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Do You Treat & Teach or Do You Need A Training School Policy?

By David Balen, Managing Director, Balens

There has been some confusion in the past about the cover afforded to those of you who teach or run schools. The purpose of this article is to hopefully bring some clarity on this subject!

Normally Malpractice policies allow practitioners to teach the therapies they are qualified in, but purely as an individual tutor – **i.e. the cover would exclude the management and control of a training establishment, clinic or college.** This means that if a client intends to issue certificates to practitioner standard, they will generally speaking require a training school policy (to cover errors and omissions etc.) as well as their existing practice cover. Issuing certificates of attendance **only**, would be acceptable under the individual's cover. It is also the perception of the public which could determine whether someone would sue or not- did they believe they were paying you for a course that would lead to a qualification, even if you taught it and another organisation examined and passed or failed people?? You may still be deemed a school /training establishment by the legal profession and you may not be covered on an individual policy for that.

A common misunderstanding is that a schools policy **covers the students** in whatever situation. In Insurance, one of the core principles is Insurable interest. The policyholder has insurable interest. If the policyholder is **not** the student, but named as the college, **the college is covered** if they are sued for the activity of the students, but **the students themselves have no defence if they are personally named and sued in a legal action.**

Student cover in the name of the students themselves should therefore be taken out for their personal protection. It can cover Case Studies and other work pre-qualification. It is required that they have ongoing supervision of their work by phone, in situ or by meetings to comply with policy conditions. They are allowed to charge minor expenses (but not usual full fee of a qualified practitioner) for this if the tutor says they are ready for this, but must make it clear to any persons treated that they are a student. Of course it should be recorded in the notes that the patient/client has been told

If you are delivering training that provides a practitioner qualification, you would normally be deemed to be described as a training establishment. If you provide training or workshops, seminars etc that offer a certificate of attendance, not a practitioner qualification, then the standard individual policy provides cover.

Any one involved in training that is not sure which category they fall into should send details of the students involved, e.g., maximum per class and approximate annual numbers, details of other teachers involved and the brief details of the course, and we will happily advise further.