

Health Care and Associated Professions (Indemnity Arrangements) Order 2013

Consultation Questions

Please fill in and/or tick the appropriate response.

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I do not wish my response to be passed to other UK Health Departments

I do not wish my response to be published in a summary of responses

Please indicate all the countries to which your comments relate:

UK-wide **and/or**

England

Northern Ireland

Scotland

Wales

Are you responding:

- **as a member of the public**
- **as a health or social care professional**
- **on behalf of an organisation**

If you are responding as a health or social care professional, please supply the following details:

Profession:

Consultant dermatologist

Country of qualification Please indicate as appropriate:

UK

Other EEA

Rest of World

Area of work

NHS

Voluntary

Social Care

Regulatory Body

Private Health

Professional Body

Education

Trade Body

Union

Other (please give details)

Local Authority

If you are responding on behalf of an organisation, please supply the following details:

NHS
Voluntary

Social Care
Regulatory Body

Private Health
Professional Body

Education
Trade Body

Union
Other (please give details)

Local Authority

British Association of Dermatologists

Please indicate whether your comments refer to requirements to be introduced generally, or to a particular healthcare professional regulatory body or bodies

Generally

GCC

GDC

GMC

GOC

GOsC

GPhC

HCPC

NMC

Health Care and Associated Professions (Indemnity Arrangements) Order 2013

Consultation Questions

Q1: 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 to their duties, scope of practise, and to the nature and the extent of the risk?

Agree **Disagree** **Unsure**

Please set out your reasons in your response.

Comments

This will protect patients Professionals who do not comply with safe practice will be unable to obtain indemnity and therefore not be registered so this will be evident to the public

Q2: Do you agree with the proposed definition of an indemnity arrangement?

Agree **Disagree** **Unsure**

Please set out your reasons in your response.

Comments

this covers indemnity by an employer e.g. the NHS and private insurance

Q3: Do you agree with the proposed provisions that set out:

(a) What information needs to be provided by healthcare professionals, and when, in relation to the indemnity arrangement they have in place;

Agree **Disagree** **Unsure**

(b) The requirement to inform the Regulator when cover ceases;

Agree **Disagree** **Unsure**

(c) The requirement for healthcare professionals to inform their regulatory body if their indemnity arrangement is one provided by an employer?

Agree **Disagree** **Unsure**

Please set out your reasons in your response.

Comments

this will ensure that indemnity is continuous

Q4: Do you agree with the proposal to allow healthcare professional 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?

Agree **Disagree** **Unsure**

Please set out your reasons in your response.

Comments

if they did not have this power then the arrangement would have no teeth

Q5: Do you agree with the proposal to permit healthcare professional regulatory bodies to remove a healthcare professional from their register, withdraw their license to practise, or take fitness to practise action against them, in the event of there being an inadequate indemnity arrangement in place?

Agree () **Disagree** () **Unsure** ()

Please set out your reasons in your response.

Comments

Patients should be protected and professionals who refuse to do this should have to have consequences or they wouldn't comply

Q6: Please provide any information with regard to the potential barriers to independent midwives moving to alternative governance and delivery practices in order to obtain appropriate indemnity arrangements.

Comments

Q7: Do you agree that the provisions in the Draft order should only apply to qualified healthcare professionals and not students?

Agree **Disagree** **Unsure**

Please set out your reasons in your response.

Comments

students will not be acting without supervision, will be indemnified by their training agency, and will not be on a register

Q8: Are there any equalities issues that would result from the implementation of the Draft Order which require consideration? 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 & belief; pregnancy and maternity and sexual orientation and carers (by association).

Agree **Disagree** **Unsure**

Comments

Q9: Please provide comments as to the accuracy of the costs and benefits assessment of the proposed changes as set out in the Impact Assessment (including, if possible, the provision of data to support your comments).

Comments

It would seem cheaper for professionals to have to provide evidence of indemnity than for regulatory agencies to have to provide evidence of no indemnity

Q10: 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.

Comments

Q11: 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, 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.

Comments

Many doctors undertake private practice in addition to their NHS indemnified work and have private insurance to cover this

Q12: 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?

Agree () **Disagree** () **Unsure** (x)

Please provide information/examples in support of your comments.

Comments

there will be administrative costs

Q13: Do you think there are any benefits or drawbacks that are not already discussed relating to the proposed changes?
Please provide information/examples in support of your comments.

Agree () **Disagree** (x) **Unsure** ()

Comments

Q14: Do you have any comments on the draft order itself?

Yes (x) **No** ()

Comments

It seems very sensible to protect patients and professionals undertaking work cannot object to having to provide evidence of indemnity in case things go wrong

Q15: What are your views on extending the requirement to hold an indemnity arrangement as a condition of registration to all professionals statutorily regulated by the Health and Care Professions Council? This would cover Social Workers in England only.

Agree () **Disagree** () **Unsure** (x)

Comments