

Is your business at risk?

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Is your business at risk?

In the past, practices have traditionally relied on GPs' defence organisations to cover them in the event of a claim - but is this still enough?

The structure of many practices is changing; and, as a consequence so are their potential liabilities. Whereas a practice owned by and run as a partnership between GPs can usually rely on the indemnity of the partners to cover most incidents, a limited company/CIC cannot.

A company has a vicarious liability for the actions of its staff* even if staff members have their own cover in place. If an incident is notified, a letter of claim will usually **name the company in addition** to the practitioner involved.

Recent case law has also been used to claim that your business has a non-delegable duty of care. This could mean that, even where the actions of an individual doctor or nurse are questioned, you may still owe a duty of care to your patient.

There are many other things to consider: What if there are numerous parties named? Can company procedures/

protocols be to blame? What if a member of non-medical staff was involved in the care pathway?

Not all claims are for malpractice. In our increasingly litigious society people are much more likely to seek compensation if they believe they have been wronged. Staff members such as receptionists are likely to come into contact with both patients and their records. If a claim arises out of an act committed in the course of their employment is your business covered?

Furthermore, if you are providing your service under an APMS contract or have tendered for services outside of PMS/GMS, it is likely you will have specific insurance requirements within your contract.

It is no longer widely accepted that the MDO's will have a catch all solution.

At MFL Science & Technology our expert team has extensive experience in advising businesses in the Healthcare sector. We provide bespoke solutions to meet your ever changing requirements and have built strong strategic relationships with specialist insurers to access an exclusive range of products.

Please contact us if you have any questions on your current covers/contracts or liabilities.

* See our separate briefing note.

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