



For All London Practices supported by Londonwide LMCs

From April 2019, all clinical negligence costs relating to NHS general practice activity will be covered by the Clinical Negligence Scheme for General Practice (CNSGP) which will be operated through NHS Resolution.

There is no subscription cost for the scheme; membership will be free. There will be a one-off permanent adjustment to the global sum which takes into account previous money allocated to indemnity in general practice.

Who is covered

All NHS activity that consists of, or is in connection with, the provision of primary medical services under a GMS, PMS or APMS contract will be covered, plus out-of-hours provision. It will automatically cover contractor and salaried GPs, GP locums, prison GPs, trainees, nurses, allied health professionals and all other professional groups working in delivery of primary medical services, as defined in forthcoming regulations.

What is included

The scheme covers:

- Liabilities incurred on or after 1 April 2019; and
- Liabilities arising from an act (or an omission to act) on the part of a GP or any other person working in a general practice setting where that act (or omission):
 - is connected to the diagnosis, care or treatment of a patient; and
 - results in personal injury or loss to the patient.

There are no formal membership or other registration requirements for either individuals or practices/organisations.

The indemnity provided under the scheme continues to apply where a GP or other person is no longer practising or working in general practice at the time a claim is made (which can be many months, sometimes years, after the clinically negligent act or omission occurred).

What is not included

CNSGP does not cover all general practice activities. Practices and staff will still need to take out separate medical defence organisation (MDO) cover for professional practice, additional advisory services, and private work. The cost of such indemnity will not be covered by the Government and GPs are advised to retain or continue with membership of an MDO to cover all eventualities. Regarding practice coverage of fees for such cover, what constitutes a fair solution for practice staff will vary and be a matter for individual practices to decide.



Activities and services not covered by the scheme include:

- Legal advice,
- GMC representation,
- Indemnity for private non-NHS work,
- Inquests,
- Regulatory and disciplinary proceedings,
- Employment and contractual disputes,
- Non-clinical liabilities such as those relating to defamation,
- Complaints (unless there is a formal claim for compensation for clinical negligence as well), and
- Primary care NHS dentistry, optometry and community pharmacy

Clarification is being sought regarding the need for cover for a range of services and procedures including hospice work.

Continuing MDO Membership

While it is unlikely to be a condition of inclusion on the Medical Performers' List (MPL) or GMC register that a doctor maintains membership of an MDO after 1 April 2019, we would strongly recommend that doctors continue to maintain membership with an MDO or other indemnity provider in respect of activities and services not covered by CNSGP.

Cover for historic practice

If you have indemnity arrangements that are not an occurrence-based product – for example, claims paid products – the Department of Health and Social Care has confirmed you will require run-off cover for historic claims unless the terms of your cover specify any defined circumstances where this would not be required. This will particularly apply to MDU members on the Transitional Benefits Scheme (TBS). If you are unsure of your current indemnity arrangements, then you should contact your existing indemnity provider.

Dr Michelle Drage - with thanks to Dr Hannah Theodorou and Sam Dowling of Londonwide LMCs