

The Clinical Negligence Scheme for General Practice (CNSGP) What is in, what is out and who do I approach for help?

The [Clinical Negligence Scheme for General Practice \(CNSGP\)](#) was introduced on 1 April 2019 and provides comprehensive indemnity for clinical negligence liabilities arising in NHS general practice in relation to incidents that occur on or after 1 April 2019.

What do I need to know about the CNSGP?

- The CNSGP **does** extend to all providers of NHS primary medical services (both in and out-of-hours) irrespective as to whether the service is provided under a GMC, PMS or APMS contract.
- The CNSGP **does** operate on an occurrence-based basis, which means that the scheme will respond to incidents (that fall within the scope of the scheme) even if you have retired from practice, are on a career break, maternity leave or sick leave when the claim is received.
- The CNSGP places you under an obligation to notify NHS Resolution about specified matters within specified timeframes (as set out in the table *Who could/should I approach for advice?*).
- The CNSGP **does not** extend to incidents that occurred before 1 April 2019 (although [MPS](#) and [MDDUS](#) have reached a commercial agreement with the Government in relation to the management of claims arising prior to this date).
- The CNSGP **does not** extend to incidents arising from non-NHS activities (for example, insurance reports, HGV Medicals, medicolegal reports etc).
- The CNSGP **does not** extend to incidents arising from *voluntary* activities, including Good Samaritan acts, Good Neighbour acts and overseas work.
- The CNSGP **does not** extend to the provision of assistance with inquests, complaints (unless there is a concurrent claim, the Parliamentary and Health Service Ombudsman is involved or an offer of financial compensation/redress is being contemplated in the context of the local resolution procedure), GMC investigations, disciplinary proceedings, investigations

under the provisions of the NHS Performers List Regulations, employment and/or contractual disputes, criminal investigations and non-clinical liabilities (for example, defamation).

Do I need to retain membership of a Medical Defence Organisation (MDO) and/or have any other form of indemnity or insurance?

In light of the fact that the CNSGP will respond only to claims that fall within the scope of the scheme, you need to ensure that you have appropriate indemnity and/or insurance in place for the matters highlighted above that fall outside the scope of the scheme.

You should therefore retain membership with your MDO or other equivalent indemnity/insurance provider.

The MDOs can be contacted via the following links:

- [Medical Protection Society](#)
- [Medical Defence Union](#)
- [Medical and Dental Defence Union of Scotland](#)

How do I contact NHS Resolution?

If you require advice about a claim that falls (or may fall) in part or in full to the CNSGP, NHS Resolution can be contacted as follows:

- Email - cmsgpnotification@resolution.nhs.uk – you should set out the basis of your query without providing any documents or patient identifiable information in the first instance and NHS Resolution will respond.
- Telephone – 0800 0306798 – this is a 24-hour helpline that will allow you to discuss your query with a legal advisor.

Who could/should I approach for advice?

The attached table details who to contact, include mandatory reporting requirements.

Who could/should I approach for advice?



Please note that the mandatory reporting requirements for NHS Resolution relate to incidents that occurred in whole or in part after 1 April 2019.





	Londonwide LMCs	MDO (or equivalent)	NHS Resolution	The BMA	Other
I have received a complaint.	There is no requirement to involve LLMC, however our GP Support team can guide and support you through the process.	✓	There is no absolute obligation to inform NHS Resolution unless one or more of the mandatory reporting requirements (which are set out in this table) is/are engaged.		Complaints must be handled in accordance with the NHS Complaints Regulations and you must comply with your CQC obligations in relation to receiving and acting on complaints.
I have received a complaint in which the response will need to include what amounts to an admission of a breach of duty.	There is no requirement to involve LLMC, however our GP Support team can guide and support you through the process.	✓	You must report such matters to NHS Resolution as soon as possible.		Complaints must be handled in accordance with the NHS Complaints Regulations and you must comply with your CQC obligations in relation to receiving and acting on complaints.

	Londonwide LMCs	MDO (or equivalent)	NHS Resolution	The BMA	Other
I have received correspondence from the Parliamentary and Health Service Ombudsman (PHSO) in relation to a complaint.	There is no requirement to involve LLMC, however our GP Support team can guide and support you through the process.	✓	You must contact both NHS Resolution and your MDO within 1 week of receipt of any correspondence from the PHSO.		Complaints must be handled in accordance with the NHS Complaints Regulations and you must comply with your CQC obligations in relation to receiving and acting on complaints.
I have received request for a statement by the coroner.	Your MDO would be best placed to assist you, however our GP Support team may be able to provide you with some general advice.	✓	There is no absolute obligation to inform NHS Resolution unless one or more of the mandatory reporting requirements (which are set out in this table) is/are engaged.		You may have a duty to self-refer to the GMC and NHSE if you are criticised by the coroner – your MDO will be able to advise you in relation to your obligations.
I have been called to give evidence at an inquest.	Your MDO would be best placed to assist you, however our GP Support team may be able to provide you with some general advice.	✓	There is no absolute obligation to inform NHS Resolution unless one or more of the mandatory reporting requirements (which are set out in this table) is/are engaged.		You may have a duty to self-refer to the GMC and NHSE if you are criticised by the coroner – your MDO will be able to advise you in relation to your obligations.

	Londonwide LMCs	MDO (or equivalent)	NHS Resolution	The BMA	Other
I have become the subject of a complaint to the GMC.	Your MDO would be best placed to assist you, however our GP Support team can guide and support you in relation to any NHS England investigation that may ensue.	✓	There is no absolute obligation to inform NHS Resolution unless one or more of the mandatory reporting requirements (which are set out in this table) is/are engaged.		You have a duty to inform NHSE if you become the subject of an investigation by a regulatory body.
I have become the subject of a police investigation*.	Your MDO would be best placed to assist you, however our GP Support team can guide and support you in relation to any NHS England investigation that may ensue.	✓	There is no absolute obligation to inform NHS Resolution unless one or more of the mandatory reporting requirements (which are set out in this table) is/are engaged.		You may have a duty to self-refer to the GMC and NHSE – your MDO will be able to advise you in relation to your obligations.
I have become the subject of the practice disciplinary procedure and/or referral to the PAG/PLDP** relating to my personal conduct.	There is no requirement to involve LLMC, however our GP Support team can guide and support you through the process.		There is no absolute obligation to inform NHS Resolution unless one or more of the mandatory reporting requirements (which are set out in this table) is/are engaged.	✓	

	Londonwide LMCs	MDO (or equivalent)	NHS Resolution	The BMA	Other
I have become the subject of a practice disciplinary procedure and/or referral to the PAG/PLDP as a result about concerns about my health.	There is no requirement to involve LLMC, however our GP Support team can guide and support you through the process.	✓	There is no absolute obligation to inform NHS Resolution unless one or more of the mandatory reporting requirements (which are set out in this table) is/are engaged.	✓	
I have become the subject of a practice disciplinary procedure and/or referral to the PAG/PLDP as a result of concerns about my clinical performance.	There is no requirement to involve LLMC, however our GP Support team can guide and support you through the process.	✓	There is no absolute obligation to inform NHS Resolution unless one or more of the mandatory reporting requirements (which are set out in this table) is/are engaged.		

	Londonwide LMCs	MDO (or equivalent)	NHS Resolution	The BMA	Other
I have received a letter from a solicitor seeking disclosure of a patient's record with a direct or inferred intention to investigate a clinical negligence claim.		 For incidents that occurred in whole or in part before 1 April 2019, you must report matters to your MDO in accordance with their reporting requirements.	You must contact NHS Resolution as soon as possible but no later than one week after the receipt of such correspondence.		
I have received a demand for compensation (for example; a Letter of Claim) from a patient or their solicitor.		 For incidents that occurred in whole or in part before 1 April 2019, you must report matters to your MDO in accordance with their reporting requirements.	You must report the matter to NHS Resolution within 24 hours of the receipt of such correspondence and provide all the relevant documents within 2 weeks.		

	Londonwide LMCs	MDO (or equivalent)	NHS Resolution	The BMA	Other
I have received a request for an extension of the limitation period from a patient or their solicitor.		 For incidents that occurred in whole or in part before 1 April 2019, you must report matters to your MDO in accordance with their reporting requirements.	You must report the matter to NHS Resolution within 24 hours of the receipt of such correspondence and follow their advice.		
I have been involved in a notifiable patient safety incident that has or may have resulted in serious harm.			You must contact NHS Resolution as soon as possible but no later than one month after you become aware of the incident.		You must comply with your obligations under the Duty of candour .
I have received a complaint and in the context of the response, I am intending to offer some form of financial compensation and/or redress.		 For incidents that occurred in whole or in part before 1 April 2019, you must report matters to your MDO in accordance with their reporting requirements.	You must report the matter to NHS Resolution not less than four weeks before the offer is due to be sent to the patient.		Complaints must be handled in accordance with the NHS Complaints Regulations and you must comply with your CQC obligations in relation to receiving and acting on complaints.

	Londonwide LMCs	MDO (or equivalent)	NHS Resolution	The BMA	Other
I have been involved in an incident which has the potential to involve a number of patients (for example; a cold chain storage problem with vaccinations).	✓	✓ For incidents that occurred in whole or in part before 1 April 2019, you must report matters to your MDO in accordance with their reporting requirements.	You must contact NHS Resolution as soon as possible but no later than two weeks from when you became aware of the matter.		You must comply with your obligations under the Duty of candour .
I have received a complaint or correspondence suggesting a potential claim relating to a non-NHS contracted activity (for example; relation an insurance report or to an HGV medical)	✓	✓ You must report matters to your MDO in accordance with their reporting requirements.	Such matters fall outside the scope of the CNSGP.		

*MDOs are likely to provide assistance with criminal matters that arise in the context of the provision of clinical care and, whilst MDOs may not provide assistance with criminal investigations unrelated to the provisions of clinical care, they may assist in advising you in relation to your professional obligations and/or with any GMC investigation that may ensue (you should check the position with your MDO).

**The PAG is the Performance Assessment Group, the PLDP is the Performers List Decision Panel; you can read more about the PAG and the PLDP [here](#).