



**Council**  
**4 February 2015**  
**Professional Indemnity Rules**

<b>Classification</b>	Public
<b>Purpose</b>	For decision
<b>Issue</b>	<p>GOSc is required to make changes to its Professional Indemnity Insurance Rules 1998 following the implementation of EU Directive 2011/24/EU.</p> <p>The new rules have been subject to extensive consultation and are due to take effect from 1 May 2015.</p>
<b>Recommendation</b>	To make new rules, attached at the Annex, to take effect on 1 May 2015.
<b>Financial and resourcing implications</b>	None
<b>Equality and diversity implications</b>	These have been considered as part of the earlier consultations.
<b>Communications implications</b>	We have notified the profession of the new rules through <i>The Osteopath</i> magazine and through e-bulletin articles. We will continue to do this up to and beyond 1 May 2015. We will also write to the insurers following this meeting to advise them of Council's decision.
<b>Annex</b>	Draft General Osteopathic Council (Indemnity Arrangements) Rules Order 2015
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## Background

1. The Osteopathic Practice Committee (OPC) has been overseeing work which will lead to the revision of the General Osteopathic Council Professional Indemnity Insurance Rules 1998 following the implementation of EU Directive 2011/24/EU.
2. A brief summary of this work is outlined below:

Date	Action
May 2013	OPC considered the current and future insurance requirements in relation to five specific areas: <ol style="list-style-type: none"> <li>a. the degree of prescription in relation to risk</li> <li>b. the appropriate amount of insurance cover required</li> <li>c. the requirement for run-off cover</li> <li>d. monitoring compliance with the insurance rules</li> <li>e. requirements for registrants practising overseas.</li> </ol>
June 2013 to August 2013	Having regard for the above the Executive developed a draft consultation document on the principles to underpin new PII rules.
September 2013	The draft consultation document was considered by the OPC.
October 2013	Council approved the publication of the consultation document.
November 2013 to January 2014	A three-month consultation was completed.
February 2014	A headline summary of the 47 consultation results was presented to the OPC.
June 2014	A more detailed analysis of the 47 consultation results was presented to the OPC which agreed the key points to be taken forward into new PII Rules.
July 2014	The Executive met with the insurance providers to discuss the impact of new rules.
July 2014	Council considered the detailed analysis and agreed that new rules should be published for consultation, subject to

	discussion with Department of Health lawyers.
August 2014 to October 2014	The Executive entered into discussion with Department of Health lawyers to ensure the Department was content with the new rules before consultation.
November 2014 to December 2014	A consultation with the profession and stakeholders on the new rules was held.
January 2015	The results of the consultation were considered by the Executive.
February 2015	Council is presented with the results of the second consultation and asked to make new rules to take effect on 1 May 2015.

## Discussion

### *Consultation results*

3. As outlined in the table above, the GOsC has undertaken a two-stage consultation process.
4. The first consultation, which was on the principles to underpin new rules, was a three-month consultation that provided the Executive with the feedback it needed to draft new rules. To this important technical consultation GOsC received an excellent response rate from a wide ranging set of stakeholders.
5. The second consultation, which ran from 3 November 2014 until 31 December 2014, was a procedural consultation that was required by the Department of Health before new rules can be made.
6. The questions in the consultation document were primarily short, closed questions. To this consultation GOsC received six responses. The questions, and their responses, are set out in the table below.

<b>Consultation question</b>	<b>Consultation results</b>	<b>GOsC response</b>
Do you agree that the new rules reflect that all registrants are required to hold an indemnity arrangement which is compliant with the rules?	All six respondents agreed.	-

Do you agree that the prescribed risks are described sufficiently?	Five respondents agreed. One respondent made two minor drafting suggestions.	The Executive has considered the suggestions but do not consider that the amendments are necessary.
Do you agree that new rules prescribe clearly the minimum level of cover which has been increased from £2.5m to £5m?	All six respondents agreed.	-
Do you agree that the new rules make run-off requirements clearer?	Four respondents agreed. One respondent disagreed. One respondent did not answer.	The consultation response which did not agree commented that no timescales were provided in the Rules. The Executive are of the view that the Rules are drafted so that run off cover is required in perpetuity.
Do you agree that the new rules describe clearly how the Registrar may determine whether a registrant is compliant with the rules?	All six respondents agreed.	-

7. The Executive have notified the Department of Health lawyers and the Privy Council that the consultation on the rules has now closed and that Council will today be asked to make new Rules to take effect on 1 May 2015.

**Recommendation:** to make new rules, attached at the Annex, to take effect on 1 May 2015.