BCA Insurance Services

BCA Members:

Insurance Information Pack

Please note that this information pack is only a summary.

Please refer to the full policy wordings and your schedule for details of the cover you have as a member of the BCA.

January 2024

Contents

The Need for Insurance

Why do you need Medical Malpractice Insurance?

Whenever you provide professional services (treatment and/or advice), you owe a duty of care to the recipient.

If your services fall short of professional standards you may be liable for any subsequent loss.

Indemnity insurance protects you against this risk, paying the legal costs of defending such claims and any claims awards or settlements.

In addition it is a legal requirement, as set down by the GCC, to hold Indemnity Insurance.

What type of Insurance does BCA membership include?

- **Medical Malpractice Insurance**
- **GCC Disciplinary Defence costs**
- **Public Liability** - for example for slips and trips.
- **Products Liability** - for any products you may sell or provide.

  (Please note that Public and Products Liability cover is in respect of you individually. Note that clinics which are an entity in their own right should have Clinic Insurance, as described below).
- **Personal Accident Cover** - providing pre-agreed financial payments if you have a severe accident.
- **Legal Solutions & Tax Protection Cover**

What other insurances may you need?

There are a wide variety of other insurance products available which you may require depending upon your personal circumstances. We thought we would highlight **4 key areas**.

For more advice, you can contact BCA Insurance Services on **01823 250 788**.

- If you employ somebody it is a legal requirement that you have Employers' Liability Insurance in place. This is usually best sourced through 'Clinic Insurance', which can also cover Public & Products Liability for the clinic, along with Business Interruption, Contents, Buildings and various other covers.
- If you drive as part of your work, you must inform your motor insurer, in order to add "Business Use" to your Motor Insurance policy.
- If you work from home you should inform your home insurer, in order that you can arrange cover in respect of visitors – for example, if a slate fell off a roof and it injured a visitor, you may have no cover if you hadn't informed your insurer that you work from home.
- There are various other products which can help protect your finances - for example Income Protection, Critical Illness and Life Insurance.

Cover Summary

Please refer to the Policy wordings for full details and exclusions

Cover	Key areas of cover	Key exclusions
Medical/Professional Indemnity/Liability Insurance	▪ Medical Malpractice limit of indemnity £5,000,000 in the aggregate, including all costs. ▪ Public & Products limit of Indemnity £1,000,000, each and every claim, excluding defence and criminal costs up to a maximum of £250,000. ▪ Cover for GCC defence costs. ▪ Includes cover for individuals working independently of a clinic, for Public & Products Liability. ▪ Can be extended to cover with an 'entity' (e.g. limited company clinics) in most situations - *see page 7*	▪ Public & Products Liability for clinics - this requires separate Clinic Insurance - see page 3. ▪ Fines, penalties and punitive damages. ▪ Dishonest, deliberate or reckless acts. ▪ GCC Hearing costs where there has been a criminal conviction. ▪ Where there has been an unreasonable delay in notification of incidents which might give rise to a claim (where prejudicial to the claim).
Personal Accident	▪ £35,000 for Death, Loss of one or more Limbs, Loss of sight in one or both eyes, Loss of speech, Loss of hearing in both ears or Total Disablement. ▪ Medical Expenses at £10,000. ▪ An accident that occurs at any time.	▪ Self inflicted injury. ▪ Illness or disease (not resulting from bodily injury following an Accident). ▪ Naturally occurring condition, degenerative process or gradually operating process. ▪ Any emotional or psychiatric disorder or condition. ▪ War in country of residence. ▪ Any insured person over 75.

Cover Summary

Please refer to the Policy wordings for full details and exclusions

Cover	Key areas of cover	Key exclusions
Crisis Containment	■ Limit of Indemnity £25,000. ■ A time of severe difficulty in your activities or danger to your business as a result of an insured incident that could, if left unmanaged, cause adverse or negative publicity of or media attention to you or your business.	Crisis containment costs relating to any: ■ claim under any Management liability – Employment practices liability section; ■ employment claim under any Management liability - Directors and officers section or Management liability - Trustees and individual liability section. ■ any incident, act, investigation or problem that affects your profession or industry

Cover Summary

Please refer to the Policy wordings for full details and exclusions

Cover	Key areas of cover	Key exclusions
Legal Solutions	▪ Legal Defence Costs limit of indemnity: £100,000 per claim, aggregate limit: £1,000,000 per annum. ▪ Tax Disputes. ▪ Legal, Tax and Counselling Helplines.	▪ Where the prospects of being successful in a claim are less than 50%. ▪ Sexual impropriety, assault, violence or dishonesty. ▪ Deliberate or reckless acts. ▪ Fines, penalties and punitive damages. ▪ Where there has been an unreasonable delay in notification of incidents which might give rise to a claim (where prejudicial to the claim).

The insurer (other than for Legal Solutions) is Hiscox Insurance Company Limited. Hiscox Insurance Company Limited is one of the world's leading insurers and have a specialism in offering bespoke insurance solutions.

Hiscox Insurance Company Limited is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority.

The Legal Solutions policy is through Arag plc, a specialist provider of legal expenses insurance, and underwritten by HDI Global Specialty SE. Registered address: Roderbruchstraße 26, 30655 Hannover, Germany. HDI Global Specialty SE is authorised and regulated by Bundesanstalt für Finanzdienstleistungsaufsicht. Deemed authorised by the Prudential Regulation Authority. Subject to regulation by the Financial Conduct Authority and limited regulation by the Prudential Regulation Authority. Details of the Temporary Permissions Regime, which allows EEA-based firms to operate in the UK for a limited period while seeking full authorisation, are available on the Financial Conduct Authority's website. (FRN: 695331).

The insurance is arranged by BCA Insurance Services, a trading name of Lloyd & Whyte Ltd, a specialist in insurance and financial services for healthcare professionals and who are authorised and regulated by the Financial Conduct Authority.

Joining & Leaving

The BCA scheme policies are annually renewable policies from the 1st January, and are underwritten on a 'claims made' basis. This means that claims are dealt with by the policy that is in force at the time of notification (not necessarily when you carried out the treatment, which could have been a number of years ago).

For example, you treat a patient on 1st January 2022 and then hear nothing further from them until 1st January 2024. At this point the patient alleges that the treatment you provided has caused them to suffer ongoing neck pain. A claim is then brought against you. If you have a “claims made” policy (as it is for BCA members), it will be dealt with by your current Insurers because the policy triggered on the date the claim is made (in 2024) and not the date that the treatment was given (2022).

Upon Joining the BCA

Upon joining the BCA, you will be covered for events which occurred in the past, as long as you were not aware they may give rise to a claim.

This forms part of the application process where a retroactive date is required.

If you are aware of such circumstances, then your previous insurer should have been made aware.

Leaving the Profession OR Moving Permanently abroad

(Please notify BCA Insurance Services, in advance).

If you leave the profession in the UK completely, through a change in profession, retirement, or moving permanently abroad, we will arrange FREE run off cover. This will provide you with cover in the future, limited to 60 months, should a claim be notified relating to an incident which occurred when you were a member.

If moving overseas, cover will not apply for any work you do there (you would need to arrange cover in that country).

Maternity Leave /Shared Paternity Leave /Sabbatical

(Please notify BCA Insurance Services, in advance).

You will continue to have cover, and membership of the BCA, FREE of charge for up to 12 months, subject to no work being carried out during the period (other than limited 'Keeping in Touch Days').

If you require more than 12 months, please contact BCA Insurance Services.

Leaving the BCA

If you leave the BCA and continue to practice, then your cover through the BCA Scheme will cease upon leaving.

You will need to discuss with your new insurer to ensure that you have cover for previous work (sometimes referred to as “retrospective cover”).

If you have any queries or issues, please contact BCA Insurance Services.

- **Insurance enquiries: 01823 250 788**
- **E-Mail: bcainsurance@lloydwhyte.com**

'Entity' Cover

We have a number of members who are set up as Limited Companies, or run clinics where other professionals work. To protect your business against claims being made against it (rather than against an individual practitioner), we can extend your insurance and this is FREE for businesses where ALL practitioners are BCA members.

This will allow business owners to have peace of mind, knowing that they will be covered, in the event of a claim against the business entity.

In addition, even where the business includes chiropractors (or other practitioners such as physiotherapists and osteopaths) who are non-BCA members, the cover to protect the business is still available for a small payment of £50 (inclusive of Insurance Premium Tax) per non-BCA member practitioner. There are some types of professions (such as those conducting surgical work) which cannot be accommodated within your cover and would need a separate policy to be arranged.

Please note that if you have entity cover, you still need to ensure that all practitioners have their own individual insurance in place (whatever their profession).

If your current policy schedule shows your Ltd company name and non BCA members (if any) no further action is needed.

If your policy schedule does not show these details, and you would like to extend your insurance to include entity cover, please contact the BCA Insurance services for a proposal form/advice.

Cover is subject to completion and acceptance of an Entity application. The application form can be located here: **www.bcainsuranceservices.com** under 'Entity Proposal Form'.

Handling Incidents / Complaints

As well as the need to ensure you act promptly and effectively to ensure your insurance is valid, you also must remember the 'Duty of Candour' placed on healthcare professionals, in respect of handling patient complaints, or when things go wrong.

Members should all have a complaints procedure as required by the GCC Code of Practice.

You must inform us immediately, as soon as you become aware of:

- A complaint from a patient – this could range from a verbal complaint to a letter from a solicitor
- An incident which you believe could result in a complaint in the future - for example a patient having an adverse reaction to treatment, even if they haven't complained at this stage
- Notification of a complaint / investigation from the GCC

BCA Insurance Services will then advise you on the next steps should any of the above occur.

Please contact:

BCA Insurance Services
Affinity House
Bindon Road
Taunton
TA2 6AA

- **Complaints enquiries:** 01823 250 595
- **E-Mail:** bcainsurance@lloydwhyte.com

Changes / Activity Requiring Notification

There are various changes which you should inform us of. If in doubt, please contact the BCA Insurance Services.

For example:

- If you undertake activity outside the normal work of a chiropractor
- You have a student on work experience. Please note, any work experience placements should only be acting in an administrative capacity, although they may observe chiropractic treatment provided that full patient consent is obtained beforehand. They must be fully supervised at all times.
- Work with Elite athletes
- Any work in North America
- If you are opening a clinic overseas
- Working with bloodstock horses
- Work at high risk locations (such as prisons or oil rigs)
- If you require Entity Cover - see page 7
- Change of name /address / contact details
- Change of profession / retirement
- Maternity / Paternity
- Moving abroad permanently

Risk Management

It is vital that you have robust risk management in place, for the protection of your patients and yourself.

Key areas to consider

We thought it may be useful to highlight some key areas to consider, based on our experience over many years:

- Record Keeping. Maintaining good records of patient treatment is invaluable, both for future reference if conditions reoccur, and in the event that a claim is made against you. The BCA has produced very comprehensive Case History Sheets for our members, these are available from the BCA. If you wish to order these, please email enquiries@chiropractic-uk.co.uk or these can be ordered via the Member's only area of the BCA website.
- Members must at all times comply with the GCC's Code of Practice and Standard of Proficiency.
- Members must also comply with the Professional Standards Authority Guidelines on 'clear sexual boundaries between healthcare professionals and patients: responsibilities of healthcare professionals'. Any member who knowingly pursues an inappropriate relationship with a patient and in so doing breaches the GCC Code of Practice and the PSA Guidelines will not be entitled to indemnity to defend a case against them should a complaint be made to the GCC, unless it is found there is 'no case to answer'.

How the BCA can help

- The BCA will promote aspects of risk management and safe practice through its publications, seminars and conferences. Members should ensure that they are fully conversant with the advice provided and do their utmost to comply with the advice which may be provided from time to time.
- All findings of the GCC's Professional Conduct Committee, which involve the issue of a sanction against a Member, will be referred to the BCA's Professional Standards Committee who will undertake a review to determine whether action needs to be taken to safeguard further risk and protect the reputation of the Association as a whole. Such action may include the issuing of written advice, which may contain recommendations for relevant and proportionate risk management strategies.

Contact Information

It is vital that you have robust risk management in place, for the protection of your patients and yourself.

For any insurance queries, or to advise of a new or potential claim, please contact:

BCA Insurance Services
Affinity House
Bindon Road
Taunton
TA2 6AA

- **Insurance enquiries:** 01823 250 788
- **Claims:** 01823 250 595
  (Calls may be recorded for use in quality management, training and customer support.)
- **E-Mail:** bcainsurance@lloydwhyte.com

- **Policy wordings are available at:** www.bcainsuranceservices.com

For Membership queries, or advice, please contact:

BCA Membership Services
40 Cranmere Avenue
Tettenhall
Wolverhampton
West Midlands
WV6 8TS

- **Tel:** 0300 302 0332
- **E-Mail:** enquiries@chiropractic-uk.co.uk