

## Health Care and Associated Professions (Indemnity Arrangements) Order 2013

Number	Question	GOsC response
1	Do you agree that the requirement for healthcare professionals to have an indemnity arrangement in place should match the requirements set out in the Directive and place an obligation on healthcare professionals themselves to ensure that any indemnity arrangement in place is appropriate for their duties, scope of practise, and to the nature and the extent of the risk?	<p>We agree in principle with the requirement that healthcare professionals should have an indemnity arrangement in place and there should be an obligation on healthcare professionals themselves to ensure that any indemnity arrangement is appropriate for their duties, scope of practise and the nature and the extent of risk.</p> <p>However, we also believe that it is appropriate for a regulator to set minimum requirements for that cover in the interests of public protection. The insurance market for independent healthcare professionals, such as osteopaths, is not a mature market and new entrants and policies appear regularly. There is a risk that considerations of cost could outweigh individual assessment of the cover required leading to gaps in public protection.</p> <p>We believe that this is particularly important in relation to run-off cover where a claim may arise after the healthcare professional has moved to another insurer or their registration has ceased. In the latter eventuality, unless during the period of registration we are able to require run off cover to be in place, there is no action that can be taken to protect patients at a later date.</p>
2	Do you agree with the proposed definitions of an indemnity arrangement?	We agree with the proposed definition.
3	<p>Do you agree with the proposed provisions that provides healthcare professional regulatory bodies with a power to make rules on:</p> <p>a) What information needs to be provided by</p>	<p>We agree that healthcare professional regulatory bodies should have powers to make rules based in connection with the points listed at 3(a)-(c).</p> <p>Paragraph 42 of the document refers to the inclusion of the</p>

## Annex B to 5

	<p>healthcare professionals, and when, in relation to the indemnity arrangement they have in place;</p> <p>b) The requirement to inform the Regulator when cover ceases;</p> <p>c) The requirement for healthcare professionals to inform their regulatory body if their indemnity arrangement is one provided by an employer?</p>	<p>words 'types of indemnity arrangement required' in the proposed amendment to section 37 of the Osteopaths Act. We do not believe that the words 'types of' are necessary as our desire to be able to specify aspects of the cover required are covered by the words 'arrangement' in 37(4) and 'appropriate in 37 (3) (a) and (b).</p>
4	<p>Do you agree with the proposal to allow healthcare regulatory bodies the ability to refuse to allow a healthcare professional to join, remain on, or return to, their register, or for the GMC, to hold a licence to practise unless they have an indemnity arrangement in place?</p>	<p>We agree in principle with the proposal that healthcare regulatory bodies should have the ability to refuse to allow a healthcare professional to join, remain on, or return to their register unless they have an indemnity arrangement in place. However, care must be taken to ensure that new graduates, and those wishing to return to the register, do not find themselves unable to demonstrate they hold an appropriate indemnity arrangement.</p> <p>Osteopathic graduates wanting to join the register, and individuals wishing to return to the register, may not be able to purchase an appropriate indemnity arrangement with a provider unless that provider is satisfied the individual has been registered.</p> <p>An unintended consequence may be that the applicant could not gain access to the register without holding an appropriate indemnity which they were unable to purchase because they were not registered.</p> <p>In the case of the proposed amendment to the osteopaths Act this appears to have been addressed in section 37 (4) (a) that the cover is in place at the point the registrant commences practice.</p>

## Annex B to 5

5	Do you agree with the proposal to permit healthcare professional regulatory bodies to remove a healthcare professional from their register, withdraw their licence to practise, or take fitness to practise action against them, in the event of there being an inadequate arrangement in place?	<p>We agree that the registration of a healthcare professional should not be renewed if at the point of renewal the registrant is unable to demonstrate that they hold an appropriate indemnity arrangement.</p> <p>We also agree that if during a registration year the healthcare regulatory body becomes aware that there is an inadequate indemnity arrangement in place then fitness to practise action should commence against the registrant.</p>
6	Please provide any information with regard to the assumption that the majority of independent midwives will be able to obtain cover through Social Enterprise Companies or other schemes.	n/a
7	Do you agree that the provisions in the Draft order should only apply to qualified healthcare professionals and not students?	We agree that the Draft order should only apply to qualified healthcare professionals registered with a healthcare regulatory body and should not apply to students. We believe that it must be the duty of educational institutions and other training providers to ensure that appropriate cover is in place for students.
8	Are there any equalities issues that would result from the implementation of the Draft Order which require consultation? If so, please provide evidence of the issue and the potential impact on people sharing the protected characteristics covered by the Equality Act 2010: disability; race; age; sex gender reassignment; religion and belief; pregnancy and maternity and sexual orientation and carers (by association)	As we already have a requirement for indemnity arrangement to be in place we do not believe the implementation of this Draft Order would result in any equalities issues which would require consultation.
9	Please provide comments as to the accuracy of the costs and benefits assessment of the proposed changes as set out in the Impact Assessment	We do not have any comments in relation to the costs and benefits assessment of the proposed changes. Osteopaths are already providing proof of holding appropriate indemnity arrangements as part of their registration requirements.

## Annex B to 5

10	Please provide information on the numbers of self employed registered healthcare professionals and whether they are in possession of indemnity cover or business insurance which includes public liability insurance and professional indemnity insurance	The GOsC has 4690 registrants of which the majority are self-employed healthcare professionals who are already required to hold appropriate indemnity cover. We are aware of minimal numbers of practitioners who rely on employer cover rather than their own insurance arrangements.
11	Please provide information on the numbers of employed healthcare professionals who, in addition to working in an employed capacity covered by an employer's arrangement for indemnity or insurance, also undertake self-employed practice. Where possible, please provide information as to whether they are in possession of indemnity cover or business insurance which includes public liability insurance and professional indemnity insurance for that self-employed element of their practice.	Please see above answer.
12	Do you have views or evidence as to the likely effect on costs or the administrative burden of the proposed changes set out in the Draft Order?	Osteopaths are already providing proof of holding appropriate indemnity arrangements as part of their registration requirements and therefore we see no additional administrative burden being placed on registrants as a result of the Draft Order.
13	Do you think there are any benefits that are not already discussed relating to the proposed changes?	The change in legislation is providing us with an opportunity to move from an annual check of insurance documentation to a self-declaration at renewal underpinned by random checking of insurance status. This will allow us to reduce compliance costs on registrants.
14	Do you have any further comments on the Draft Order itself?	We do not have any further comments we wish to make in relation to the Draft Order.