



Policy Advisory Committee

12 June 2019

Draft Practice Note on Professional Indemnity Insurance and Public Liability Insurance Requirements

Classification	Public
Purpose	For discussion
Issues	This paper proposes the introduction of a Practice Note on the requirements of professional indemnity insurance and public liability insurance for registrants
Recommendations	To consider the draft Practice Note.
Financial and resourcing implications	None identified
Equality and diversity implications	None identified
Communications implications	A public engagement strategy with key stakeholders will be required
Annex	Draft Practice Note on Professional Indemnity Insurance
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Background

1. The GOsC Business Plan for 2018/19 states that we will 'develop separate guidance on Professional Indemnity Insurance (PII) for use by Fitness to Practise Committees'. In addition, on 15 November 2017, we held the second Determination Review Group (DRG) meeting to review final outcomes from PCC decisions. At this meeting the DRG reviewed determinations of four final PCC hearings all relating to professional indemnity insurance cases, including three learning points issued by the PSA. The DRG considered that issuing separate guidance on indemnity insurance for use by both Investigating and Professional Conduct Committees would assist Committees generally in the approach they take to indemnity insurance cases.
2. In order to address our concerns that osteopaths are placing their patients at risk by practising without appropriate insurance in place, the GOsC has been taking active measures to raise awareness amongst registrants about their duty to maintain both PII and also public liability insurance. For example,
 - a. the updated guidance to Standard D2 of the Osteopathic Practice Standards (2018), 'You must act with honesty and integrity in your professional practice', now provides explicitly that osteopaths 'must have a professional indemnity insurance arrangement which provides appropriate cover in accordance with the requirements of the Osteopaths Act 1993 and the current Professional Indemnity Insurance rules'.
 - b. we continue to publish articles in the osteopath magazine and other social media platforms. The March/April 2019 issue of the Osteopath magazine included an article outlining the difference between PII and public liability insurance and explaining osteopaths' requirements in relation to both.
3. The GOsC continues to receive concerns about professional indemnity insurance. Since the beginning of 2018, the GOsC has opened 14 investigations relating to an alleged failure to maintain adequate professional indemnity insurance (PII).

Discussion

4. The proposed draft Practice Note which appears at the Annex is also part of our ongoing work to raise awareness about insurance requirements for the profession. The purpose of this guidance is to provide a clear overview of the requirements in relation to both PII and public liability insurance for osteopaths.
5. The proposed draft Practice Note outlines the provisions within the Osteopaths Act 1993 (as amended) and the General Osteopathic Council (Indemnity Arrangements) Rules Order of Council 2015 as they relate to PII cover. It also sets out the requirements as outlined in the Osteopathic Practice Standards, effective from 1 September 2019, see above.
6. The intended purpose of the document is to provide clear information about the requirement to have adequate PII and public liability insurance in place while registered with the GOsC for:

- a. Registrants and those wishing to register with the GOsC
 - b. Fitness to practise panels convened to hear allegations relating to a failure to maintain adequate insurance in place
7. In addition, the proposed draft Practice Note captures key points derived from feedback we have received from the Professional Standards Authority PSA where 'learning points' were identified to assist the PCC in the approach they take to PII cases. These learning points were published in an article about PII in the February/March 2018 edition of the Osteopath Magazine. The key points are as follows:
- Practising without indemnity insurance calls into question an osteopath's commitment to patient safety.
 - It is important that patients can recover any compensation they might be entitled to in the event of a successful claim.
 - An osteopath's failure to have insurance is not an 'administrative' failure and can potentially have wider consequences i.e. for the public interest.
 - An osteopath practising without any/adequate indemnity insurance should be taken seriously as it is a statutory requirement.
- A failure to have appropriate PII will not be regarded as less serious by a Professional Conduct Committee simply because an osteopath has not seen patients.

Next steps

8. Following consideration of the feedback from the Committee, we intend to seek the approval of Council to publish the Practice Note for consultation.

Recommendation: to consider the draft Practice Note on professional indemnity insurance for registrants