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Legal and Risk Services

## **General Medical Practice Indemnity FAQs**

The discretionary scheme for General Medical Practice Indemnity (GMPI) relates to potential or actual clinical negligence claims arising from incidents on or after 1 April 2019, and captures all General Medical Practice (GP practice) staff undertaking NHS 'primary medical services' as defined in The National Health Service (Clinical Negligence Scheme) (Wales) Regulations 2019:

***primary medical services: health services provided under a contract, arrangement or agreement made under or by virtue of the following sections of the NHS (Wales) Act 2006:***

***(a) section 41(2) (primary medical services);***

***(b) section 42(1) (general medical services contracts);***

***(c) section 50 (arrangements by Local Health Boards for the provision of primary medical services).***

- Visit <https://nwssp.nhs.wales/ourservices/legal-risk-services/areas-of-practice/general-medical-practice-indemnity-gmpi/> to access our Scheme for General Medical Practice Indemnity Guidelines which provide further information about the scheme, including information relating to locum doctors and the Wales National Workforce Reporting System.
- Locum GPs need to apply to NWSSP to be included in the All Wales Locum Register ("AWLR") if they want to access the scheme for GMPI (see 'Locum GPs' below). Specific requirements for locum GPs are set out within Appendix B of our Scheme for General Medical Practice Indemnity Guidelines. The implementation of Appendix B is subject to the communication issued on 9 December 2020 (the Sub-Appendix to Appendix B) which can be accessed on our website.
- The regulations determine what activities are captured by the scheme. This document sets out NWSSP Legal & Risk Services' ("L&R") position as operator of the scheme regarding a non exhaustive range of activities. It is based on the information that Health Boards and providers have given to us about General Medical Services ("GMS") activities, in the context of the many queries we have received since the scheme's commencement. It is not intended to extend the remit of the regulations to activities which are not captured. We have no discretion to include activities which fall outside of the remit of the regulations. If you are unsure of whether a particular activity falls within the above definition of 'primary medical services', please contact your Health Board.
- Individual GPs and GP practices will need to take out an appropriate level of professional indemnity cover with a medical defence organisation for those elements of their practice not covered by the scheme. GP

practices will also require indemnity or insurance to cover the liability for employers, public liability and property claims, and liability for non NHS and other activities not covered under the scheme.

- If you have a query relating to an activity not listed below, please contact the GMPI team on [GMPI@wales.nhs.uk](mailto:GMPI@wales.nhs.uk) or call the GMPI helpline on 029 2090 5454.

Reference in the FAQs below to staff ‘employed’ by a GP practice in Wales includes staff employed through primary care cluster arrangements and contracted staff, (**however** see the ‘Locum GPs’ entry below).

Activity/Query	Is it captured by GMPI?		Further details
	Yes, <b><u>provided it is a (Wales) NHS primary medical service as per the definition above and not under a different arrangement</u></b>	No	
<p>Ambulance delays in the community –</p> <p>E.g.</p> <ul style="list-style-type: none"> <li>- advice to patient to arrange private transport to secondary care; or</li> <li>- in exceptional circumstances advice to patient that the GP in person - or a member of the practice staff - may transport the patient to the hospital personally</li> </ul>			<p>Please see the attached document <a href="#">‘The Application of the Scheme for GMPI where there are ambulance delays in the community’</a>.</p>

Clusters	✓		<p>All GPs and Health Professionals employed or engaged in General Medical Practices including Primary Care cluster arrangements (other than locum GPs who do not comply with the specific requirements set out in Appendix B of the Scheme for GMPI Guidelines), delivering NHS Primary Medical Services will automatically be captured by GMPI.</p> <p>See 'Locums GPs' below for more information regarding the specific requirements of Locum GPs.</p>
Coil implant fitting and removal	✓		
COVID-19 Vaccinations	✓		<p>The care and treatment of patients confirmed of or suspected to have COVID-19 is captured by GMPI if a 'primary medical service' is being carried out. Where possible please email the GMPI team with any COVID-19 queries.</p> <p>Please also see NWSSP's '<a href="#"><u><b>Guidance on Indemnity Arrangements During the Coronavirus Pandemic</b></u></a>' which also includes a section on "Covid-19 Vaccinations".</p>
<p>Cross-border work – English practices seeing patients residing in England and Wales</p> <p>Or</p> <p>Welsh practices seeing patients</p>			<p>If treatment is provided to a patient in the context of the Wales Medical Performers List (MPL) and provided under a Welsh NHS Primary Medical Services contract, GMPI will apply and the General Medical Practice should inform L&amp;R.</p> <p>Therefore, the indemnity position will depend on the contract that is in place</p>

residing in England and Wales			<p>with the GP Practice you are working at, as opposed to the country of origin of the care or where the patient is from. If the Practice you are working at has an NHS Wales “primary medical services” arrangement GMPI will apply.</p> <p>GMPI will not apply if there is an English contractual arrangement in place. We cannot provide any guidance on the English state backed indemnity scheme and you will need to contact NHS Resolution for any queries relating to this. You can find their details here: <a href="#">Clinical Negligence Scheme for General Practice - NHS Resolution</a>.</p> <p>Each practice will have its own contractual arrangements. The GMPI team do not hold this information. We recommend that in the first instance you please check with the Practice Manager what arrangement their practice has with their relevant Local Health Board / NHS Trust.</p>
Dispensing – by a GP/GP practice staff <b>IF</b> it is provided for within your GMS contract	✓		Dispensing is not captured by GMPI <u>unless</u> it is provided for within your GMS contract, in which case it will be captured by the scheme. Practitioners should check the contract they have in place with the Health Board and if still unsure, you will need to check with the relevant Health Board.
Dispensing – by a Pharmacist employed by and operating from a GP practice under that	✓		Dispensing will only be captured by GMPI if it is provided for within your GMS contract (or one of the other primary medical services listed above). Practitioners should check the contract

GP practice's GMS contract			they have in place with the Health Board and if still unsure, check with the relevant Health Board. Pharmaceutical dispensing services provided under The National Health Service (Pharmaceutical Services) (Wales) (Regulations) 2013 (SI 2013/898) are <b>not</b> captured by GMPI – even where run from, or by, a GP practice. If you are unsure of the regulations under which a dispensing service is provided you will need to check with the relevant Health Board.
Dispensing – by a Pharmacist operating from a private pharmacy		x	Pharmaceutical dispensing services provided under the National Health Service (Pharmaceutical Services) (Wales) (Regulations) 2013 (SI 2013/898) are <b>not</b> captured by GMPI – even where run from, or by, a GP practice. If you are unsure of the regulations under which a dispensing service is provided you will need to check with the relevant Health Board.
Dispensing – by a Pharmacist operating under the Pharmaceutical Services Regulations 2013		x	Pharmaceutical dispensing services provided under the National Health Service (Pharmaceutical Services) (Wales) (Regulations) 2013 (SI 2013/898) are <b>not</b> captured by GMPI – even where run from, or by, a GP practice. If you are unsure of the regulations under which a dispensing service is provided you will need to check with the relevant Health Board.
Ear syringing/irrigation	✓		
Emergency treatment	✓		But see 'Good Samaritan Acts'.
Enhanced services (including national,	✓		Enhanced services will be captured by GMPI <u>provided</u> they are stipulated within

local and directed enhanced services)			your GMS contract. If unsure, you should check your GMS contract and/or contact the relevant Health Board for clarification.
Ethical issues		x	
Fitness to work notes	✓		<p>The job title/status of the GP practice staff member carrying out the “primary medical service” is irrelevant for the purposes of whether GMPI applies.</p> <p>Queries in respect of GP Practice staff members taking on new clinical duties (e.g. GP Practice nurses providing fitness to work notes) should be directed to your relevant Health Board.</p>
Fitness to work notes that attract a fee		x	
Flu vaccinations	✓		Flu vaccines provided as ‘primary medical services’ as per the NHS Wales 2006 definition above will be captured by GMPI.
Flu vaccinations for GP practice staff	✓		<p>The administration (with no charge being paid) of the flu vaccine by GP practice staff to a person who is not in one of the at risk categories to receive the flu vaccine for free under the NHS, but who is a:</p> <ol style="list-style-type: none"> <li>1. colleague within your GP practice who is/is not a patient at your GP practice; or</li> <li>2. a staff member from another GP practice who is/is not a patient at your GP practice,</li> </ol>

			<u>will</u> be captured by GMPI <u>provided</u> that person is being given the vaccine so that they can continue to deliver GMS services to patients, <u>and provided</u> the vaccine is considered by your relevant Health Board to be a 'primary medical service' as per the definition above.
'Good Samaritan Acts' – doctors helping persons in need of medical assistance outside of their employment at a GP practice, a.k.a. 'Good Samaritan Acts'		x	Doctors helping persons in need of medical assistance outside of their employment at a GP practice will not usually be classed as primary medical services. You will need to contact your medical defence organisation about your indemnity position.
GP Appraisers		x	The GP Appraiser role does not include any clinical work or supervision. As such this would not lead to a clinical negligence claim and would <u>not</u> be captured by GMPI.
GP Educators/ Supervision of clinical work of junior doctors	✓		A potential or actual clinical negligence claim arising out of a GP educator supervising a junior doctor's clinical work is captured by GMPI provided the activity being supervised is an NHS 'primary medical service' as per the definition above. If you are unsure of whether a particular activity is a 'primary medical service', check with your Health Board.
GP Trainees	✓		
HGV Reports, DVLA reports, gun licences etc. which attract a fee		x	HGV Reports, DVLA reports, gun licences etc. will not usually be classed as primary medical services. You should check with your relevant Health Board whether such work is provided for within your GMS contract. You will need to

			contact your medical defence organisation about your indemnity position.
Home visits (including visits to residents of nursing homes)	✓		By GPs, GP Trainees and other health professionals employed by the GP practice.  The location of the activity is irrelevant for the purposes of whether GMPI applies.
Hospice work	✓		The location of the activity is irrelevant for the purposes of whether GMPI applies.
Hospital beds	✓		The location of where the primary medical services are provided is irrelevant for the purposes of whether GMPI applies. See also 'Hospitals – GP care provided in community hospitals' below.
Hospitals – GP care provided in community hospitals	✓		<b><u>IF</u> the services provided are a primary medical service as per the definition above (see page 1 of FAQs).</b> Any activities that fall outside of the definition of 'primary medical services' are unaffected by the new scheme and will continue on the basis of whatever has been agreed previously.  NB. If the GP(s) are employed by the Health Board direct then GMPI will not apply. Your Health Board employer will be able to confirm your indemnity arrangements.
Independent prescribers			See below "Prescribing – by other appropriately qualified health professionals employed by a GP practice e.g. independent prescribers".
Insurance company reporting		x	Paid for/private work is not captured by GMPI. You will need to contact your



			<p>medical defence organisation about your indemnity position.</p>
Locum GPs	✓		<p><b>IF registered with and working to the terms of the All Wales Locum Register (AWLR) for Wales.</b> GP Locums on that Register will have access to the scheme for GMPI.</p> <p>Locum GPs need to apply to NWSSP to be included in the AWLR if they want to access the scheme for GMPI.</p> <p>Locum GPs will have access to GMPI from the date they are entered on the AWLR.</p> <p>Membership of the AWLR is voluntary. Locum GPs who do not wish to become a member of the AWLR will need to arrange clinical negligence indemnity cover for NHS work through a medical defence organisation and NWSSP will need to be informed (via the email contact below). To register to become a member of the AWLR please contact the Employment Services Division of NHS Wales Shared Services Partnership:</p> <p>Email: <a href="mailto:NWSSP.PrimaryCareWNWRS@wales.nhs.uk">NWSSP.PrimaryCareWNWRS@wales.nhs.uk</a> Tel: 01792 860498/0490</p> <p>Website: <a href="https://nwssp.nhs.wales/ourservices/employment-services/primary-care-sustainability/">https://nwssp.nhs.wales/ourservices/employment-services/primary-care-sustainability/</a></p> <p><b>N.B.</b> GPs doing locum work outside of their normal sessions but <u>only</u> within their own GP practice do not need to join the All Wales Locum Register (AWLR) for this work to be captured by GMPI. However, if a GP does locum work</p>

			<u>elsewhere</u> they need to join the AWLR to be captured by GMPI.
Locum staff who are <u>not</u> GPs	✓		All Health Professionals employed in GP practices and/or through Primary Care cluster arrangements, delivering 'primary medical services' will automatically be covered.  <b>N.B.</b> Locum staff who are not GPs do not need to register on the All Wales Locum Register (AWLR). However, being listed on the Wales National Workforce Reporting System (WNWRS) is a necessary part of the arrangements.
Memory clinics	✓		<u>Provided</u> it is a (Wales) NHS primary medical service as per the definition above and not under a different arrangement.
Ministry of Defence (MoD) commissioned healthcare		x	Practitioners employed by the MoD will not be captured by the GMPI scheme. You will need to contact your employer/medical defence organisation about your indemnity position.
Minor surgery	✓		<u>Provided</u> it is a (Wales) NHS primary medical service as per the definition above and not under a different arrangement e.g. private/paid for. See also 'Enhanced services' above.
Named Defendant/ involvement of GPs/GP staff in claims	n/a	n/a	The Health Boards in Wales will be the named Defendant for clinical negligence litigation rather than the GP practices. L&R will act on behalf of and seek instructions from the Health Boards in relation to the litigation and will seek evidence and views on strategy from GP practices and their staff.  Although the Health Boards will be the client for the purpose of the litigation, the

			<p>views of individual staff involved will be taken seriously and they will be treated fairly and reasonably.</p> <p>Welsh Government recognises the importance of GP claims for clinical negligence being robustly defended by Health Boards and L&amp;R in order to preserve the reputation of the GPs.</p>
NHS services received following private treatment	✓		
Non-clinical negligence related claims/complaints		x	GMPI does not cover claims/complaints that are not related to clinical negligence. Please see p29 of Legal & Risk Services' 'Scheme for General Medical Practice Indemnity Guidelines'.
Occupational Health reports – private/paid for		x	Paid for/private work is not captured by GMPI. You will need to contact your medical defence organisation about your indemnity position.
Occupational Health vaccines		x	Most occupational health vaccines will not fall under GMPI, however if the provision of such a service is within your GMS contract (or one of the primary medical services listed above), it may fall under GMPI. You will need to check your contract and if still unsure, check with the relevant Health Board.
Out of hours medical services	✓		Out of hours services provided via contractual arrangements between a Health Board and an independent provider/sub-contractor, are captured by the scheme for GMPI. This includes any locum or agency staff who are engaged via such independent provider/sub-contractor. However, all locum doctors who are engaged by an independent provider/sub-contractor (other than

			those doing locum work solely in their own GP practice) are required to join the All Wales Locum Register, to have access to the scheme for GMPI. Any employees, locum, agency or bank workers who are directly engaged by a Health Board are captured by standard NHS indemnity arrangements.
Overseas visitor patients	✓		<p>From 1 April 2019 a clinician in Wales treating an overseas visitor is captured by the GMPI scheme so long as they are providing care which falls within the definition of 'primary medical services' as per the definition above.</p> <p>If the overseas visitor patient later turns out not to be entitled to the care they received for free, this should not bar the treating clinician to indemnity under the scheme.</p> <p>In the unlikely event that an overseas visitor patient subsequently brought a clinical negligence claim in their home country against the clinician who treated them, the clinician should contact the GMPI team.</p>
Physician Associates	✓		
Prescribing – by a GP	✓		<u>Provided</u> it is a (Wales) NHS primary medical service as per the definition above and not under a different arrangement, e.g. private/paid for.
Prescribing – by a Pharmacist based in the community employed by a GP practice	✓		Pharmacists engaged under a primary medical services arrangement such as a GMS contract e.g. to examine patients and prescribe will be captured by the scheme.

Prescribing – by a Pharmacist based in the community employed by a Health Board		x	Pharmacists working in the community employed by a Health Board are likely to be covered by the existing NHS indemnity. You can clarify this with the relevant Health Board.
Prescribing – by a Pharmacist employed by a GP practice	✓		
Prescribing – by other appropriately qualified health professionals employed by a GP practice e.g. independent prescribers	✓		
Prisons and other secure environment based healthcare (e.g. youth offenders institutes)			<p>You will need to ask your employer to clarify the necessary insurance or indemnity arrangements for the work you carry out.</p> <p>If employed or engaged to provide healthcare services in a private prison or private secure environment, such work is unlikely to fall in scope of the Scheme for GMPI. You will need to check your indemnity position with your employer.</p> <p>If employed or engaged directly by a Health Board to carry out these activities you are likely to be covered by existing NHS indemnity arrangements. You will need to check the arrangement you have in place with the Health Board.</p> <p>If this activity is provided via a GMS contract it will be captured by GMPI.</p> <p>If this activity is provided via a non-GMS commissioned, subcontractor</p>

			arrangement with the Health Board, you will need to check with the Health Board whether this arrangement falls within the definition of “primary medical services.” If it falls within those arrangements, then your work will be captured by GMPI.
Private medical services, including private letters		x	Paid for/private work is not captured by GMPI. You will need to contact your medical defence organisation about your indemnity position.
Private prescriptions		x	Paid for/private work is not captured by GMPI. You will need to contact your medical defence organisation about your indemnity position.
Protected Educational Time (PET) – GPs covering for another Practice	✓		<p>GPs covering another Practice to allow for Protected Educational Time (PET) will be captured by GMPI IF registered with and working to the terms of the All Wales Locum Register (AWLR) for Wales (this includes logging the relevant shifts on Locum Hub Wales (LHW)).</p> <p>Practices need to ensure any staff who are covering another Practice for PET are listed on the Wales National Work Force reporting tool (WNWRS) also.</p> <p>For good governance, we recommend cover arrangements in place between Practices be properly documented in a written agreement.</p> <p>For enquiries regarding the WNWRS or the AWLR/LHW contact NWSSP Employment services via <a href="mailto:NWSSP.PrimaryCareWNWRS@wales.nhs.uk">NWSSP.PrimaryCareWNWRS@wales.nhs.uk</a></p>

			See 'Locum GPs' above for more information regarding the specific requirements of Locum GPs.
Protected Learning Time (PLT) – GPs covering for another Practice			See 'Protected Educational Time (PET) – GPs covering for another GP Practice' above.
Research e.g. clinical trials - design		x	The design of research work will not be captured by GMPI. See the differentiation from implementation below.
Research e.g. clinical trials – implementation by an NHS body	✓		The implementation of clinical trials by means of providing patient care in the context of primary medical services arrangements will be captured by GMPI. Inform your local Health Board of any such activities being undertaken.
Research e.g. clinical trials – implementation by a private body		x	Work relating to clinical trials carried out on a private basis will not be captured by the GMPI scheme. You will need to contact your medical defence organisation about your indemnity position.
Safeguarding report requests that attract a fee		x	Producing/providing a safeguarding report for a fee will usually be classed as private/paid work and will not be captured by GMPI and you will need to contact your medical defence organisation about your indemnity position.
Safeguarding report requests that do not attract a fee	✓		Producing/providing a safeguarding report as a 'primary medical service' as per the definition above that does not attract a fee will be captured by GMPI.

Section 12 Mental Health Act 1983 – activities under this Section			You will need to check the arrangement you have in place with the Health Board. If the activity being carried out is within your GMS contract or another primary medical service arrangement you have with the Health Board, it will be captured by GMPI.
Sexual health services	✓		<u>Provided</u> it is a (Wales) NHS primary medical service as per the definition above and not under a different arrangement.
Students – e.g. medical students, nursing students	✓		
Temporary residents <u>within the European Economic Area (EEA)</u> (or any other country with reciprocal arrangements) i.e. patients living in the GP practice's catchment area for up to 3 months	✓		The outcome of Brexit may change the position.
Travel vaccines – advice about travel vaccines	✓		
Travel vaccines – supply and administration with a charge to the patient		x	Paid for/private vaccines are not captured by GMPI. Staff will require their own indemnity for any such private work undertaken.
Travel vaccines – supply and administration with no charge to the patient	✓		
Vasectomy	✓		However, if this activity is carried out privately for the patient GMPI will <u>not</u>



			apply. Staff will require their own indemnity for any such private work undertaken.
Virtual consultations e.g. video/video group/telephone consultations	✓		The location of the 'primary medical service' (as per the definition above) being provided is irrelevant.
Wales National Workforce Reporting System (WNWRS)	n/a	n/a	<p>L&amp;R will be able to identify those GPs and Health Professionals employed in GP practices who have access to the scheme through the National Workforce Reporting System. Therefore, being listed on the WNWRS is a necessary part of the arrangements.</p> <p>Further information is available on the following website:  <a href="https://nwssp.nhs.wales/ourservices/employment-services/primary-care-sustainability/">https://nwssp.nhs.wales/ourservices/employment-services/primary-care-sustainability/</a></p> <p>Any enquiries/updates should be sent to:  Email: <a href="mailto:NWSSP.PrimaryCareWNWRS@wales.nhs.uk">NWSSP.PrimaryCareWNWRS@wales.nhs.uk</a></p> Telephone: 01792 860498/0490
111 NHS Direct			Clinicians are usually employed by the Health Board so the existing NHS indemnity will apply. If unsure, contact your relevant Health Board or the GMPI team at <a href="mailto:GMPI@wales.nhs.uk">GMPI@wales.nhs.uk</a> .