

General Practice Indemnity Overview

CNSGP
ELSGP

- Introduction to NHS Resolution
- Background and benefits of Clinical Negligence Scheme for General Practice (CNSGP)
- Scope
- Existing Liabilities Scheme for General Practice
- How claims will be managed and associated tools
- Summary and close

Introducing NHS Resolution

- **Formerly called the NHS Litigation Authority (NHS LA)** – joined by the National Clinical Assessment Service and the Family Health Services Appeal Unit, functions brought together by successive arm's length body reviews.
- **Established in 1995** to bring expertise and economies of scale to the management of compensation claims against the NHS in England and to pool the risk of such claims.
- **Changed our name in 2017** to better reflect all core functions under a shared purpose and our five-year strategy.

Our vision

To provide expertise to the NHS to resolve concerns fairly, share learning for improvement and preserve resources for patient care

Claims Management

Delivers expertise in handling clinical and non-clinical claims to members of our indemnity schemes

Primary Care Appeals

Offers an impartial tribunal service for the fair handling of primary care contracting disputes

Practitioner Performance Advice

Provides advice, support and interventions in relation to concerns about performance of doctors, dentists and pharmacists

Safety and Learning

Supports indemnity scheme members to better understand their claims risk profiles, to target their safety activity while sharing learning

Our strategy to 2022: 'Delivering fair resolution and learning from harm'



1. Resolution

We will resolve concerns and disputes fairly and effectively.

2. Intelligence

We will provide analysis and expert knowledge to the healthcare and civil justice systems, to drive improvement.

3. Intervention

We will deliver in partnership, interventions and solutions that improve safety and save money.

4. Fit for purpose

We will be fit for purpose by offering best value and developing our people, relationships and infrastructure.



Clinical Negligence Scheme for General Practice (CNSGP) for incidents occurring on/after 1 April 2019. Administered and operated by NHS Resolution on behalf of the Secretary of State for Health and Social Care.

Historic liabilities – ongoing discussions with the medical defence organisations. Agreement with the MPS and MDDUS reached with NHS Resolution oversight.

Why a state backed scheme?

- Rising indemnity costs were an increasing source of concern for general practitioners, those working in general practice more widely and the issue was negatively affecting the GP workforce. The Government was committed to ensuring that general practice remains an attractive long-term career option.
- The Department of Health and Social Care wanted to deliver a more affordable system for general practice, GPs and their patients that represents value for money for taxpayers. The arrangements (including future costs) were embedded into GP contract negotiations.

The benefits of CNSGP

- Bringing clinical indemnity cover for all NHS activities in England under one roof. For the first time, one organisation will have access to the learning from all NHS clinical negligence claims and what can be done in a consistent way to reduce claims and improve patient safety.
- CNSGP is centrally funded, meaning that those working in general practice do not need to make any payments to benefit from the scheme.
- Cover is automatic, there is no need to register or apply to the scheme.
- Scheme provides cover on an occurrence based arrangement.

Who is it for?

- Everyone who delivers primary medical care as part of the provision of NHS Services in England under appropriate contracting arrangements is covered.

What are the changes?

- Covers activities under the contract, not specific individuals.
- No individual membership is required.

Who is covered?

The scheme applies to any liability in tort (civil wrongdoings such as negligence) that arises as a consequence of a breach of a duty of care owed by a GP contractor or GP sub-contractor to a third party in connection with the provision of primary medical services or ancillary health services where –

- (a) An act, or omission, on the part of the GP /contractor/sub-contractor (or any employee or other person engaged by them) results in personal injury or loss to the third party;
- (b) The act, or omission, is in connection with the diagnosis of an illness or the provision of care or treatment to the third party; and
- (c) The act or omission occurs **on or after 1 April 2019**.

The National Health Service (Clinical Negligence Scheme for General Practice) Regulations 2019.

Clinical negligence

an act, or an omission to act in connection with the diagnosis of an illness or the provision of care or treatment which results in personal injury or loss

for

“Eligible persons”

- Contract holder (GP Partner)
- Employee
- “otherwise engaged”
- Sub-contractor

doing

“Relevant functions”

- General Medical Services (GMS)/Primary Medical Services (PMS)/Alternative Provider of Medical Services (APMS)
- Other NHS work

Therefore not:

Professional cover

Private work

Secondary care by
NHS trusts

Who is in scope?

- Staff working in general practice who carry out relevant activities under a GMS, PMS or APMS contract, that consist of the diagnosis, care or treatment of a person are covered
- above includes Public Health Services, Secure Environments and dispensing doctors
- Primary medical care activities delivered under Schedule 2L of NHS Standard Contract
- Out of hours / integrated urgent care services (commissioned under APMS or Schedule 2L of NHS Standard Contract)
- Trainees and registrars
- Research implementation (not research design)
- Scheme scope table can be found here: <https://resolution.nhs.uk/wp-content/uploads/2019/09/CNSGP-Scheme-scope-table-1.pdf>

What is out of scope?

- Activities not covered by CNSGP include:
 - Any healthcare delivered otherwise than through the NHS or Local Authority funded contracts. This includes privately funded work undertaken by GPs and other primary care health professionals working in GP practices;
 - Other non-NHS/non-Local Authority funded activities such as reports and medicals undertaken by GPs for other departmental bodies and insurance work, which falls outside of essential services;
 - NHS primary care dentistry and private dentistry, other forms of privately-funded primary healthcare, community pharmacy and optometry

What is out of scope? (cont...)

- Medico-legal services other than those directly relating to clinical negligence claims, such as representation at inquests or in relation to professional regulation matters
- The following activities, unless they are being delivered under primary medical services contracts or are NHS ancillary health services under CNSGP:
 - Voluntary (including Good Samaritan/Good Neighbour) and overseas work
 - Healthcare commissioned and provided by the Ministry of Defence
 - GPs engaged by Department of Work and Pensions (DWP) (except completion of DWP forms required under a GMS contract are in scope and therefore covered).

- Existing Liabilities for General Practice (ELSGP) covers incidents that occurred prior to 1 April 2019 and where a medical defence organisation has made arrangements with DHSC
- Members of MDDUS and MPS prior to 1 April 2019 can refer clinical negligence claims relating to primary care to ELSGP
- MDU members will need to continue to refer claims relating to care provided prior to 1 April 2019 to MDU directly

How to report a new claim

- For incidents that occurred on/after 1 April 2019, report via mailbox nhsr.cnsgrpnotification@nhs.net and helpline **0800 030 6798**
- For incidents that occurred prior to 1 April 2019 involving MDDUS/MPS members, report new claims via nhsr.elsgpnofifications@nhs.net and helpline **0800 030 6798**
- Report to NHS Resolution and MDO where allegations span the period pre and post 1 April 2019
- Notification Form
- Sharing information securely
- Storage of claim documentation and correspondence

How claims will be managed

- Request for medical records
- Letter of Claim
- Request for compensation contained in complaints documentation
- Legal proceedings
- Timescales – pre action protocol, civil procedure rules, court directions

How claims will be managed

What we will need from you

- Notification Form to be completed in full, to include details of the contract under which the service has been provided to support claim verification ('in scope').
- Relevant documents – Letter of Claim/GP records/clinical comment from staff involved/complaints or other associated documentation/expert evidence/inquest documentation.
- Details of a lead point of contact at the practice.
- Co-operation and timely input into the investigation and resolution of a claim.

How claims will be managed

What you can expect from us

- Collaborative approach to working with you.
- Instruction of NHS Resolution legal services panel firm to co-ordinate investigations into liability, where appropriate.
- Written advice analysing the available evidence and our recommendations and next steps for claim resolution.
- Obtaining your agreement to make any formal admissions of liability.
- Wider NHS Resolution objective of learning from claims to help improve patient safety.

In agreement with the Department of Health and Social Care we have published a range of documentation with guidance on:

- The scheme rules (and a short guide)
- When and how to report a (potential) claim
- Responding to complaints
- How long patients have to bring a claim
- What happens when a claim is brought
- Disclosing records



Please visit <https://resolution.nhs.uk/services/claims-management/clinical-schemes/clinical-negligence-scheme-for-general-practice/>

- Background and benefits of CNSGP and ELSGP
- What and who is covered under the scheme
- Approach to claims management and helpful resources

Any questions?

Contact details for queries:

- Mailbox for queries - nhsr.cnsgp@nhs.net
- Helpline number - 0800 030 6798
- Mailbox for new claims
nhsr.cnsgpnotification@nhs.net or
nhsr.elsgpnotifications@nhs.net