

graybrook

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Quick PLI Reference Guide

Professional Liability Insurance (PLI) Scheme
For Members of the Chartered Society of Physiotherapy

1st July 2020 – 30th June 2021

1st July 2020

This guide provides quick and easy reference to key points of the CSP's PLI Scheme for members. It is not intended to replace the more detailed summary or alter the terms and conditions of the policies.

In the event of conflict the policy terms and conditions will take precedence over this guide and summary of cover.

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What is PLI (Professional Liability Insurance)?

This is a term used to describe policies which provide Medical Professional Liability and Public Liability Insurance for CSP members.

More information is available to members from www.graybrook.co.uk/csp-members or www.csp.org.uk/professional-union/practice/insurance

What is the difference between Medical Professional and Public Liability Insurance?

The main difference is in the type of claim insured. The Medical Professional Liability policy responds to clinical negligence claims from patients whereas the Public Liability policy only deals with non-treatment accidents such as slips and trips or accidental damage to third party property.

Why are these covers necessary?

It is a legal requirement of HCPC registration, and provides Protection (up to the limits insured) for claims arising from alleged clinical negligence or accidents occurring within the scope of physiotherapy practice.

What are the limits insured?

For clinical negligence claims reported after 1st July 2017 up to £7.5 million, with a maximum limit of £10 million for all claims in any period of insurance per member.

Public Liability claims are insured up to £10 million any one occurrence.

Can I increase the limits insured?

The Medical Professional Liability Limit can be increased on individual application to www.graybrook.co.uk/top-up.

The option to increase the Public Liability limit does not currently exist.

What is the period of Insurance?

The scheme runs from 1st July to 30th June each year and is renewable annually.

Am I covered for claims arising from Products supplied?

When products fail or are defective and give rise to injuries the following policies will be triggered:

Medical Malpractice Liability Policy

If the product was supplied to a patient as part of treatment or rehabilitation

Public/Products Liability Policy

If the product was supplied (or sold) to others

In both cases the products must be related to and within the scope of Physiotherapy practice. In no circumstances will cover extend to rectify any faulty product

What activities does the policy cover?

All work within the scope of physiotherapy practice is covered (members are advised to obtain separate insurance for any non-physiotherapy related activities).

For guidance and information on scope, please go to www.csp.org.uk/professional-union/professionalism/scope-practice

I am employed so why do I need this cover?

You will not normally need extra cover if indemnity is provided by your employer. The PLI policy will however protect you in situations where the patient brings a claim against you, or where your employer holds you personally accountable. Personal cover is also necessary when acting as a volunteer Physiotherapist, Good Samaritan, or undertaking activities outside the scope of your employment. This policy will not cover claims brought against your employer.

Who benefits from this cover?

- Members that have paid a current CSP subscription in a category that includes PLI cover. Please check your membership category with the CSP to ensure you have insurance included.
- Partnerships based and registered in Great Britain, Northern Ireland, Channel Islands or the Isle of Man comprising CSP members only with a turnover not exceeding £75,000
- Private Limited Companies based and registered in Great Britain, Northern Ireland, Channel Islands or the Isle of Man, owned solely by one or more CSP members with a turnover not exceeding £75,000.

In all cases only covering claims arising from activities within the scope of physiotherapy practice, involving HCPC registered CSP members only.

Does cover include remote consultations/physiotherapy services via the internet?

Yes – but from the 1st July 2020 the Internet Extension has been modified to clarify the cover which includes:

- Remote consultations, telemedicine and other internet services provided within the scope of physiotherapy practice

- This Extension applies to members based in the United Kingdom treating patients in the UK or patients based overseas but not in Australia, the USA or Canada

Claims must however be brought within the jurisdiction of a UK Court, and members must demonstrate compliance with any local regulatory/licensing obligations.

I am retired, what about claims from my previous work?

Provided the PLI Scheme is continued by the CSP, any new claims arising from work pre-retirement is included subject to CSP membership and HCPC registration at the time of treatment.

Am I covered to work anywhere in the World?

Yes - members can provide physiotherapy services to any nationality in all overseas territories for up to a maximum 180 days in any 12 month period but excluding:

- Physiotherapy services undertaken in Australia (except when travelling with and treating members of a British Team or British based organisation) and
- Physiotherapy services to American or Canadian nationals when undertaken in the USA or Canada
- The 180 day restriction does not apply to dependents of military personnel deployed overseas, and is restricted to the treatment of UK nationals only on MoD sovereign bases.

Are there any restrictions applying to overseas work?

Yes - in addition to other terms and conditions contained in the policy, the following special caveats apply:

- Members must be ordinarily resident in Great Britain, Northern Ireland, the Channel Islands and the Isle of Man

- Overseas work is restricted to a maximum of 180 days in any 12 month cycle (except for work undertaken in the Republic of Ireland, the Falkland Islands, Gibraltar or when deployed overseas by the Ministry of Defence or as a dependent of any deployed military personnel – special conditions attach to this extension)
- Members must retain HCPC registration and comply also with any local regulatory requirements

Are there any territories where claims are not insured?

No claims are covered if brought in Australia, USA or Canada or any Courts under their jurisdiction, irrespective of where in the World the physiotherapy services were provided, and regardless of the claimant's nationality.

Any claims arising from services via the internet must be brought within the jurisdiction of a UK Court.

I am employed in the Military overseas, is my cover affected?

Usually members employed in the armed forces will have the benefit of indemnity provided by the MoD (please check) but if not, the same terms apply as for non-military personnel except the 180 day overseas limitation does not apply to overseas deployments. This benefit also applies to members who are dependents of deployed military personnel, but only for the treatment of UK nationals on MoD sovereign bases.

Do I need to contribute towards the cost of claims?

The PLI Scheme is fully insured with no financial contribution required from members, except the first £250 of any accidental damage caused to third party property.

What if a patient requests a refund of fees?

The cost of fee recovery or refunds do not form part of the PLI Scheme, but if requested due to alleged clinical negligence then a potential claim should be notified to Insurers.

I provide Physiotherapy services via a limited company – am I still covered?

That depends on the size and structure of the organisation – please refer to “Guide to CSP and Business Insurance” available as a download from www.graybrook.co.uk/business-liability.

I am qualified to perform non-physiotherapy work, am I covered?

No - you must obtain separate insurance for any activities undertaken outside the scope of physiotherapy practice.

Is my previous work covered prior to CSP membership?

No – PLI only applies to activities undertaken during the period of valid CSP membership.

Does PLI include HCPC Fitness to Practice enquiries?

No – but subject to membership the CSP support members in response to Fitness to Practice complaints.

What cover is available if I am arrested or accused of inappropriate or criminal behaviour?

No cover is provided under the PLI Scheme but members may apply for a separate stand-alone policy- details available from www.graybrook.co.uk/defencecosts.

I am a qualified practising member with responsibilities for Students and Support Workers, am I covered?

Yes - in respect of your own vicarious liabilities arising from their negligent acts, provided they were acting under your supervision or delegation within the scope of Physiotherapy practice. (All qualified Physiotherapists however must be CSP members and comply otherwise with the policy terms and conditions).

Not included is 'Employers Liability' Insurance. Members must purchase this cover separately for claims that might be brought against them for injuries or illness suffered by Assistants, Employees, Students, Associates and others for which members are legally liable.

What are the Key Exclusions?

- Treatment of Animals
- Treatments by members residing permanently overseas
- Treatments to certain Professional Footballers
- Acupuncture when used for Fertility Treatments
- Claims brought against employers
- Internet claims brought in Courts outside of the United Kingdom

Full details are available from the more detailed PLI Summary or Policy Wording on www.graybrook.co.uk/csp-members

How do I report potential claims under the policy?

In the first instance, please contact the CSP's Enquiries Team with details on enquiries@csp.org.uk. Information is also available from the scheme brokers on enquiry@graybrook.co.uk or the **PLI claims notification guide** is available as a download from www.graybrook.co.uk/csp-members

Any circumstances or complaints that could lead to a potential PLI claim should be declared as soon as possible.

What are my obligations under the Policy?

It is the members own responsibility to comply with the terms of the PLI policies to ensure their entitlement to indemnity under the scheme is not compromised. Any members unsure of their obligation should contact the Scheme Brokers at enquiry@graybrook.co.uk.

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