

Responsible Officer and Appraisal Networks Information Sheet 31

INDEMNITY FOR NHS ENGLAND APPRAISERS (v1.0, June 2019)

NHS England appraisers who are GPs have been asking whether their indemnity and negligence arrangements will change following the introduction of the Clinical Negligence Scheme for General Practice (CNSGP) on 1 April 2019.

The NHS England medical appraisal policy states the following:

Medical appraisers are 'relevant persons' for the purposes of the NHS Litigation Authority Third Party Liability Scheme (TPLS) and as such are covered by this scheme in terms of liability for their actions whilst acting in the role of appraiser. Appraisers who are licensed medical practitioners should note that this cover does not extend to representing them in the case of a challenge to their licence or registration and should therefore consider whether they also need to maintain appropriate professional insurance.

This means that appraisers have been benefitting from negligence cover prior to the CNSGP. This is reflected in the NHS England Consultancy Agreement for appraisers.

Also, in 2013 NHS England explored this matter in discussion with the Medical Defence Union (MDU), the Medical Protection Society (MPS) and the Medical and Dental Defence Union of Scotland (MDDUS). All three organisations agreed that acting as an appraiser is a normal part of a doctor's professional duties, where this is a minor proportion of their professional work. Under these circumstances, there is no impact on subscriptions and they do not require doctors to notify them of this work. They do advise that an appraiser who is also a doctor maintains membership of a defence organisation for professional support. This is because the TPLS only covers negligence costs, whereas the defence organisation provides representation, for example if an unhappy doctor makes a complaint about them to the GMC. However, the defence organisations regard this as falling within the core benefits of membership.

There has been no indication in the intervening time that this position has changed.

Doctors who are appraisers may find it helpful to have this information to hand when discussing their subscription rates with their defence organisation.

These arrangements are also true for appraisers who are not doctors, or who have retired from practice and relinquished their licence. They could still be subject to a challenge to their GMC registration, for example. However, they may weigh their need for professional support cover between the risk and consequences of a challenge versus the cost. Additionally, their sessional rate for professional cover may not be the same as an appraiser who is also in substantive clinical practice.

This information sheet is relevant primarily to NHS England responsible officers.

These information sheets are written on an ad hoc basis, on issues of relevance to responsible officers and their teams, medical appraisers and doctors.

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