



Department of Health and Social Care consultation on appropriate clinical negligence cover

The Royal College of Physicians (RCP) plays a leading role in the delivery of high-quality patient care by setting standards of medical practice and promoting clinical excellence. We provide physicians in the UK and overseas with education, training and support throughout their careers. As an independent body representing over 36,000 fellows and members worldwide, we advise and work with government, the public, patients and other professions to improve health and healthcare. Our primary interest is in building a health system that delivers high-quality care for patients.

Summary

- Fundamentally we must ensure that patients do not lose out on compensation
- It is also vitally important to ensure that doctors are provided sufficient protection by their insurance, as many outline limits to the cover that is offered. Protection should include incidents that may have occurred within the time of cover, but not raised until after the cover expires.
- Arrangements should be left largely as they are. There is room to improve the current system without requiring a state backed scheme.
- There is concern that a state backed scheme will lead to increased costs for doctors and provide further reason to leave the profession.
- There could be additional oversight by a third party to mediate in instances of complaint or concern.

The Royal College of Physicians welcomes the opportunity to respond to the consultation on appropriate clinical negligence cover. It is the view of the RCP that current arrangements should be largely retained, but that there is the potential for improvements to the system.

The priorities for clinical negligence cover are to ensure patients do not lose out in terms of compensation and that doctors are provided sufficient protection so that they are not put at personal financial risk when practicing. Particularly in an instance where doctors who may no longer be covered by a certain provider, they should nevertheless remain insured if incidences arise during the time frame that they were insured and the claim is raised at a later date. Additionally it is important to ensure that cover can be acquired for all eventualities, currently issued under discretionary insurance.

Changes to a state backed insurance system has also given rise to concerns that the cost will increase for doctors, providing further disincentive to remain in the profession. Due to existing pressures within the workforce, the RCP would be opposed to fostering further disincentives to remain in the profession.

Other adjustments could be made without the need to require state backed indemnity, for example establishing an independent third party who can mediate complaints and in instances of discretionary indemnity. There could also be further mitigation for instances where insurers go out of business to provide cover which will protect both patients and doctors. This may not be resolved via proposed regulation.

Thank you for the opportunity to respond to this consultation. For any queries, please contact policy@rcplondon.ac.uk.