



# VICARIOUS LIABILITY



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## Medical Protection members and vicarious liability

If an employee commits a negligent act or omission while acting in the course of their employment, the employer can be held to be vicariously liable for any resulting claim. This can apply even in situations where the negligent act was expressly forbidden by the employer, or where the omission represented a failure to follow reasonable instructions given to the employee by the employer.

Our subscriptions are calculated on the basis of the risk represented by a single member. Members should not expect to be indemnified for the acts and omissions of other staff in general, on the strength of a single annual subscription.

It is in members' interests to ensure that any employee or independent contractor working for them with a high level of clinical autonomy subscribes to an indemnity or insurance scheme in their own right. This includes, by way of example (but the list is not exhaustive), locums, deputies, radiographers, nurses, audiologists, physiotherapists, counsellors, embryologists, pharmacists and laboratory scientists. Moreover, a patient may choose to sue a member of staff personally for negligence. Clearly, this reinforces the need for them to arrange their own protection.

Medical Protection membership does not usually extend to an indemnity for a member's liability for their staff. However, we do sometimes provide extended benefits depending on your scope of practice, type of membership and as part of our group and corporate membership arrangements. Please see [medicalprotection.org](http://medicalprotection.org) or contact us to see how we can help.

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