



Faculty of Sport
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FSEM

MINIMUM STANDARDS

Indemnity Cover for Healthcare Professionals Working in non- grassroots sport in the United Kingdom (UK)

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in the United Kingdom (UK)

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Indemnity is a form of healthcare professional protection insurance to cover legal costs and claims for clinical negligence or malpractice proceedings.

In the UK, it is a statutory requirement that all healthcare professionals hold 'appropriate' indemnity that covers their full scope of practice. This is outlined, for doctors, by the General Medical Council (GMC)¹ and underpins the legal duty of care that medical professionals have, whether working in amateur or professional sport. For their members, the HCPC² requires registrants to have a professional indemnity arrangement in place as a condition of registration. The indemnity must provide an appropriate level of cover for the area that an individual works within and for the services users they work with.

Careful consideration of any policy wording is advised, as common exclusions include third party claims, the treatment of professional athletes, claims relating to brain trauma (concussion) and/or pre-signing medical assessments. If a healthcare professional is unsure of their policy inclusions and exclusions, they should contact their insurer directly.

The Faculty of Sport and Exercise Medicine (FSEM) Professional Code 2025³, section 1:10, states that its Members and Fellows must:

“ensure that you have appropriate and adequate (refer to GMC good medical practice guidelines regarding appropriate cover) indemnity protection against damages, claimant’s costs and defence costs relating to a claim brought by a patient’s employer, club, agent, sponsor or event organiser in relation to alleged negligent treatment of a patient. You should discuss indemnity options with your employer and medical defence organisation. Indemnity insurance may only cover you for claims made by the patient, and not by your club, agent, sponsor or other. Ensure that you also understand how you will be covered against historic claims once you have left a post, and the extent of any ‘run-off’ payments.”

The level of coverage provided by a sporting organisation may differ depending upon whether the healthcare professional is an employee of that organisation or provides services as a contractor. Healthcare professionals should discuss indemnity arrangements with both their sporting organisation and medical defence provider.

The healthcare professional's annual schedule of indemnity will specify whether the individual has declared their provision of services to a sporting organisation and if they are indemnified to provide sports medicine services, general medical services, minor surgical procedures etc. An insurer needs to know the full range of responsibilities undertaken by a healthcare professional at all sporting organisations that they provide services to. Any changes to an individual's circumstances during the period of the policy need to be immediately notified to their insurer. If in any doubt, the insurer should be able to provide written confirmation of cover for specific roles and activities.

When an athlete is recommended for surgery or treatment outside their sporting organisation, then the referring healthcare professional should exercise due diligence in selecting a competent and suitable practitioner who is also appropriately indemnified. The healthcare professional should also liaise with their / the athletes sporting organisation to ensure that the sporting organisation has the opportunity to undertake their own due diligence on the clinician to whom referral is proposed.

All medical indemnity policies request that if any event gives rise to concerns about potential future litigation, the insurance company is notified immediately of the event. Whilst some circumstances are clear in their need for notification, others are more subtle. In order to minimise the risk of a declinature a healthcare practitioner should undertake a review and/or audit of matters at regular intervals to confirm whether there are any circumstances which require notification. This review should also be undertaken before entering a new Policy to ensure that any circumstances that Underwriters would wish to know about are notified ahead of that new Policy. This minimises the risk of a declinature on the basis of a prior known circumstance and ensures compliance with the Duty of Fair Presentation. In addition, if a healthcare professional leaves a sporting organisation a review should be undertaken to ensure that all potential risk has been notified to the insurer as indemnity may not act retrospectively if the policy is closed.

For healthcare professionals working for a sporting organisation within the UK, the minimum standards for indemnity set out above apply. Sport however carries specific indemnity risks due to the nature of the role of healthcare professionals within sporting organisations and it is important that practitioners review their indemnity arrangements carefully.

Healthcare professionals working within sport in the UK should consider the following areas when choosing an indemnity provider:

1. Adequate Indemnity Insurance:

- Healthcare professionals must have adequate professional indemnity cover to practice safely. This ensures that if a patient is harmed during treatment, the patient and healthcare professional are financially protected.
- Indemnity insurance typically covers the legal costs of defending a clinical negligence claim, as well as compensation to the patient if the claim is successful.
- Healthcare professionals should ensure that their policy covers both defence legal costs and claimant legal costs in addition to damages payable to the claimant.

2. Specificity to Sport and Exercise Medicine:

- The indemnity must cover all activities directly related to the healthcare professional's role, including:
 - **Immediate Care:** Providing urgent medical treatment or intervention for injuries sustained during training or competitions. This includes administering first aid, CPR, and/or other life-saving procedures in emergency situations.
 - **Assessment and management of illness and injury:** Diagnosis and treatment of illness and injury, which are often musculoskeletal or trauma-based issues.
 - **Concussion management:** Immediate assessment and management of suspected concussions, which is a key part of athlete care in sport.
 - **Injections or other procedures:** If a healthcare professional performs procedures such as injections, joint aspiration, or other interventions, these must be covered by the indemnity insurance.
 - **Rehabilitation**
 - **Research and teaching**
 - **Supervision and education:** Healthcare professionals who supervise trainees or other learners should ensure that the individuals they are taking responsibility for also have appropriate indemnity which covers their full roles and responsibilities, and that those individuals are only working within their scope of practice.
 - **Referral to external specialists:** Where an athlete is recommended for surgery or treatment then the referring healthcare professional should exercise due diligence in selecting a competent and suitable practitioner who is also appropriately indemnified.

- **International travel and provision of healthcare overseas, or to international athletes in the UK:** In the event of travel with a sport and provision of healthcare to athletes outside of the UK or a UK athlete residing overseas, or healthcare provision to international athletes within the UK - the healthcare professional must ensure that their indemnity policy covers the full scope of their practice for these scenarios.

3. Minimum Coverage Limits

- £5 million per claim is generally the minimum level of indemnity recommended for a sports-based healthcare professional, especially considering the risks associated with emergency or trauma care. This is the standard for higher-risk medical roles in the UK, as it helps cover both legal defence costs and any claims that may arise.
- Professionals working in certain sports, or those carrying out potentially higher-risk procedures as part of their practice, may want to consider higher limits of indemnity and some medical defence organisations/insurers may suggest £10 million per claim, especially for higher-risk or more specialised roles.
- Often in sport, the least expensive part of a claim is from the injury itself. Loss of actual and potential income is an important factor that drives up claim costs relating to professional and elite athletes. This relates to both the athlete themselves and, in some cases, third parties who have a stake in the athlete's wellbeing. Healthcare professionals should consider the type of athletes they treat when deciding on cover limits.

4. Indemnity for Emergency or High-Risk Situations

- In roles which involve working directly with athletes or in pitch-side care, healthcare professionals are more likely to encounter high-risk situations such as trauma, concussions, or acute medical emergencies. The indemnity insurance must specifically cover these higher-risk areas and provide protection against potential claims.
- Healthcare professionals are expected to act within their scope of practice and level of expertise, ensuring they do not perform tasks outside their competency level (e.g., advanced procedures without the necessary qualifications).

5. Employer-Provided Indemnity vs. Personal Indemnity

- If a healthcare professional is employed by a sporting organisation, the employer may provide indemnity insurance for the healthcare professional's role, which should be carefully checked to ensure it covers the full scope of responsibilities (including pitch-side care). It is incumbent on the healthcare professional to check the status of their employment and be clear that they have the required indemnity cover.
- If covered under a group policy, cover limits are shared between all members of the policy. As such, a healthcare professional working in a high-risk environment should not typically rely on a corporate policy and should also hold personal indemnity cover. As above, the healthcare professional should confirm the position, including limits of indemnity and how these are applied, with the sporting organisation/employer to ensure that they have the appropriate level of cover.
- It is very common for medical malpractice claims to be brought not against the healthcare professional themselves, but against the sporting organisation by which they are employed. A group policy protects the sporting organisation against claims of this nature. There may be terms within employment contracts however that require a healthcare practitioner to hold their own insurance cover and as set out above, the healthcare practitioner should ensure that the appropriate indemnity is in place.
- For those healthcare professionals working in private practice or as a contractor (e.g., providing cover for various teams or events), they must arrange personal indemnity through a medical defence organisation or insurance through a private insurer.

6. Concussion Management

- Healthcare professionals providing care to athletes where there is a risk of concussion must ensure their indemnity includes coverage for concussion assessment, diagnosis, and return-to-play decisions. As a result, insurers may require evidence of training or certification in concussion management to ensure that the healthcare professional is competent in making these critical decisions.

7. Legal Protection for Disciplinary, Clinical Negligence and Third Party Claims

- The indemnity insurance must cover both clinical negligence claims (e.g., claims related to poor judgment in care) and regulatory, criminal and disciplinary matters (e.g., actions taken in the context of clinical decision-making that led to complaints or investigations).

- It is important that healthcare professionals understand the risks posed by third party claims although these are very rare and often too remote. Healthcare professionals should assess these risks to ensure they are appropriately indemnified for their work.

8. Additional Considerations

- If a policy is claims made (e.g. will only cover the healthcare professional if a claim is made during the time in which they hold the policy), continuous cover will need to be maintained and 'run-off' cover should be considered when ceasing that element of their work (e.g. moving organisation). If a sporting organisation funds a healthcare professional's indemnity policy, the funding of the 'run-off' cover upon leaving should be pre-negotiated with them. The cost of run-off cover will fall year-on-year as the risk of a claim being made falls. A minimum of 3 years of run-off cover is advised, but more may be required depending on factors such as the nature of work and ages of patients.

Conclusion

For healthcare professionals working in an athlete facing role for a sporting organisation, the minimum standard for indemnity is to have insurance that provides comprehensive coverage for immediate care, illness and injury management, and any interventional procedures performed. The recommended minimum coverage is typically £5 million per claim and £10 million in aggregate, though healthcare professionals should assess the individual risk of their sport and specific role. Indemnity policies should cover not only routine clinical work but also non-clinical work and high-risk emergency situations, and it is vital that the healthcare professional ensures that their indemnity policy covers the full scope of their practice.

References

1. General Medical Council. Insurance, indemnity and medico-legal support for doctors <https://www.gmc-uk.org/registration-and-licensing/managing-your-registration/information-for-doctors-on-the-register/insurance-indemnity-and-medico-legal-support>
2. Health & Care Professions Council. Professional Indemnity. <https://www.hcpc-uk.org/registration/your-registration/legal-guidelines/professional-indemnity/>
3. Faculty of Sport & Exercise Medicine. FSEM Professional Code 2025. <https://www.fsem.ac.uk/wp-content/uploads/2025/02/FSEM-Professional-Code-2025.pdf>

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