



james hallam

Insurance Brokers

PLI CLAIM NOTIFICATION GUIDE

For Members of

The Chartered Society of Physiotherapy

July 2019

PLI Claims Notification Guide

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Introduction

Any claim or incident that challenges the professional integrity of CSP Members creates stress and anxiety for the Member concerned. Following these simple guidelines will ensure that expert help is engaged at an early stage of the proceedings.

This is a guide to the procedures for claim notifications only. It is not intended to be exhaustive and does not in any way alter the Terms and Conditions of the Medical Professional Liability Policy or the Public Liability Policy. In the event of any conflict, the Terms and Conditions of the CSPs Medical Professional Liability Policy and/or the Public Liability Policy will take precedence over this guide to the procedures for claims notification.

Triggers for Claim Notification

It is a requirement of the policy that you notify Insurers as soon as possible of any actual or potential claim, circumstance or incident that may reasonably be expected to give rise to a claim. You should seek the advice of the CSP brokers if you are unsure whether to report an incident or not.

About Us

We act as insurance brokers to the Chartered Society of Physiotherapy, and manage the Professional Liability Insurance (PLI) scheme on behalf of their members. Our details can be found on pages 6 and 9 of this document.

We are authorised and regulated by the Financial Conduct Authority.

The following list is illustrative, but not exhaustive, of the types of incidents and events that require notification by Members as soon as possible under the PLI scheme.

Notifiable Claims	Notifiable Circumstances
<ul style="list-style-type: none"> Any letter from a patient/client or their legal representatives informing members that legal proceedings have been commenced against them 	<ul style="list-style-type: none"> Letter from a patient, solicitor (or other Legal representative acting on the patient's behalf) requesting a member to release patient's records.
<ul style="list-style-type: none"> Any letter from a patient, client or their legal representatives stating that legal proceedings are intended against a member 	<ul style="list-style-type: none"> Coroners verdict on a deceased patient where the verdict suggests some lack of care or other failings in care
<ul style="list-style-type: none"> Any indication that the patient intends to pursue enquiries which may lead to a potential claim for inappropriate treatment or advice 	<ul style="list-style-type: none"> A patient withholding fees due, on clinical grounds e.g. alleged failure to diagnose, misdiagnosis, inappropriate treatment or failure to refer on
<ul style="list-style-type: none"> Any formal letter of claim relating to To the treatment or advice given 	<ul style="list-style-type: none"> Formal patient complaint on any aspect of the care provided by a member
<ul style="list-style-type: none"> Any adverse incident which has resulted In personal injury or property damage 	<ul style="list-style-type: none"> Publication by a third party (e.g. a newspaper) of allegations about standards of care given by members
	<ul style="list-style-type: none"> Where members are aware of any adverse incident that could give rise to a claim e.g. falls, personal injury, burns from Electrotherapy devices, damage to third party property etc. or other adverse incident
	<ul style="list-style-type: none"> Notification from the HCPC that a complaint has been received where patient harm is alleged or suspected
	<ul style="list-style-type: none"> Where an investigation into an adverse incident is required as part of statutory or professional Duty of Candour

If a Member is unsure whether an incident or circumstance should be reported, please contact the CSP's insurance brokers with as much information as possible.

Scope of Practice

If you are unsure whether an activity or modality is within the overall scope of the profession, please contact the CSP on paservice@csp.org.uk. The CSP insurance scheme does not cover activities that are considered to be outside the scope of physiotherapy practice.

Members' Obligations

There is a requirement under the insurance scheme for Members to act quickly and notify insurers via the CSP immediately they become aware of a claim or of an adverse incident which may give rise to a claim. Failure to do so may prejudice Members' Rights under the policies.

Important Note

It is not possible to register potential claims with insurers unless the claims process on the following pages are followed. Failure to register circumstances which might lead to potential claims, or the reporting of actual claims as soon as practicably possible may prejudice members rights to indemnity under the PLI policy.

Claims Process

Members should initially contact the CSP's Enquiry Handling Unit preferably by email on enquiries@csp.org.uk or by post to the

Enquiry Handling Unit
Chartered Society of Physiotherapy
14 Bedford Row
London
WC1R 4ED

Or by telephone on 0207 306 6666

If the notification involves a claim under the CSP PLI insurance scheme, details will be passed to the CSP's

Insurance Brokers for the following action:-

- The brokers will send the Member an acknowledgement email enclosing a claim form for completion and a copy of these guidance notes
- The completed claim form should be returned as soon as possible to the CSP's brokers at the following address:-

Claims Department
Pro Med, Corporate, SME, Claims
Saxon House
Duke Street
Chelmsford
Essex CM1 1HT

Or email to: promedschemes@jameshallam.co.uk

For assistance in any aspect of the notification, please speak to one of the broker's professional advisors on 01245 321185

Claims Process (continued)

- The claim form should be returned with as much information as possible including:-
 - Copies of all correspondence including emails
 - Evidence of Employment/Terms of Engagement where requested
 - Notes of any telephone conversations, text messages etc.

NB DO NOT SEND PATIENT RECORDS UNLESS REQUESTED
- The brokers will submit a copy of the claim form to the CSP for verification of Membership and Scope of Practice
- The brokers will confirm HCPC Registration (and any other regulatory obligations where Treatments were undertaken outside of the United Kingdom)
- Subject to satisfactory replies, all documents will then be submitted to the relevant insurer for confirmation of indemnity entitlement under the PLI scheme and registering as a potential claim under the MPLC Medical Malpractice policy or Travelers Insurance Co. Public Liability policy
- The insurer's own Medico Legal Team or Kennedys Solicitors on behalf of the MPLC will then be engaged to manage any claim direct with the Member until finalised or closed.

It should be noted that the CSP are not involved in the management of the claims process other than initial verification of Membership and Scope of Practice.

The majority of allegations received by Members are unfounded, but the process of resolving the various issues and establishing whether or not negligence has taken place, can be a long and slow process.

Responding to Claimants

Once members have received notification from the patient or their Solicitor that proceedings have started, members must act within defined time frames. The CSP's insurance brokers and/or the underwriters or solicitors acting on their behalf, will advise members what to do.

Members should not enter into correspondence with the claimant or their solicitors once insurers have been notified apart from:-

- Acknowledging receipt of any correspondence received
- Informing the claimant or their legal representatives that insurers have been notified of the matter
- Providing the contact details of insurers or the CSP's insurance brokers so that all future correspondence can be directed to them and not to the member

The Member should not at this stage discuss with any party (other than the claims team) the treatment or advice given, nor on any allegations made, or provide any offer of compensation, refund of fees, or make any admission of liability without the insurers consent.

Contact Details

CSP Insurance Brokers James Hallam

Saxon House
Duke Street
Chelmsford
Essex CM1 1HT

Email:
promedschemes@jameshallam.co.uk

Telephone: 01245 321185

www.jameshallam.co.uk

Medical & Professional Indemnity Insurers The MPLC Limited

Regal House
Queensway
P.O. Box 1446

Gibraltar

Email: info@the-mplc.com

Telephone: 020 3100 5152

Public Liability Insurers Travelers

Insurance Co.
Ltd. 61 – 63 London Road Redhill
Surrey RH1 1NA

Email:
ukcall@travelers.com

Telephone: 01737 787787

The Chartered Society of Physiotherapy

Enquiry Handling Unit
Chartered Society of Physiotherapy
14 Bedford Row
London WC1R 4ED

Email: enquiries@csp.org.uk

Telephone: 0207 306 6666

The MPLC Claim Solicitors

Kennedys Solicitors
25 Fenchurch Avenue
London EC3M 5AD

Telephone: 0207 667 9667

Guidance for Completing the Claim Form

Failure to complete the claim form correctly may cause delays in processing claims and may result in the forms being returned for correction. On completing the claim form members should follow these simple rules:-

- Use block capitals or type the information requested
- Write legibly
- Complete all sections
- Do not leave blanks – write N/A or N/K if unable to complete the information
- Include all addresses where asked for all parties named in the form
- Enclose copies of all correspondence from the claimant and/or their solicitors
- Enclose a copy of the patient's written consent where received to release records to third parties
- Enclose copies of all information and advice sheets given to patients
- Do not use terms such as 'see notes enclosed' or 'see enclosed documents' or 'see attached'. Forms completed using these terms will be returned to you for amendment
- If the claim involves equipment, members should also notify the MHRA (please see their website) <https://www.gov.uk/guidance/contact-mhra>

The Underwriters and their Solicitors will use the contents of the claim form and information supplied to process the claim. Do not send us patient records unless requested.

Detailing of Treatments or Advice

The CSP is not able to receive and process any clinical records, therefore details of any assessments, treatments and advice must be clearly stated on the Claim Form.

Members may describe the treatment/advice given in any manner considered appropriate, however, members may find it helpful to consider the four pillars of physiotherapy practice to describe the treatment/advice provided. The pillars of physiotherapy practice are:-

Massage – covering all forms of massage and soft tissue handling techniques

Exercise and Manual Therapy – including all forms of exercise prescription (with or without equipment) and manual treatments encompassing mobilisation and manipulation to the body structures (with or without equipment)

Electrotherapy – use of any electro-physical agent

Kindred Treatments – other modalities or interventions for example but not limited to acupuncture, injection therapy, prescribing actions, cognitive modalities and other means used to deliver physiotherapy

Members should also detail any products supplied and advice given:-

- Products – describe any taping, strapping, support, splint, brace, case, sling, bandage or dressings etc. given or used
- Advice – describe what the advice related to: it might be advice relating to a pillar of practice, a product or something else determined by assessment e.g. workplace or lifestyle advice. If a member has given advice or exercise sheet, state the date and version of the document given to the claimant on the form and enclose a copy of the document for the insurer's records.

Privacy Notice

Details of how we handle personal information and member's rights under Data Protection Laws, including the General Data Protection Regulations (GDPR) can be found in our Privacy Notice available from our website www.jameshallam.co.uk or on request to promedschemes@jameshallam.co.uk or telephone 01245 321185.