Financial Services Authority regulations, Departments must not recharge students for the cost of insurance.

Cover for legal liability to the student

The University's Public Liability Insurance provides cover in respect of the University's own legal liability to its students (and to the placement provider if the University were found to be liable). This insurance can normally be extended to provide an indemnity to students but the scope of this extension can vary – Learning Placement Co-ordinators should check with the University's Insurance Office. This means that the student (and the placement provider) can be assured that the University will have the resources to meet a legal claim from anyone who suffers as a result of something that is the fault of the institution. This insurance will not cover anything that is the legal liability or responsibility of someone else, and for placements in the UK it would be normal to expect the placement provider to have equivalent cover in place.

For work placements, the placement provider may have Employers' Liability (EL) or Workers' Compensation Insurance that will provide cover for the placement provider's liabilities to the student.

An important feature of this type of liability insurance is that payment of compensation will depend on the student establishing the legal liability of the HEI or placement provider.

Injuries to the student during the course of work on placement – UK placements

Within the United Kingdom the placement provider is responsible for the health and safety of the student whilst on placement as if the student were their employee.

Most employers are required to hold Employers' Liability (EL) Insurance, and there is an agreement among the UK insurance industry that work experience persons will be regarded as employees by all UK insurers and covered by EL policies.

Placement Learning Co-ordinators should ask providers if they hold EL Insurance. 'No' answers will need to be referred to the University's Insurance Office with details of the placement.

Some employers are exempt from the compulsory insurance requirement. Notably these include Government bodies and family operations. Government departments may seek to contract out of their legal responsibility for the health and safety risk to placement students and transfer the risk (and the need for EL Insurance) to the University. The University's Insurers may be prepared to cover these placements on an individual basis subject to prior notification: contact the University's Insurance Office.

Injuries to the student during the course of work on placement – international placements

When students are placed overseas the position becomes more complex. In France for example, placement students are subject to a *Convention de Stage* agreement under which they are regarded as employees and the placement provider generally accepts responsabilité civile for them under French law. However, some non-French organisations providing placement opportunities in France may refuse to accept this responsibility and attempt to transfer the risk to the University. Insurers can cover these placements on an individual basis subject to prior notification and depending on the contract terms: contact the University's Insurance Office in advance of the placement.

When seeking information regarding a placement overseas, ask placements providers if their insurance covers liability for injuries or sickness suffered by placement students attributable to their duties with the organisation.

'No' answers will need to be referred to the University's Insurance Office with details of the placement. If there is no requirement in the country concerned for EL type insurance then the student needs to be aware they have no/little legal protection and be advised accordingly by the placement organiser. In such circumstances the student should take out accident insurance, but the University cannot offer advice about this.

A few countries may require EL type insurance (also known as Workers' Compensation Insurance) to be placed locally. A notable example is Australia. This is likely to be cost-prohibitive; so unless the placement provider can offer the necessary cover, or the Workers' Compensation bought/funded, the placement cannot go ahead.

Cover for the legal liability of the student

Students will not usually have Personal Liability Insurance except the very limited cover under a travel policy (which normally excludes liability arising from work) or if their parents have home contents insurance with a wide liability extension that includes family members normally resident at home. The University may be able, subject to specific checks by the Insurance Office to extend its own Public Liability policy to:

- i) Provide an indemnity to students;
- ii) Extend the personal liability overseas cover to indemnify students including whilst working.

Anyone driving a motor vehicle will normally require compulsory motor vehicle third party insurance, although this may be provided by the placement provider if the student is driving on the provider's business. Students driving their own vehicles or a relative's for work purposes need to check they have insurance that covers 'business purposes' and not just 'social domestic and pleasure' use of the vehicle.

Students' liability for Injuries and/or property damage that they may cause - UK placements

Within the UK, employers are vicariously responsible for the negligent acts of their employees including students on placement, if such acts cause injury to others. This liability will be covered by the placement provider's EL policy (see above).

Vicarious liability does not apply if the student acts in a wholly unpredictable and irresponsible manner, in which case the individual student may be held personally liable.

In most circumstances, as the provider is responsible for supervising the placement student during their duties, then there is no liability on the part of the student or the University in the event of damage to the provider's property or that of any third party where the student is working under the supervision of the provider. The only exception is where the student acts with deliberate malicious intent or in a wholly irresponsible way.

The University holds Public Liability ('third party') Insurance to indemnify the University in the eventuality that it is held legally liable for a student's actions (e.g. if an HEI tells a placement provider that a student has certain skills or training that they do not have) and such actions cause injury or property damage. This insurance may also indemnify the student in circumstances where the University would have been responsible had the case been brought against it rather than the individual student.

Such insurance will not indemnify students for the consequences of any deliberate malicious or irresponsible acts on their part.

Students' liability for injuries and/or property damage that they may cause – international placements

As the insurance situation is so variable overseas, the University's Insurance Office should be contacted for advice on any Public Liability Insurance cover and exclusions for students during University authorised overseas placements.

However, such insurance will not indemnify students for the consequences of any deliberate malicious or irresponsible acts on their part.

Personal accident, travel and health insurance

Although not a substitute for liability cover, personal accident insurance can provide 'no-fault' compensation in the event that the student suffers injury or death as the result of an accident, whether occurring as part of the placement or otherwise. This cover may be included with the travel insurance policy, or might be provided by the placement provider. An appropriate travel insurance policy can cover response to most contingencies. This must be organised and paid for by the student. This could provide:

- Free emergency assistance and advice, and
- Insurance cover for:
 - Emergency medical expenditure (N.B. an emergency means anything that is unexpected (as opposed to regular treatment for an existing condition); it does not have to be a serious or life-threatening event).
 - Emergency repatriation expenses.
 - Loss of personal belongings, baggage and money.
 - Cancellation and curtailment costs.
 - Personal liability.

- Legal expenses.
- Emergency evacuation expenses.
- Recreational activities (although specific hazardous activities may be excluded).
- Limited personal accident benefits.

The medical cover can be expected to exclude routine treatments and may limit cover for pre-existing conditions, pregnancy and childbirth. If this is a concern, the placement provider may have private health insurance that the student can buy locally.

Care must be taken when choosing an insurance policy to ensure that it provides adequate cover. Standard holiday travel cover is unlikely to be adequate. Students on overseas placements should be advised to take out appropriate and adequate insurance for personal activities i.e. extreme sports etc.

The extent of the travel insurance protection varies widely from one insurer to another and many policies contain small-print exclusions such as:

- Life-style exclusions (claims arising whilst under the influence of drugs/alcohol).
- Activity exclusions (excluding claims arising from 'dangerous' activities – the definition of 'dangerous' varies but may include motor cycling as well as winter sports, i.e. exclusions are not limited to just parachute or bungee jumping).

Some universities and other organisations in the USA require that the student pay for US medical healthcare insurance. This is common in California. Prices vary from institution to institution, but typically will not be less than \$500 (US).

Professional liability

General

Students training for a profession may be held legally liable for professional risks. Insurance for professional or business activities undertaken as part of the placement would normally be covered by professional indemnity insurance or in appropriate cases medical malpractice insurance. This can also be known as clinical negligence, or errors and omissions insurance.

The University's insurance will not normally cover students on work placements and the expectation is for this to be covered by the placement provider, not least because only the placement provider is in a position to manage the professional or business activities of the student.

Medical students

Students working within NHS hospitals in the UK are covered for professional risks under the Clinical Negligence Scheme for Trusts. The practice's medical malpractice cover should cover those placed with the GP's practice in the UK.

If the placement is in a private hospital, hospice or nursing home, the placement organiser needs to ask the provider if their insurance covers the liability of the student for injuries to third parties, including clinical errors, or property damage arising from their duties within the organisation. If the provider answers 'No' to this question, the placement should be referred to the University's Insurance Office for further advice.

Medical students should join a professional body (e.g. the MDU or MPS) that will provide discretionary medical malpractice benefits for their elective periods on request.

Placement providers overseas should be asked if their insurance cover liability incurred by the student for damage arising from their duties within the organisation. 'No' answers should be referred to the University's Insurance Office with full details of the placement, as the University's insurers may be prepared to cover these placements on an individual basis subject to prior notification.

Proposed placements in Australia should ask the provider if their insurance covers the liability of the student for injuries to third parties, including clinical errors, or property damage arising from their duties within the organisation. If the provider answers 'No' to this question, the placement cannot go ahead.