

General practice indemnity guidance for claimant solicitors

The Clinical Negligence Scheme for General Practice (CNSGP) provides indemnity cover for practices in England, their GPs, locums, trainees, agency and other staff involved in providing NHS services for general practice. The indemnity provided under CNSGP is for clinical negligence claims arising from an act or omission of a GP or other person working in general practice that occurred **on or after 1 April 2019**. The scheme is administered and operated by NHS Resolution on behalf of the Secretary of State for Health and Social Care.

The Existing Liabilities Scheme for General Practice (ELSGP) covers liabilities for clinical negligence arising from the activities of Medical and Dental Defence Union of Scotland (MDDUS) and Medical Protection Society (MPS) members and former members in providing NHS primary medical and ancillary NHS services in England **prior to 1 April 2019**, where these are within scope of contractual agreements agreed.

Why the change?

In order to meet the considerable challenges facing general practice, NHS England and the British Medical Association, supported by the Government, have reached an agreed five year framework for the ongoing provision of general practice services.

One key challenge was to find a solution to the growing cost of indemnity cover. GPs and practices do not need to pay anything to be covered by the CNSGP or the ELSGP.

In addition, the schemes will operate in tandem with existing private and state-backed indemnity schemes, including the Clinical Negligence Scheme for Trusts (CNST) to ensure a consistent approach is taken to handling claims with multiple issues and/or defendants.

Who and what will it cover?

All NHS GP service providers in England will be eligible for cover under CNSGP, including out of hours providers in relation to the activities within the scope of the CNSGP. Details of the scope of the scheme can be found [on our website](#).

The scheme will extend to all GPs and others working for general practice who are carrying out activities in connection with the delivery of primary medical services – including salaried GPs, locums, prison GPs, students and trainees, nurses and allied health professionals. This also includes any integrated urgent care delivered through general practice under schedule 2L of the NHS standard contract. CNSGP will only cover NHS services provided under these contracts and will not cover, for example, private treatment.

Activities relating to the provision of NHS services other than primary medical services will also be covered under the CNSGP but only if those services are provided by a provider (X) whose principal activity is to provide primary medical

services or a person providing ancillary health services under a sub-contract with X. These 'other' NHS services are referred to in the regulations that establish the CNSGP¹ as "ancillary health services".

The ELSGP covers liabilities for clinical negligence arising from the activities of Medical and Dental Defence Union of Scotland (MDDUS) and Medical Protection Society (MPS) members and former members in providing NHS primary medical and ancillary NHS services in England prior to 1 April 2019, where these are within scope of contractual agreements agreed.

What will it mean for future claims?

Claims made in respect of incidents occurring on or after 1 April 2019 will be managed by NHS Resolution under CNSGP.

If you are acting for a patient in relation to a claim which falls within the scope of CNSGP cover, you can contact NHS Resolution directly at nhsr.cnsqp@nhs.net.

Claims made in respect of incidents occurring before 1 April 2019 involving a current or former member of the MDDUS or the MPS are managed by NHS Resolution under the ELSGP together with the other indemnity schemes. If you have any queries, please contact nhsr.elsqp@nhs.net.

(Published 1 April 2021)

¹ The National Health Service (Clinical Negligence Scheme for General Practice) Regulations 2019.