

# **Primary Care Services**

**GP Indemnity Costs Policy Version 1.1** 

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Ratified By	Directorate Management Team Meeting	
Date Ratified	TBC	
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# **Version Control Summary**

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1.0	April 2023	Dr Vaishali Ashar & Irfaan Ibne	Based on: NHS England- https://www.england.nhs.uk/gp/investment/indemnity/  The British Medical Association- https://www.bma.org.uk/advice-and-support/medical- indemnity/medical-indemnity/state-backed-gp- indemnity-scheme
1.1	March 2024	Irfaan Ibne	Change to expenses claim process

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# 1. Executive Summary

This document is intended to set out arrangements for the reimbursement of indemnity fees to GP's working within the primary care directorate at East London Foundation Trust (ELFT).

The Government's state-backed clinical negligence scheme for general practice (CNSGP) came into operation on April 1, 2019. It covers clinical negligence liabilities arising from NHS patient care that takes place on or after that date.

Information about the scheme can be found on the <u>NHS Resolution website</u>, which provides more detail on CNSGP and what it covers.

## Cover for areas falling outside CNSGP

It is also important to note staff may need to take action in relation to areas that fall outside of the scheme. For example, membership of a medical defence organisation or other indemnity providers will be needed for activities and services not covered by CNSGP. This includes **non-NHS** or private work, inquests, regulatory and disciplinary proceedings, employment and contractual disputes, and non-clinical liabilities.

This arrangement is comparable to the position of clinicians in secondary care who have cover with an MDO or other provider for services not included in the clinical negligence scheme for trusts.

#### Run-off cover

Medical negligence is a "long tail business", which means claims can arise many years after the incident. Many GPs will have had occurrence based cover, which means any incidents of clinical negligence that have an incident date during that indemnity.

Some GPs, however, have claims made or claims paid cover, which means the product only covers incidents either reported (made) or reported and concluded (paid) during a specific period.

It is important staff ensure they have the correct cover. Anyone unsure should contact their existing indemnity provider.

GPs and practice staff are urged to assure themselves of arrangements for all aspects of clinical practice and take time to understand the new scheme.

For further information please visit the NHS Resolution website.

#### 2. GP's working for ELFT in the primary care directorate

GPs working within ELFT primary care services will reasonably be expected to undertake **non-NHS work**; this work is part of day to day practice and will include activity such as writing insurance reports, performing HGV and adoption medicals etc. ELFT should reimburse the cost of this cover. The Trust indemnity scheme will cover any claims relating to clinical negligence for any work undertaken at the Trust. GP's should maintain their own indemnity insurance for run off cover, medicolegal advice and any work undertaken outside the Trust.

# 3. GP's working for other organisations (non-ELFT)

Work done by GPs for other organisations such as agencies, other practices, out-of-hours, voluntary work etc. will not be reimbursed by ELFT and should therefore be included in the MDO breakdown of cover to detail which portion of the whole fee is reimbursed by ELFT.

### 4. Covering Indemnity Costs for GP's- Process Map for Primary Care Services

•The GP should contact the MDO (medical defense organisation) of their choice to arrange their own cover.

A quote for the year should be requested to include all activities undertaken.
 Sessions worked for ELFT should be described as 'Trust indemnified'. GPs must ask their MDO to specify costs of cover for non-ELFT work, to detail which portion of the whole fee is reimbursed by ELFT

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 The GP should ask for a breakdown of the cover costs setting out the cost of the 'non-NHS work' cover. This is usually calculated pro-rata on the value of the non-NHS work undertaken. The amount of cover required should be discussed with the practice manager.

•Once the costs of the cover have been agreed the GP should pay the MDO and seek reimbursement of the 'non-NHS work' cover.

•For salaried GP's evidence of the cover and payment for this cover should be submitted to the Medical Director of Primary Care.

•The Medical Director of Primary Care will reimburse this cost annually upon submission of a change form (http://finweb:81/esrforms/change.php) upon receiving the relevant information from the salaried GP. The change form should accurately state the amount and include a note indicating NOT to deduct Tax and NI.

•For bank GP's working in primary care and undertaking 'non-NHS work' a request for reimbursement will need to be submitted to the medical director for consideration.

•The responsibility for arranging adequate medical indemnity insurance lies with the GP as per Good Medical Practice. It is also the responsibility of the GP to seek reimbursement of the cost of cover for 'non-NHS work' undertaken.