PLI CLAIM NOTIFICATION GUIDE

For Members of

The British and Irish Orthoptic Society

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 BIOS's Medical Professional Liability Policy and/or the Public Liability Policy will take precedence over this guide to the procedures for claims notification.

Introduction

Any claim or incident that challenges the professional integrity of BIOS 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.

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 BIOS brokers if you are unsure whether to report an incident or not.

Examples of Notifiable Claims & Circumstances

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 Claim Examples
• Any letter from a patient/client or their legal representatives informing members that legal proceedings are intended or have been commenced against the member. • Any indication that the patient intends to pursue enquiries which may lead to a potential claim for inappropriate treatment or advice • Any formal letter of claim relating to the treatment or advice given • Any adverse incident which has resulted in personal injury or property damage
Notifiable Circumstances
• Letter from a patient, solicitor (or other Legal representative acting on the patient's behalf) requesting a member to release patient's records. • Coroner's verdict on a deceased patient where the verdict suggests some lack of care or other failings in care • A patient withholding fees due, on clinical grounds e.g. alleged failure to diagnose, misdiagnosis, inappropriate treatment or failure to refer on • Where members are aware of a adverse incident or formal patient complaint which could give rise to a claim. • Publication by a third party (e.g. a newspaper) of allegations about standards of care given by members • Notification from the HCPC that a complaint has been received where patient harm is alleged or suspected • 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 BIOS's insurance brokers with as much information as possible.

Employed members must refer any potential claim to their employer for processing.

Scope of Practice

If you are unsure whether an activity or modality is within the overall scope of the profession, please contact BIOS for clarification. The BIOS insurance scheme does not cover activities considered to be outside the scope of Orthoptic Practice.

Members' Obligations

There is a requirement under the insurance scheme for Members to act quickly and notify insurers via BIOS, 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.

Employed members will benefit from the indemnity provided by their employer, who will have responsibility in the conduct of any claim arising from the alleged negligence of any employee.

Claims Process

Members should contact BIOS's Insurance Brokers preferably one of the following methods:

promedschemes@jameshallam.co.uk

02031 488995

James Hallam, Saxon House, Duke Street, Chelmsford, CM1 1HT

If the notification involves a claim under the BIOS PLI insurance scheme, the Insurance Brokers will undertake the following actions:-

1. Send the Member an acknowledgement email enclosing a claim form for completion and a copy of these guidance notes
2. The completed claim form should be returned as soon as possible to BIOS's brokers using the **contact email or postal address above**.

Essential information needed:

When returning the claim form please make you include as much information as possible, including the following:

- Copies of all correspondence including emails or text exchange.
- Notes of any telephone conversations, text messages etc.
- Evidence of Employment/Terms of Engagement where requested

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insurance brokers

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

BIOS 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 Orthoptic Scope of Practice to describe the treatment/advice provided.

Next Steps

Once the claim form has been received and reviewed the Insurance Broker will:

- Contact BIOS for verification of Membership and Scope of Practice to confirm the member's entitlement to indemnity under the policy.
- Confirm HCPC Registration (and any other regulatory obligations where treatments were undertaken outside of the United Kingdom)
- Subject to satisfactory replies, all documents will 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 BIOS 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.

Members should note that no cover is provided under this policy for Corporate Entities formed by them or for claims brought against their employer.

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. BIOS'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 BIOS'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.

About Us

James Hallam act as insurance brokers to The British and Irish Orthoptic Society, and manage the Professional Liability Insurance (PLI) scheme on behalf of their members and we can be contacted us the information on the next page.

We are authorised and regulated by the Financial Conduct Authority

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/business/promed or on request to promedschemes@jameshallam.co.uk or telephone 01245 321185.

Contact Details

BIOS Insurance Brokers
James Hallam
Saxon House
Duke Street
Chelmsford
CM1 1HT

Email: promedschemes@jameshallam.co.uk
Telephone: 02031 488995

The British and Irish Orthoptic Society
5th Floor, Charles House
148-9 Great Charles Street
Queensway
Birmingham, B3 3HT

Telephone: 0121 728 5633
07709 315889

www.jameshallam.co.uk/business/promed/bios-british-irish-orthoptic-society/

Medical & Professional Indemnity Insurers
The MPLC Limited
Regal House
Queensway
P.O. Box 1446
Gibraltar

Email: info@the-mplc.com

Telephone: 020 3100 5152

The MPLC Claim Solicitors
Kennedys Solicitors
25 Fenchurch Avenue
London EC3M 5AD

Telephone: 0207 667 9667

Public Liability Insurers
Travelers Insurance Co. Ltd.
61 – 63 London Road
Redhill
Surrey RH1 1NA

Email: ukcall@travelers.com

Telephone: 01737 787787