

Medical  
Protection



Claims Protection  
Your guide to member benefits



# Welcome to Claims Protection

- ✓ Our sole purpose is to protect the careers and reputations of our members.
- ✓ Claims Protection provides you with the right to request indemnity and defence services in the event of any clinical negligence claims relating to all fee-paying and private work you do outside of an NHS primary medical services contract.
- ✓ This member guide details the benefits of Claims Protection and how it will work alongside your Professional Protection membership with us.

# Why Claims Protection for fee-paying and private work is important

Even as a highly-trained clinician, at some point you might find yourself the subject of a claim for clinical negligence. This can be a challenging and stressful experience but we are here to help.

When we take a claim on, as well as taking care of legal costs and compensation, we're here to tailor our support to your needs. You will have access to a dedicated team of experts who will stay with you throughout your claim and only act with your agreement. This includes:

- ✓ A medicolegal consultant with experience in primary care
- ✓ A claims manager with expertise in clinical negligence claims
- ✓ A professional support team to manage your claim as efficiently as possible
- ✓ A specialist solicitor for legal representation

# Medical activities you are protected for

Claims Protection gives you the right to request indemnity against claims arising from any private and fee-paying work you do outside an NHS contract. This would include any private sessions and work carried out in your practice where additional income is received.

The list below details some common examples of private and fee-paying work which you may undertake and require Claims Protection for:

- ✓ Work in private clinics
- ✓ Report-writing
- ✓ Passport forms
- ✓ Insurance forms
- ✓ Private prescriptions
- ✓ Travel vaccinations and letters
- ✓ HGV medicals
- ✓ Taxi medicals
- ✓ Cremation forms
- ✓ Delivering private online consultations
- ✓ Private cosmetic/aesthetic medicine
- ✓ Health screening
- ✓ Offering medical services for voluntary or humanitarian work

# Claims support in action

## Case study – Cryotherapy complications lead to claim

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### CLAIM

Mrs T, a 55-year-old sales adviser, saw GP Dr R on a private basis to discuss the removal of skin tags to her neck and upper back, which she considered to be unsightly. Dr R recommended cryotherapy and advised Mrs T that the risks of this procedure included pain, blistering, scarring, pigmentation changes and infection. Mrs T agreed to the procedure and signed a consent form.

The cryotherapy was uneventful, but over a year later Mrs T brought a claim against Dr R. She alleged that the cryotherapy had been carried out inexpertly, leaving her with areas of hyperpigmentation where some of the lesions had been treated.

### OUTCOME

Dr R contacted Medical Protection for assistance. Dr R had kept comprehensive and clear records, including documenting that Mrs T had been advised of, and given consent to, the possibility of changes to skin pigmentation. Because of this, the Medical Protection legal and clinical team were able to respond to the claim denying liability on behalf of Dr R.

Mrs T subsequently discontinued the claim.

Case studies are based on real cases of us helping members like you to navigate difficult situations.

### LEARNING POINTS

- ✓ Ensure informed consent is gained before carrying out any procedure. This means also discussing with the patient any other available treatment options, including not having any treatment at all.
- ✓ It can be months or even years before a claim is brought with respect to a clinical encounter, so ensuring contemporaneous records are detailed and legible can be of great assistance if the consultation is ever challenged.

# Claims support in action

## Case study – Patch test leads to a claim

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### CLAIM

Ms G, a 30-year-old healthcare assistant, attended Dr K, a GP with a private aesthetic medicine clinic, for intense pulsed light (IPL) treatment of facial telangiectasia. Dr K took a medical history and explained the procedure to Ms G, including the risks, and informed her that prior to using IPL on her face, a patch test would need to be carried out. Dr K performed the patch test to Ms G's arm, and she subsequently developed redness, inflammation and blistering to the skin. Dr K treated this reaction and advised it would be inappropriate to conduct the same treatment on Ms G's face.

Ms G brought a claim against Dr K, alleging that the IPL machine had been inappropriately used on her arm, and that the equipment itself appeared old and out of date.

### EXPERT OPINION

Dr K contacted Medical Protection for assistance. A legal and medical team reviewed the claim and all documentation, and established that the IPL machine in question had been inspected and serviced as required, and these records were up to date. It was clear from the contemporaneous notes that the purpose of the patch test had been explained to Ms G.

A letter of response was provided by Medical Protection on behalf of Dr K, setting out that it was entirely appropriate to perform a patch test on Ms G's arm to assess the reaction before applying the same treatment to her face. The letter also highlighted that all inspection and service records for the IPL equipment were complete and up to date.

The claim was subsequently discontinued.

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### LEARNING POINTS

- ✓ Where it is appropriate to perform a patch test, ensure this is carried out prior to offering definitive treatment, and that the reasoning for the test is clearly explained and documented.
- ✓ Ensure the equipment you use is properly serviced and inspected at the required intervals, and that all records in relation to this are current and complete.

# How are Claims Protection subscriptions calculated?

Your subscription for Claims Protection is based on the income earned from any non-NHS work you undertake and the level of risk that these activities carry.

You will need to have a Professional Protection membership in order to add Claims Protection. When applying for Claims Protection, you will be asked to estimate the income you earn (within income bands) from fee-paying and private work.

This can be calculated as follows:

- ✓ If you are a partner, reviewing your practice accounts for the last year and understanding the revenue amount that you personally receive for this type of work.
- ✓ If you are a salaried GP, nurse or Allied Healthcare Professional, you may receive additional income from any fee-paying work you do at the practice. Referring to your tax return for the previous year may assist in estimating this income.

Please remember we only need to know your personal income, not the practice's income from this type of work.

# Contact us

## Membership enquiries

**0800 952 0441**

08.00 – 18.30, Monday to Friday

[member.help@medicalprotection.org](mailto:member.help@medicalprotection.org)

## Medicolegal advice line

**0800 561 9090**

08.30 – 17.30, Monday to Friday  
Emergency advice available 24/7

[querydoc@medicalprotection.org](mailto:querydoc@medicalprotection.org)

## Workshop bookings

**0113 241 0696**

08.30 – 17.30, Monday to Friday

[education@medicalprotection.org](mailto:education@medicalprotection.org)

## MEDICAL PROTECTION

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