

# Professional Indemnity Policy

## Strategic Governance & Insurance Framework

| Policy Detail  | Specification                                                                                        |
|----------------|------------------------------------------------------------------------------------------------------|
| Version        | 1.0                                                                                                  |
| Effective Date | June 2026                                                                                            |
| Review Date    | June 2027                                                                                            |
| Compliance     | UK Law, Charity Commission, SEND Code of Practice 2015, GDPR/DPA 2018, Children Act 2023, KCSIE 2025 |

## 1. Policy Statement

SENbetweeners Hub UK provides specialized information, guidance, resources, training, and signposting for children, young people, and families navigating undiagnosed, hidden, or emerging Special Educational Needs (SEN) and Social, Emotional, and Mental Health (SEMH) needs.

This policy establishes the framework for managing professional risk and meeting statutory requirements to protect beneficiaries, staff, trustees, and the organization's assets. It confirms that the Hub maintains appropriate Professional Indemnity (PI) Insurance to cover civil liability arising from its professional activities.

Key Principle: SENbetweeners Hub UK does not provide clinical diagnoses, legal representation, or regulated medical/therapy services. All output is strictly limited to evidence-based, DfE/Ofsted-aligned guidance and signposting.

## 2. Legal & Regulatory Basis

This policy is maintained in accordance with the following UK legislative and regulatory frameworks:

- **Limitation Act 1980:** Adherence to the 6-year limitation period for professional negligence claims in England and Wales.
- **Charities Act 2011:** Fulfillment of trustee duty of care and proactive risk management requirements.
- **Equality Act 2010:** Ensuring reasonable adjustments are made for SEN/SEMH users without diagnosis requirements.
- **UK GDPR / Data Protection Act 2018:** Protecting confidentiality and sensitive family/student records.
- **Children & Families Act 2014:** Supporting statutory SEND duties and the Graduated Approach.
- **Charity Commission Guidance (CC3):** Statutory requirements for insurance and risk management within charitable organizations.

## 3. Scope of Cover

### 3.1 What is Covered

The Professional Indemnity Insurance maintained by the Hub covers civil liability arising from:

- Alleged negligence, errors, or omissions in professional advice, resources, training modules, or signposting services.
- Breaches of confidentiality or data protection claims.
- Unintentional defamation or infringement of intellectual property (IP) and copyright.
- Loss or damage of sensitive documents or records while in the Hub's care.
- Costs associated with legal defense, investigations, settlements, and court judgements.
- Professional actions undertaken by staff, volunteers, trustees, associates, and authorized contractors.

### 3.2 What is Excluded

Cover does not extend to:

- Clinical diagnosis, medical treatment, or formal legal representation (as these fall outside the Hub's defined scope).
- Acts of fraud, dishonesty, or deliberate misconduct.

- Safeguarding failures (which are governed and covered separately under the **Safeguarding & Child Protection Policy**).
- Bodily injury or physical property damage (indemnified under Public Liability Insurance).
- Claims or circumstances known to the Hub prior to the policy inception date.

## 4. Insurance Specifications

To ensure robust protection for our "SENbetweeners" community and organizational integrity, the following minimum standards apply:

- **Minimum Limit of Indemnity:** £2,000,000 per individual claim and an aggregate limit of £5,000,000 per annum (aligned with standard requirements for education and SEN providers).
- **Basis of Cover:** "Claims-made" (covering claims first notified to the insurer during the active policy term).
- **Retroactive Date:** The commencement date of SENbetweeners Hub UK operations.
- **Run-off Cover:** Maintained for a minimum of 6 years following the termination of any policy or cessation of operations to align with the Limitation Act 1980.
- **Insurer Status:** All policies must be placed with UK-authorized insurers regulated by the Financial Conduct Authority (FCA) or Prudential Regulation Authority (PRA).

## 5. Roles & Responsibilities

### 5.1 Trustees & Directors

The Board of Trustees holds overall responsibility for approving this policy, ensuring adequate insurance levels are maintained, and conducting annual reviews of cover against the Hub's evolving service range.

### 5.2 DSL & Management

The Designated Safeguarding Lead (DSL) or Senior Manager is responsible for notifying the insurer immediately upon becoming aware of any circumstance that may give rise to a professional indemnity claim.

## 5.3 Staff & Volunteers

All team members must operate strictly within the agreed scope of the Hub's services. Staff are prohibited from providing clinical diagnoses or guaranteeing specific educational or legal outcomes.

## 5.4 Administration

The administrative team shall maintain the active Certificate of Insurance and provide copies to schools, local authorities, or partners upon reasonable request.

# 6. Claims Procedure

In the event of a potential claim or notification of dissatisfaction:

1. **Non-Admission:** Do not admit liability, offer settlements, or make promises to the claimant.
2. **Evidence Collection:** Record all facts immediately, including dates, personnel involved, specific advice given, and relevant documentation.
3. **Notification:** Formally notify the insurer and the Board of Trustees within 48 working hours.
4. **Cooperation:** Follow all instructions provided by the insurer regarding legal defense or settlement negotiations.
5. **Risk Audit:** Log the incident in the Hub's Risk Register for internal review.
6. **Post-Resolution Review:** Conduct a formal evaluation to identify improvements in professional practice or resources.

# 7. Risk Mitigation

SENbetweeners Hub UK employs proactive measures to reduce professional liability:

- **Clear Boundaries:** All guides and digital resources must include a mandatory disclaimer: *"For clinical diagnosis or legal representation, please consult a qualified professional"*.
- **Evidence Base:** All Hub content is aligned with DfE, Ofsted, and NHS best practices and must cite reputable sources.
- **Training:** Staff undergo mandatory training on professional boundaries, scope limits, and UK GDPR compliance.

- **Contractual Terms:** Terms of Use on digital platforms include liability disclaimers beyond the duty of reasonable care.
- **Quarterly Reviews:** The organizational Risk Register is updated quarterly to address emerging digital or educational risks.

## 8. Mandatory Disclaimers

SENbetweeners Hub UK provides information, training, and signposting for educational and supportive purposes only. We do not diagnose neurodevelopmental or mental health conditions, provide medical treatment, or offer regulated legal advice. All guidance provided is general in nature; users and families are strongly advised to consult qualified medical, clinical, or legal professionals regarding individual cases or statutory assessments.

## 9. Review & Approval

- **Policy Adopted:** 📅 Date
- **Last Reviewed:** 📅 Date
- **Next Review Due:** June 2027
- **Approved By:** 👤 Person (Chair of Trustees / Lead Authority)

**Insurance Certificate Reference:** Held on file at Central Office and available via the School Portal upon request.