

General Medical Practice Indemnity (GMPI)

FAQs



Llywodraeth Cymru
Welsh Government



NWSSP Legal and Risk Services Helpline: 029 2090 5454

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1. What is the name of the state-backed GP Indemnity Scheme for Wales?

The legal name of the scheme is the '*Clinical Negligence Scheme for Providers of Primary Medical Services*.' However, it will be referred to as the '*General Medical Practice Indemnity*', or GMPI for short.

2. When will GMPI come into force?

GMPI will come into force on 1 April 2019. It will cover claims arising on or after 1 April 2019.

3. How will pre-existing claims made against me be dealt with?

Depending on the period of time to which the claim relates, you must either report the claim to NWSSP Legal and Risk Services or to your medical defence organisation.

- Incidents occurring before 1 April 2019 – report the claim to your medical defence organisation.
- Incidents occurring on or after 1 April 2019 – report the claim to NWSSP Legal and Risk Services.
- Incidents occurring during both periods, or where it is unclear – report to NWSSP Legal and Risk Services and to your medical defence organisation.

You or your medical defence organisation should contact NWSSP Legal and Risk Services as soon as you become aware of a claim relating to an incident that occurs on or after 1 April 2019.

4. Who operates GMPI?

GMPI is operated by NHS Wales Shared Services Partnership, Legal and Risk Services. NWSSP Legal and Risk Services are a team of highly skilled solicitors

with a particular focus and expertise in defending clinical negligence claims.

They can be contacted:

- By email: GMPI@wales.nhs.uk
- By telephone: 029 2090 5454

5. Will Health Boards and NHS Wales Shared Services Partnership Legal and Risk Services (NWSSP Legal and Risk Services) defend a claim against a GP for clinical negligence as robustly as the medical defence organisations?

Yes. Both Health Boards and Legal and Risk Services will defend GP claims to ensure the GP's reputation is fully preserved.

6. Will Health Boards and NWSSP Legal and Risk Services liaise with GPs and General Practices to ensure that they have all the information at hand before a decision is made?

Yes. NWSSP Legal and Risk Services recognise the importance of protecting GPs, their staff and their reputation and will maintain a clear channel of communication with the GPs and General Practice throughout the lifespan of a claim. As the named defendant, Health Boards will also regularly liaise with the parties involved to ensure that all relevant information is known.

7. Can I appeal a decision made by NWSSP Legal and Risk Services?

You will need to speak to NWSSP Legal & Risk Services about your individual case.

8. Who is covered by GMPI?

GMPI will include clinical negligence liabilities for NHS work arising from the activities of all GP practice staff, including (but not limited to):

- GPs (contracted)
- GPs (salaried)

- GPs (locums – subject to membership of all Wales locum register)
- Practice pharmacists
- Healthcare assistants
- Practice nurses
- Physician Associates
- Practice managers
- Receptionists (triage)
- Phlebotomists
- Practice physiotherapists
- Practice paramedics
- Occupational therapists

GP trainees and trainee nursing students delivering general medical services will also be covered.

GMPI will also cover any healthcare professionals providing the delivery of NHS Primary Care through Primary Care cluster arrangements and any vicarious liability to practices where a cluster based health professional is providing direct care to the practice's registered patients.

Providers will be expected to ensure that they have indemnity to cover all aspects of their work not covered by GMPI. If in doubt, please contact your Medical Defence Organisation or NWSSP Legal and Risk Services.

9. How are GPs covered? What will they need to do?

GPs and health professionals who are employed in General Medical Practices and/or through Primary Care cluster arrangements to delivery NHS General Medical Services will automatically be covered by GMPI and do not need to take any further action.

Locum GPs who are not on the All Wales Locum Register will not automatically be covered and, if they would like to access GMPI, will need to join the All Wales Locum register.

10. I've previously been refused indemnity from MDOs. Will I be covered by GMPI?

If you have been previously refused indemnity, please contact NWSSP Legal and Risk Services to discuss.

11. What is covered by GMPI?

GMPI will cover the NHS activity of all contractors who provide primary medical services delivered through Schedule 2 of the NHS standard contract. It will indemnify providers of General Medical Services in Wales against claims arising from clinical negligence for NHS work.

The delivery of General Medical Services in prisons will be covered by GMPI.

GMPI will also cover clinical negligence liabilities of general practice staff delivering primary medical services commissioned under GMS contracts, PMS contracts and any integrated urgent care delivered by general practice through Schedule 2 of the NHS standard contract.

In addition, the Scheme will indemnify practitioners performing primary General Medical Services delivered through an Alternative Provider Medical Services (APMS) contract. In relation to Wales, APMS covers social enterprises in the delivery of NHS Primary Care Services.

12. What is not covered by GMPI?

GMPI does not cover the following:

- Private Work / non NHS Work / Non GMS Contract Work
- Disclosure of record requests from patients (unless there is a claim for compensation as well)
- Complaints that are not clinical negligence related (Regulator (GMC/NMC/HCPC)
- Referrals and Hearings
- Regulatory disputes

- Criminal Proceedings
- Healthcare Inspectorate Wales (HIW) investigations
- Inquest Representation
- Disciplinary proceedings against you or your staff
- Awards made by the Public Services Ombudsman for Wales (unless there is an overlap with compensation payable for an injury resulting from clinical negligence)
- Ex-gratia payments
- Defamation claims
- Breach of Data Protection Regulations
- Employers' liability claims
- Public liability claims
- Property or Occupiers' liability claims

Please note that this is not an exhaustive list.

Providers will be expected to ensure that they have indemnity to cover all aspects of their work not covered by GMPI. If in doubt, please contact your Medical Defence Organisation or NWSSP Legal and Risk Services.

13. Will I need run off cover?

If you have indemnity arrangements that are not an occurrence based product – for example, claims paid products – you will require run-off cover, unless the terms of your cover specify any defined circumstances where this would not be required. If you are unsure of your current indemnity arrangements then you should contact your existing indemnity provider.

14. Will I need top up cover?

The General Medical Practice Indemnity provides cover for NHS contract work in Wales. Clinical negligence liabilities for NHS work arising from the activities of all GP practice staff, including: GP partners; salaried GPs; locum GPs, if on the All Wales Locum Register; Practice Pharmacists; Practice Nurses; Practice Healthcare assistants; and any other member of staff providing clinical advice.

The GMPI will also cover any healthcare professionals providing the delivery of NHS Primary Care through Primary Care cluster arrangements.

GMPI will not cover private work, complaints, involvement in coroners' cases, GMC hearings or other matters relating to professional regulation. Primary care professionals will be expected to take out indemnity at their own cost from their medical defence organisation to cover private work and the other aspects not covered by the state.

15. Will GPs providing GMS services in secondary care continue to be covered by Welsh Risk Pool?

Yes. The secondary care indemnity scheme operated by Legal and Risk Services will be unaffected by the introduction of GMPI.

16. I work in a managed practice. Am I covered?

Staff working in managed practices are already covered under existing arrangements for NHS indemnity. GMPI makes no change to those arrangements.

17. How will general practice employees covered by the scheme be identified?

From 1 April 2019 the Wales National Workforce Reporting System (WNWRS) will provide a secure web based system to capture all relevant practice staff information. The WNWRS will provide the necessary identification of all general practice employees.

18. What is the Wales National Workforce Reporting System (WNWRS)?

The Wales National Workforce Reporting System (WNWRS) is a secure web based tool and has been developed to capture information for all staff working in General Practice. This Tool is already used by practices in England supported by

NHS Digital. In Wales, NHS Wales Shared Service Partnership (NWSSP) has been engaged by the Welsh Government to procure and implement the WNWRS.

The WNWRS will replace the current method of reporting such data in Wales with a more efficient and consistent approach, mitigating the risk of data variations and providing more reliable data. This will facilitate better understanding of the primary care workforce demographic in Wales and more effective workforce planning.

The accurate completion of the WNWRS will provide the necessary identification of all GPs and practice staff employed in GP practices to be covered by the General Medical Practice Indemnity.

19. Do I need to do anything with the WNWRS?

Unless you are a Practice Manager or Business Manager, you will not need to take any further action with regard to the WNWRS. The reporting system and its processes will be managed by practice managers for those employed by a practice.

Guidance and next steps will be communicated by NHS Wales Shared Services Partnership directly to Practice Managers/Business Managers at the end of March. For further information Practice Managers can contact NHS Wales Shared Services Partnership:

- By email: NWSSP.PrimaryCareWNWRS@wales.nhs.uk
- By telephone: 01792 860498/0490

20. How can GP Locums register to access the Scheme?

Locum GPs will need to apply to NHS Wales Shared Services Partnership to be included in the All Wales Locum Register if they want to access the GMPI

scheme. Locum GPs can register their interest now by contacting NHS Wales Shared Services Partnership.

- <http://www.nwssp.wales.nhs.uk/primary-care-sustainability>
- By email: NWSSP.PrimaryCareWNWRS@wales.nhs.uk
- By telephone: 01792 860498/0490

21. What is the All Wales Locum Register?

The All Wales Locum Register is a new innovation that will enable a greater understanding of the needs and support that the locum market provides to general practice, and ensures locum GPs have access to the GMPI scheme. It will be introduced on 1 April 2019.

In the first three months of the operation of the All Wales Locum Register, Welsh Government will be working with stakeholders to determine the Terms of Engagement.

<http://www.nwssp.wales.nhs.uk/primary-care-sustainability>

22. Is membership of the All Wales Locum Register mandatory?

No. Membership is voluntary. Locum GPs who do not wish to become a member of the All Wales Locum Register will need to arrange clinical negligence indemnity cover for NHS work at their own cost through a medical defence organisation. NWSSP Legal and Risk Services will need to be informed.

<http://www.nwssp.wales.nhs.uk/primary-care-sustainability>

23. I am a partnership GP but also provide locum cover in my own practice. Am I required to enrol onto the All Wales Locum Register?

For the purposes of the All Wales Locum Register, partnership GPs who provide locum cover in their own practice would be classed as internal locums and would not need to enrol on the All Wales Locum Register. Partners who provide locum

cover outside their own practice (unless classed as Out of Hours locum cover) would need to enrol on the All Wales Locum Register.

<http://www.nwssp.wales.nhs.uk/primary-care-sustainability>

24. I'm a locum. I want to be a member of the General Medical Practice Indemnity but I cannot register by 1 April 2019. What should I do?

Locum GPs can enrol onto the All Wales Locum Register at any time. Once entered onto the All Wales Locum Register locum GPs are covered by the GMPI Scheme.

- <http://www.nwssp.wales.nhs.uk/primary-care-sustainability>
- By email: NWSSP.PrimaryCareWNWRS@wales.nhs.uk
- By telephone: 01792 860498/0490

25. Will Out of Hours Locum GPs continue to access indemnity from Shropdoc?

Out of Hours locum GPs are not captured by the current plans for the All Wales Locum Register, therefore all existing arrangements will continue to apply. Further work will be undertaken to consider including Out of Hours locum GPs within the arrangements in the future.

<http://www.nwssp.wales.nhs.uk/primary-care-sustainability>

26. What about claims crossing the Wales / England Border?

If a complaint or claim arises from treatment provided by a General Medical Practice in both Wales and England, the General Medical Practice should inform L&R and it will liaise with NHS Resolution (NHSR).

Where treatment of a patient commenced in England and was continued by a General Medical Practice in Wales and a complaint or claim arises then the

General Medical Practice should inform L&R and where appropriate L&R will liaise with NHSR.

If treatment is provided to an English patient by a General Medical Practice in Wales, the GP in Wales should contact L&R for advice.

For those General Medical Practices located on the border between Wales and England and are registered on two Medical Performers Lists, communication of a complaint or claim should be made to L&R and to the General Medical Practitioner's indemnity provider in relation to any English care.