



28 February 2019

## **Department of Health and Social Care Consultation** **Appropriate clinical negligence cover**

### **Comments from the Institute of Biomedical Science**

#### **The Institute of Biomedical Science**

The Institute of Biomedical Science (the IBMS) is the UK professional body for biomedical scientists. It represents approximately 20,000 members employed mainly in NHS laboratories, NHS Blood and Transplant, Public Health services, private laboratories, research, industry and higher education. Biomedical scientists are regulated by the Health and Care professions Council (HCPC).

The IBMS understands that this consultation is in respect of regulated healthcare professionals in the UK not covered by a state-backed indemnity scheme and as such, does not apply to the majority of biomedical scientists. However, there are biomedical scientists that may practice in a private capacity or be employed by an employer not covered by the Clinical Negligence Scheme for Trusts or by an equivalent provision.

#### **Consultation questions**

The IBMS response focuses on those questions to which we feel best placed to offer an opinion:

- 6.1** We understand the reasons for seeking changes to the current arrangements and are broadly supportive of the proposals. With regard to the proposed options offered for meeting the Government's objectives, the document has offered a binary choice: do some thing or do nothing. Option 2, to make legislative change, would appear to meet the policy objectives identified.
- 6.2** We do not have sufficient knowledge as to the likely costs associated with implementation of the Option 2 proposals. However, we are concerned that there could be an increase in costs to individuals through the personal requirement to have clinical negligence cover through a FCA or PRA approved provider or employers providing clinical negligence cover could 'pass on' increased costs to staff. We have concerns that high risk procedures and investigations may become uneconomic owing to the high cost of cover.

- 6.4** We broadly support the Government's preferred option and the argument in favour of this recommendation. However, we would prefer that the distinction between criminal negligence and clinical negligence be clearer and that for the former this was covered by the criminal injury compensation scheme, not clinical negligence cover.
- 6.6** The implications of making changes to professional standards so that professionals have to hold a regulated product in order to practise would be the need for a very comprehensive publicity campaign to inform all registrants of the new requirements, giving sufficient notice for individuals to review and, if necessary, change their insurance arrangements. Particular care must be taken to ensure registrants on maternity leave or taking a career break are made aware of any changes prior to their return to practice.
- 6.7** Our view as to the need for a transition period is captured in the above response.
- 6.8** We would support measures to mitigate potential cost impacts and that ensure a clear and well-planned transition period.