



Llywodraeth Cymru
Welsh Government

GUIDANCE

Developing a long term and sustainable solution for GP professional indemnity

Guidance for GPs and stakeholders regarding the Wales state backed GP indemnity scheme.

First published: 28 August 2018

Last updated: 28 August 2018

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The Welsh Government is introducing a state backed scheme to provide clinical negligence indemnity for providers of GP services in Wales.

On 14th May 2018 the Cabinet Secretary for Health and Social Services announced that The Welsh Government will introduce a **state backed scheme to provide clinical negligence indemnity for providers of GP services in Wales**.

There is concern about increasing indemnity costs, which could potentially drive GPs away from the profession, resulting in an impact on services. It is estimated that indemnity premiums have increased by 7% per year on average between 2013 and 2017. Among the factors driving the increasing cost of indemnity is:

- an ageing population
- technological innovations in medicine which keep people alive longer
- an increase in people living with complex conditions
- an increasing claims culture

There is no evidence to suggest that deterioration in the quality of care has acted as a driver to increase the cost of indemnity.

Welsh Government made a commitment to GPs in Wales, as part of the changes to the GMS contract for 2017/18, to develop a solution to address this

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issue. The introduction of a state backed scheme for GPs in Wales will provide greater long term certainty for the on-going provision of general medical services in Wales.

Welsh Government officials are currently working closely with GPs, Medical Defence Organisations, Department of Health and Social Services and Health Boards, and the Welsh Risk Pool to develop the way in which the scheme will operate.

Our aim is to deliver a more stable and more affordable indemnity system for general practice. We are working through the funding impact for these changes on GMS which will be repurposed to fund the new state-backed scheme. Detailed modelling is underway and details will be communicated in due course.

When will the state backed scheme come into force?

The scheme is planned to come into force from April 2019 at the same time as the state backed scheme announced for GPs in England.

What does the state backed scheme cover?

The state backed scheme commits Wales to a Future Liabilities Scheme. Wales is also committed to an Existing Liability Scheme (i.e. liabilities incurred before April 2019), subject to the completion of legal and financial due diligence and satisfactory negotiation with the MDOs.

The scheme will cover the activity of all contractors who provide primary medical services, plus any other integrated urgent care delivered through Schedule 2 of the NHS standard contract. This will include clinical negligence liabilities arising from the activities of GP practice staff and other medical professionals such as

- salaried GPs
- locum GPs
- practice pharmacists

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- practice nurses
- healthcare assistants

The state backed scheme will indemnify providers of GP services in Wales against claims arising from clinical negligence for NHS work.

The scheme will not cover:

- private work
- complaints
- involvement in coroners' cases
- GMC hearings and other matters relating to professional regulation

GPs will be expected to take out indemnity to cover private work and the other aspects not covered by the state.

The delivery of general medical services in prisons will be covered within the scheme.

Whilst primary care dentists will be out of scope of the current state backed scheme, the intention is to explore during 2018/19 the issues relating to primary care dentists.

The state backed scheme will be aligned, as far as possible, with the state backed scheme to be introduced for GPs in England

England and Wales are both working towards introducing their respective schemes from April 2019. This will ensure that GPs in Wales are not at a disadvantage relative to GPs in England. It will also help to ensure that GP recruitment and cross border activity will not be adversely affected by different schemes operating in England and Wales.

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Developing patient safety

As part of risk mitigation, steps will be explored to ensure the right standards are in place around patient safety to both minimise any liability claims and also ensure learning from when incidents do arise. There is substantial expertise in this field across Wales and we will look to develop patient safety arrangements as part of the rollout of the indemnity offering.

Other forms of indemnity

Wales is committed to an Existing Liability Scheme (i.e. liabilities incurred before April 2019), subject to the completion of legal and financial due diligence and satisfactory negotiation with the MDOs.

If indemnity is provided by a medical defence organisation up to the point at which a state backed scheme will commence is on a claims made basis, (i.e. where claims are made- including where claims have to be settled- during the period) as opposed to an occurrence basis (i.e. where liability has arisen but no claim has been made), GPs need to ensure they have appropriate run off indemnity for claims made after the introduction of the state backed scheme in relation to liabilities that arose prior to introduction of the state backed scheme.

If GPs utilise a claims made product prior to the introduction of a state backed scheme, GPs would be required to purchase such indemnity separately themselves, at the point they move to a state-backed scheme. (Subject to the Welsh Government's decision as to the final form of the state backed indemnity).

Any GP purchasing an indemnity product should make themselves fully aware of the terms under which it is being offered, taking into consideration how they will cover themselves after commencement of the state backed scheme for liabilities arising before the introduction of the state backed scheme, if their product was not on an occurrence basis.

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