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Broker Bulletin No. 1 – Defibrillators



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In recent months we have received a number of queries from brokers and clients asking us to clarify the insurance position concerning the use of defibrillators. The bulletin below aims to set out a little of the background as to what a defibrillator is, when it is likely to be used and then how the liability insurance programme responds to provide cover. This bulletin is only concerned with Automated External Defibrillators (AEDs), and only offers comment on the liability insurance programmes of business placed through Risk Management Partners.

The use of the term Authority in this bulletin is taken to mean *Local Authority / Emergency services / schools / places of further education*.

Defibrillators

A defibrillator is a device that gives a high energy electric shock to the heart through the chest wall to someone who is in cardiac arrest. This high energy shock is called defibrillation.

According to the Resuscitation Council (UK) the earlier the shock is given, the better the person's chance of survival. Studies have shown that a shock given within 3 minutes of cardiac arrest provides the best chance of survival and that even one minute of further delay reduces that chance substantially. In most situations ambulance services would be unable to reach the scene of a cardiac arrest and deliver a shock within 3 minutes. Further studies have shown that immediate delivery of CPR combined with early use of an automated external defibrillator by members of the public gives a person in cardiac arrest the best chance of surviving.

As such, defibrillators are now common in many public places and can often be found in train stations, shopping centres, airport and leisure centres. These devices are often known as public-access defibrillators (PAD) as anyone can use them in an emergency. There is also a growing presence of defibrillators within the workplace too.

Public-access defibrillators are usually kept in cabinets in prominent public locations with appropriate signs to help people to find them and know what they are. There has been a long-running debate about whether these cabinets should be openly accessible (unlocked) or whether they should be locked. Whilst this article is not the place to air that debate the advice of the Resuscitation Council (UK) is that where conditions allow, defibrillators should be placed in openly accessible (unlocked) cabinets that allow immediate access in an emergency. A decision to place a public-access defibrillator in a locked cabinet should be made only on the basis of careful risk assessment in that specific location.

Liaison and collaboration with the local ambulance service is crucial to the success of any public-access defibrillator scheme. It is essential to take their advice on the type of defibrillator and cabinet to install. Some ambulance services may adopt as a policy of only working with defibrillators in unlocked cabinets.

In case of uncertainty, the Resuscitation Council (UK) recommend that you take advice from your local crime prevention officer about the risks of theft or vandalism and the security measures that will minimise these without making the defibrillator inaccessible or creating avoidable delay in access to it when it is needed.

AEDs are easy to use, compact, portable and very effective. They are designed to be used by lay persons; the machine guides the operator through the process by verbal instructions and visual prompts. They are safe and will not allow a shock to be given unless the heart's rhythm requires it. They are designed to be stored for long periods without use and require very little routine maintenance.

In general terms if an Authority employee was to come across a fellow employee or a member of the public who has gone into cardiac arrest they should always take the following steps:

- 1 Contact the emergency services without delay.
- 2 If available and time permits bring the matter to the attention of the closest trained first aider.
- 3 Only if trained, perform basic CPR (Cardiopulmonary resuscitation).
- 4 If there is a defibrillator nearby, it should be used, assuming one feels confident in how to use the defibrillator.

Legal Position

At the time of writing then in the United Kingdom, there are very few legal barriers to the use of PAD. A rescuer who has acted appropriately to help a victim of sudden cardiac arrest is unlikely to be sued, regardless of the outcome.

In English law, for someone to be held liable it would have to be shown that the intervention had left the victim in a worse situation than if there had been no intervention. In the circumstances when a defibrillator would be used (i.e. someone who's heart has stopped beating following a cardiac arrest) it is very unlikely that this would arise. No case brought against someone who tried to provide first aid has been successful in the UK, where the courts have tended to look favourably on those who try to help others.

Insurance Protection

Should an Authority's employee find themselves in the situation where they need to use a defibrillator on either a fellow employee or a member of the public and subsequently a legal action is brought against the employee and / or Authority then we can confirm that subject to the policy usual terms and conditions an indemnity will be provided to the employee and the Authority.

The use of the defibrillator must be in line with the business of the Authority, and this would include use of the defibrillator on a member of the public on Authority premises – such as a leisure centre.

Additional Information

Very useful information about defibrillators and their use can be found at the following websites:

St John's Ambulance

<http://www.sja.org.uk/sja/first-aid-advice/first-aid-techniques/using-a-defibrillator-aed.aspx>

British Heart Foundation

<https://www.bhf.org.uk/heart-health/how-to-save-a-life/defibrillators>

Resuscitation Council (UK)

<http://resus.org.uk/>

Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

Get in touch

For more information, please contact your RMP consultant or account director.

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