

## **CSP Professional Liability Insurance**

### **Guidelines for CSP Members Reporting of Actual or Potential Claims**

#### **Introduction**

Any claim or incident that challenges the professional integrity of CSP members creates stress and anxiety for the members concerned. Following these simple guidelines will ensure that expert help is engaged at an early stage of the proceedings.

#### **Members Obligations**

There is a requirement under the PLI scheme for members to act quickly and notify insurers via the CSP immediately they become aware of a claim, or of an adverse incident which may give rise to a claim. Failure to do so may prejudice member's rights under the policy.

#### **Who Should Be Notified?**

Members should initially contact the CSP's Enquiry Handling Unit preferably by email on [pli@csp.org.uk](mailto:pli@csp.org.uk) or by post to the Enquiry Handling Unit, Chartered Society of Physiotherapy, 14 Bedford Row, London, WC1R 4ED, or by telephone on 0207 306 6666.

#### **Next Steps**

- Once advised of a claim or potential claim, the CSP will immediately notify the PLI Scheme brokers LFC Graybrook Limited by email at [graybrook@lfcinsurance.co.uk](mailto:graybrook@lfcinsurance.co.uk) or by post to LFC Graybrook Limited, MKM House, Baron Road, South Woodham Ferrers, Essex, CM3 5XQ, or by telephone on 01245 321185, confirming the member's name, address, membership number and brief details of the incident.
- On receipt the broker will send an acknowledgement letter direct to the member providing advice on the steps to be followed, and requesting completion of a PLI claim form.
- The member will return direct to LFC Graybrook Limited the completed PLI claim form, together with as much information as possible, copies of all correspondence, copies of medical records, and notes of any telephone calls etc.
- The brokers will provide the CSP with copies of all documents received.
- LFC Graybrook Limited will confirm HPC Registration (for UK treatments and the licences/permits for legality of treatments elsewhere) together with CSP membership and Scope of Practice prior to processing any claim.
- Subject to satisfactory replies to the above all documents will then be submitted to MPS Risk Solutions for registering as a potential claim under the PLI policy. Their own highly experienced Medico-Legal team will be engaged and send direct to the member a further acknowledgement again advising the next steps to be followed. At this point the insurers will take over

management of the claims process, and will continue to deal directly with the member, and where necessary the patient and/or their legal advisers until the matter is resolved.

The majority of allegations received by members are unfounded, but the process of resolving the various issues and establishing whether or not negligence has taken place can be a long and slow process.

### **What Incidents Should Be Reported?**

Not all complaints need to be notified and as a general rule the following should be advised:-

- If members receive (or think they may receive) a complaint from a patient arising from something that has occurred during the provision of treatment, even if the member believes the complaint is without merit.
- Members suspect (or know) that the patient has suffered harm or loss as a result of treatment.
- Members are aware that a complaint has been made to the Health Professions Council (HPC), where harm/loss to the patient is alleged or suspected.
- Members have been requested to release to copies of the patient's medical records.

If members are unsure whether an incident should be reported, please email the CSP's insurance brokers at [graybrook@lfcinsurance.co.uk](mailto:graybrook@lfcinsurance.co.uk) providing as much background information as possible.

### **Member's Acknowledgement of Claims**

It is perfectly acceptable for members to write a simple letter of acknowledgement to the patient (or their legal representatives), confirming receipt of any letter of claim or potential claim. The letter may also advise that the matter has been referred to their own Professional Body, The Chartered Society of Physiotherapy for advice.

The member should not however at this stage comment on the treatment or advice given, nor on any allegations made, or make any offer of compensation.

[Click here](#) to download a copy of the PLI claim form

[Click here](#) to download a copy of the Professional Liability Policy Terms and Conditions.



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# PLI for CSP members –

What you need to know



# CSP PLI Cover

What you need to know.

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## CSP PLI Cover

What you need to know.

### 1. INTRODUCTION

As a health care professional there is an element of risk involved in your work. For that reason you are advised to consider holding your own professional indemnity insurance for your work activities. Qualified working members, student and associate members (in physiotherapy support worker roles) have Professional Liability Insurance (PLI) cover provided to them as part of their membership benefits of belonging to the CSP.

### 2. TERMS OF THE POLICY

A full summary of the terms of the CSP PLI policy for members is downloadable from the CSP website [www.csp.org.uk](http://www.csp.org.uk). The extent of the CSP's PLI cover (subject to the terms of the policy) is such that cover is provided for malpractice, professional indemnity and Good Samaritan Acts. This includes claims of error, omission, act or negligence, breach of professional duty in the course of clinical practice where the member is acting within the scope of physiotherapy practice. Advice is also covered within the activities insured. Members have £5million as standard cover, but members working in areas where there is a perceived higher risk e.g. sports injuries / elite athletes can increase their individual indemnity limit to £10 million on discussion with the CSP's insurance brokers.

### 3. KEY REQUIREMENTS

- Qualified members **must** be HPC registered
- Student members **must** be working under the direct supervision of a qualified physiotherapist or other registered health professional



- Physiotherapy support workers **must** have their work solely delegated to them by a qualified physiotherapist or other registered health professional

Qualified working physiotherapists not on the HPC register do not benefit from the CSP PLI cover, and unless you have alternative arrangements in place, are not insured in your work. All qualified physiotherapists who wish to use the title must be on the HPC register.

- You **must** be a member of the CSP in a membership category that provides PLI cover at the time of treatment/advice, although the claim may be received some time later.

CSP membership at the date of claim is not an issue. However earlier work will be insured provided you held CSP membership in the appropriate category during the actual time of treatment or advice. Categories of CSP membership that provide PLI cover are B, B1, BE, BEI, L, student members, and physiotherapy support workers. Other categories of CSP membership do not provide PLI cover.

If you are a qualified working physiotherapist but **not** on the HPC register, you do not benefit from PLI cover regardless of your CSP membership category<sup>i</sup>. Physiotherapists in the 'retired member' category do not have PLI as it is assumed that these members are not working in any capacity.

- You **must** be advising and acting within the overall scope of the profession of physiotherapy.

The CSP is the final arbiter of what is considered to be the scope of the profession of physiotherapy. The CSP describes how it considers scope of practice matters in the CSP Information Paper PD001 'The Scope of Practice of Physiotherapy 2008' available from the website [www.csp.org.uk](http://www.csp.org.uk).

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<sup>i</sup> In addition you are practising unlawfully as in order to use the title 'Physiotherapist' or 'Chartered Physiotherapist' you must be on the HPC register (unless you are a student or retired), or work solely as an animal physiotherapist.



If you are unsure whether an activity or modality is within the overall scope of the profession, please contact the CSP on [paservice@csp.org.uk](mailto:paservice@csp.org.uk). The CSP PLI cover **does not** cover activities that are considered to be outside the overall scope of the profession.

#### 4. TRIGGERS FOR CLAIM NOTIFICATION

It is a requirement of the policy that you notify the insurers or any *'actual or potential claim or circumstance'* that may give rise to a claim against the policy. This statement can be interpreted very broadly and may depend on individual circumstances. You should seek the advice of the insurers if you are unsure whether to report an incident or not. The following list, is illustrative – but not exhaustive – of the types of events that **require notification** under the PLI scheme:

Claim	Circumstance
<ul style="list-style-type: none"> <li>• Letter from patient/ client informing you that proceedings have been commenced against you</li> <li>• Letter from solicitor informing you that proceedings have commenced against you</li> <li>• Letter from a patient or solicitor stating that proceedings are intended against you.</li> <li>• indicating that the patient intends to pursue enquiries which may lead to a potential claim for inappropriate treatment or advice.</li> </ul>	<ul style="list-style-type: none"> <li>• Letter from a patient, solicitor (or other legal representative acting on the patient's behalf), requesting you to release your patient records for investigation <b>unless</b> an assurance is given in writing that no claim will be made, or is intended, against you.</li> <li>• Coroners verdict on a deceased patient where the verdict suggests some lack of care or other failings in care.</li> <li>• A patient withholding fees-due on some clinical grounds e.g. failure to diagnose, misdiagnosis, inappropriate treatment or failure to refer on.</li> <li>• Formal patient complaint on some aspect of the care given by the physiotherapist e.g. failure to</li> </ul>



	<p>diagnose, misdiagnosis, inappropriate treatment or failure to refer on<sup>ii</sup>.</p> <ul style="list-style-type: none"> <li>• Publication by a third party (e.g. a newspaper) of allegations about standards of care given by a named physiotherapist to a named patient <sup>iii</sup>.</li> <li>• Where the member is aware of any adverse incident that could give rise to a claim, e.g. falls in clinics, burns from electrotherapy devices etc.</li> <li>• Notification from the HPC that a complaint has been received by the HPC where patient harm is alleged or suspected.</li> </ul>
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## 5. NOTIFYING A CLAIM OR CIRCUMSTANCE

If the CSP have advised that you need to make a PLI notification, you must **immediately** contact the CSP's insurance brokers. Your notification is not considered valid until you have contacted the insurance brokers.

The CSP no longer supplies claim forms for members.

Please contact the CSP's brokers at:

LFC Graybrook Limited  
MKM House  
Baron Road  
South Woodham Ferrers  
Essex  
CM3 5XQ

Tel: 01245 321185

e-mail: [GraybrookReception@lfcinsurance.co.uk](mailto:GraybrookReception@lfcinsurance.co.uk)

## 6. COMPLETING A CLAIM FORM

<sup>ii</sup> Patient complaints about rudeness of ancillary practice staff are unlikely to give rise to a claim under members' PLI, but all complaints about any aspects of care and treatment by the member should be reported.

<sup>iii</sup> Whilst the named physiotherapist may consider such publications defamatory, prosecuting the defamation is outside the terms of the CSP policy, but the malpractice and indemnity issues will be covered.



Failure to complete the form correctly may result in delays to processing your claim and may result in the forms being returned to you for correction. The CSP's insurance brokers will issue a guide to help you complete your notification forms correctly.

The CSP's insurance brokers will pass some of the information declared on your notification form to the CSP for validation purposes, and will pass a copy of your completed notification form and associated documents to the insurers.

The insurers will use the contents of your notification form to process your claim.

The CSP will determine your CSP membership status at the time of the treatment / advice giving rise to the claim and whether the activities in question are within the scope of physiotherapy practice. The CSP is not able to receive and process the associated clinical records attached with a claim, therefore the information required **must be completed on the notification form** for your claim to progress.

You may describe the **treatment/ advice** given in any manner you feel appropriate, however you may find it helpful to consider the four pillars of physiotherapy practice and describe your treatments/ advice accordingly. The pillars of physiotherapy practice are:

- Massage – covering all forms of massage and soft tissue handling techniques.
- Exercise and manual therapy – including all forms of exercise prescription (with or without equipment<sup>iv</sup>), and manual treatments encompassing mobilisations and manipulations to the body structures (with or without equipment).
- Electrotherapy – use of any electro-physical agent

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<sup>iv</sup> Therapeutic riding and hippotherapy are included in this category, where the horse is considered a vehicle for the intervention.



- Kindred treatments – other modalities or interventions, for example- but not limited to - acupuncture, injection therapy, prescribing actions, cognitive modalities and other means used to deliver physiotherapy.

You are also asked to detail **products supplied and advice given**.

- Products – describe any taping, strapping, support, splint, brace, cast, sling, bandage or dressings etc given or used.
- Advice – describe what the advice related to: It might be advice relating to a pillar of practice, a product or something else determined by assessment e.g. workplace or lifestyle advice. If you gave an advice or exercise sheet, state the **date and version** of the document given to the claimant on the form and enclose a copy of the document to the insurers.

## 7. CLAIMS PROCESS

- You notify the brokers of a claim or circumstance
- The Brokers send you a PLI form
- You complete and return the PLI notification form to the brokers.
- Your HPC status is verified (qualified physiotherapists only)
- The brokers pass the form to the CSP
- The CSP verifies membership status and eligibility for insurance
- The CSP verifies that the activity in question is within the scope of the profession
- The brokers and insurers manage all further aspects of the notification and any claim subsequently made.

## 8. RESPONDING TO CLAIMANTS



The Ministry of Justice governs the process of all civil proceedings<sup>v</sup> in England. The law has recently been reformed and the whole process is governed by the Civil Procedure Rules:

<http://www.justice.gov.uk/procedure.htm>.

The process for managing clinical disputes is covered in the Pre-Action Protocol for the Resolution of Clinical Disputes and can be found at:

[http://www.justice.gov.uk/civil/procrules\\_fin/menus/protocol.htm](http://www.justice.gov.uk/civil/procrules_fin/menus/protocol.htm).

Once you have received notification from a patient or solicitor that proceedings have started you must act within defined time frames. The CSP insurance brokers and/or will advise you what to do.

You should **not** enter into correspondence with the claimant or their solicitors once the insurers have been notified apart from to

- Acknowledge receipt of their letter
- Inform the claimant that your insurers are now dealing with the matter
- Provide the contact details of your insurers so that all correspondence can be directed to the insurers
- Provide copies of clinical records to solicitors if written consent is provided to you by the patient
- Invoice for the costs of releasing clinical records

## 9. OTHER INSURANCE ISSUES

### a. Sports Massage

The essence of physiotherapy practice is that service-users are assessed, their needs identified and then appropriate treatment is delivered as needed. Massage is fully accepted as part of physiotherapy practice. However, physiotherapists who are employed/ engaged solely to provide sports massage and nothing else are advised to obtain additional insurance to cover this sports massage activity.

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<sup>v</sup> Criminal and Family proceedings are covered under separate Procedure Rules.



If massage is provided in isolation from a full physiotherapy assessment and no other treatment can be offered, then the physiotherapist in this circumstance is working as a masseuse and not a physiotherapist and the general CSP PLI cover is not in force.

#### **b. Private Practice Insurance**

The CSP PLI scheme covers sole-trader and partnership business activities that comprise solely CSP members working wholly within the scope of physiotherapy practice and based in the UK.

The CSP PLI cover does not provide cover for corporate entities (e.g. Limited companies), or partnerships comprising non-CSP members, or Employers.

Members working in private practice **may** require additional insurance cover and should speak to their insurance broker to determine their particular insurance needs. The CSP's insurance brokers offer the facilities to provide additional insurance products as required in addition to the CSP member insurance.

#### **c. Non-physiotherapy activities**

The CSP recognises that some of our members are qualified to practise another profession or skill apart from physiotherapy e.g. medicine, dentistry, aromatherapy, homeopathy.

The CSP PLI scheme covers all activities defined by the CSP as being within the overall scope of the profession. Members requiring insurance for other activities outside the scope of physiotherapy practice should consult their insurance broker to determine their particular insurance needs.

#### **References:**



PD001 'The Scope of Practice of Physiotherapy 2008'. The Chartered Society of Physiotherapy. London.

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### GUIDANCE FOR COMPLETING A CSP PLI CLAIM FORM

- Use block capitals or type your form.
- Write legibly.
- Complete all sections.
- Do not leave blanks – write N/A OR N/K if unable to complete the information.
- Include all addresses where asked for all parties named in the form.
- Enclose all employment contracts/contract for service agreements for the physiotherapist(s) as required.
- Enclose copies of all correspondence from the claimant and their solicitors.
- If a claim has been received please enclose copies of all clinical records relating to the incident, if however you are reporting a potential claim any records submitted should be anonymised.
- Enclose copy of patient's written consent, where received, to release records to third parties.
- Enclose copies of all information and advice sheets given to patients.
- **Do not** use terms such as “see notes enclosed” or “see enclosed documents” or “see attached”. Forms completed using these terms **will be returned** to you for amendment.
- If the claim relates to equipment, you should notify the MHRA (please see their website [www.mhra.gov.uk/safetyinformation/healthcareproviders/index.htm](http://www.mhra.gov.uk/safetyinformation/healthcareproviders/index.htm).)

## Notification of Claim or Circumstances that may lead to a Claim

**Private, privileged and confidential: For the attention of MPS Risk Solutions Limited & its legal advisers.**

**Any communication or document you have received about this matter must be forwarded unanswered (other than a simple acknowledgement) with this form to the Claims Department, MPS Risk Solutions Limited, Granary Wharf House, Leeds LS11 5PY.**

**No offer of payment or admission of liability must be made by you or anyone acting on your behalf.**

**If the claimant is a patient you have treated who is making a claim in respect of that treatment, please forward a copy of your treatment notes/records relating to that treatment.**

### Your Details

Member Name

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Policy Number

Renewal Date

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### Contact Details

First Name		Last Name	
Title		Occupation	
Telephone Number		Fax Number	
Mobile Number		Pager Number	
Email Address			
Address			
Postcode			
Employment Status	Employed		Self-Employed
<b>If you are employed please provide full details of your employer and attach a copy of your employment contract.</b>			

### Current CSP Membership Details

Membership Number		Start Date	
Full Practising Member	Student Member	Overseas Member	
Non-Practising Member	Retired Member	Other (please specify)	

Were you a full practising member of the CSP at the time of the alleged incident?

Yes  No  If No, please provide full details.

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### Current Physio First &/or AACP Membership Details (if applicable)

Membership Number		Start Date	
Membership Number		Start Date	

## Treating Physiotherapist Details (if someone else)

First Name			Last Name			
Title		Occupation				
Address						
Postcode						
Employment Status	Employed by you		Self-Employed		Employed by another business	
CSP Membership						
Practitioners own Indemnity/Insurance details (if known)						

## Claimant/Complainant Details

First Name			Last Name			
Title		Occupation				
Date of Birth			Male		Female	
Address						
Postcode						

Has the claimant/complainant instructed solicitors?

No  Yes  If Yes, please provide full details of solicitors and copies of all correspondence.

Solicitor Name	
Address	
Postcode	
Telephone	
Solicitor Reference	

If No, have you been advised that a claim will or may be made against you?

No  Yes  If Yes, please provide full details

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Have you received a Letter of Claim or any other court documentation?

No  Yes  If Yes, please provide full copies.

Have you, or anyone acting on your behalf, said anything to the claimant about the incident, claim or problem that has arisen?

No  Yes  If Yes, please provide full details

### Dates

When did the incident/problem occur?	
When did you first become aware of the incident/problem?	
When did the claimant first indicate that a claim would be made?	

### Claim Details

Please provide full details of treatment/advice provided or products supplied & any documentation which may be relevant.

Please provide full details of claim or incident

Please provide full details of the alleged injury, damage or loss.

Who do you think was at fault?

Please give full details.

Are there any other potential claimants who could bring a claim arising out of the same incident?

No  Yes  If Yes, please provide full details.

### Declaration

I/We hereby declare that:

The above statements are true, and I/we have not suppressed or mis-stated any facts and should any information given by me/us alter after the date of this Claim Form or should I/we receive any further communication in relation to this matter I/we shall immediately notify MPS Risk Solutions Limited.

I/We also confirm that the undersigned is/are authorised to act for and on behalf of all persons who may be entitled to indemnity under any policy.

**Signature**

**Date**

/ /

### FOR CSP USE ONLY

We hereby agree that the person named above is a member of the Chartered Society of Physiotherapy and was a full practising member at the time of the alleged incident and is entitled to indemnity under the CSP's Members Scheme Policy Number SCH0000003.

**Signed on behalf of CSP**

**Date**

/ /

**We will also accept confirmation of membership from the CSP via email.**