

**Department of Education  
and Quality**

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To:-

**GP trainers  
Practice Managers  
LMCs  
CEPNs  
HEIs**

Dear Colleagues

## **Clinical Students indemnity while they are in GP placements**

We understand there is a need for some clarification about indemnity cover requirements for pre-registration students from all clinical disciplines while they are in general practice placements. Clarification has previously been distributed for medical, nursing students and physician associates but this guidance has not previously been provided for other disciplines such as student pharmacists. This letter sets out guidance which can apply to all clinical students.

Students are similar to all other learners when they are placed in hospital placements; they are covered under the NHS Indemnity arrangements for Clinical Negligence Claims Schemes<sup>1</sup>. However, clinical students when they are in general practice placements benefit from the individual indemnity within the practice from the supervising general practitioners. This is achieved by agreement that general practice effectively makes the students honorary members (similar to a work experience student), and students are therefore covered vicariously. We have contacted various indemnity organisations to verify the above and summarised their responses in the attached document.

We believe clinical students' placements in general practice can be arranged with confidence with regard to indemnity provision if general practice professionals take the following steps:

- GP and Nurse supervisors/mentors acting as supervisors have been through appropriate training that meets regulatory, university and HEE guidelines.
- All clinical staff members of GP practices should be included in indemnity cover for their clinical work.
- GP practices should sign an appropriate training agreement with the relevant university which will clarify the competences expected of students.

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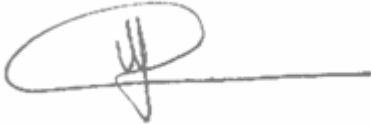
www.hee.nhs.uk  
hee.enquiries@nhs.net  
@NHS\_HealthEdEng

- Ideally GP practices will also have their own local agreement, or honorary contract, between the student and practice setting out the responsibilities of each party.

The attached statements provide confirmation that practices indemnity providers will include students without individual notification of their presence in practices.

Yours sincerely

**Martin Wilkinson**



**Director of Postgraduate GP Education  
Chair English GP Deans  
Health Education England (West Midlands)**

**Karen Storey**



**Primary Care Lead Nurse (Workforce)  
Training Hub (CEPN) Lead  
Health Education England (West Midlands)**

1. <http://www.nhs.uk/claims/Documents/NHS%20Indemnity.pdf>

### **MDU statement on indemnity for students in HEE approved clinical learning environments**

In the MDU's experience it is unlikely that a clinical negligence claim would be brought against a student as in most cases we anticipate they would be present as an observer or in a directly-supervised role with the supervising GP or nurse retaining responsibility for any patient contact. We would not expect students to make independent decisions about the diagnosis or the management of patients or to provide specific clinical advice to patients (unless in the presence of a supervising GP or nurse who could correct any misinformation provided).

A supervising GP or nurse has a duty of care to his or her patients and that duty of care is not diminished when allowing the involvement of a student, as the GP or nurse will retain professional responsibility for the consultation. In the event that a patient were to be harmed as a result of a student's involvement in their care it is most likely that any claim brought would name the supervising GP or nurse rather than the student nurse. Where MDU members (GPs or nurses) were involved in supervising a student nurse they could approach us in order to seek assistance in the usual way if a claim arose out of a patient contact they supervised.

MDU members do not need to notify us individually if they have students on placement at the practice or are otherwise involved in their education.

It is possible that a claim could be brought against a student directly or against the employing trust or training establishment. If a patient was harmed as a result of an act or omission of a student who, for example acted without supervision or against the express instruction of the supervising GP (or nurse), then the claim would not fall within the responsibility of the practice or its partners. Although this would be extremely unlikely, it is still advisable to consider the possibility. For this reason the MDU encourages all non-medical healthcare professionals and students who are able to do so to make their own indemnity arrangements where it is available. We do not offer individual membership to students (other than medical students) but, while stressing that we consider it very unlikely that a claim would be brought against an individual student on a general practice placement, it remains open to them to source individual indemnity cover to protect against that eventuality. We understand, for example, that indemnity for students may be available through organisations such as the RCN, Pharmacists' Defence Association, Chartered Society of Physiotherapy and the British Dietetic Association.

### **Medical Protection Society Statement**

Further to our discussion a couple of weeks ago, I write regarding Medical Protection's underwriting position with regard to student indemnity.

Presently we offer membership for medical students and, as members, medical students can request assistance relating to non-claims matters such as regulatory or criminal investigations. However, medical students do not benefit from indemnity cover in their own right but only through the vicarious liability of indemnified and qualified supervising staff and any indemnity provided by their medical school.

Medical Protection considers the training and supervision of student health care professionals on a placement in general practice (i.e. not working in an employed capacity) to be part of the responsibility of the practice partners.

Members can request assistance from MPS for incidents arising where a student they are supervising was involved, whether that student is a medical student or a health care student of another discipline.

Members must ensure that they retain responsibility for clinical consultations, decisions and treatment, irrespective of the involvement of students, and that they should ensure that students are appropriately supervised by a recognised trainer at all times.

Please note that we do not require our members to inform us of their involvement in the training and supervision of students in their practice.

I hope this information assists you in your work at Health Education England.

**MDDUS position on indemnity for healthcare students**

This guidance applies to MDDUS members in a GP partner grade of membership.

We recognise that GP practices provide a rich learning environment for a wide range of student healthcare professionals, including medical students, student nurses and physician associate students.

Where a student on placement within a practice is acting in accordance with duties delegated to him or her, the GP partners may be held vicariously liable for negligent harm caused to patients.

GP partners who are members of MDDUS can look to us for assistance, including indemnity for claims that might be brought by a patient. Any indemnity is given through the vicarious liability of MDDUS GP partners and as such, any payments made by MDDUS will be proportionate to a head count of MDDUS members amongst the partners.

It should be noted that MDDUS would not indemnify individual students per se. It is possible that the student could be sued in his or her own right and may need to consider obtaining personal indemnity for complete peace of mind. Similarly, the university or employing Trust is likely to retain a degree of vicarious liability for the student nurse and MDDUS reserves the right to pursue any third party for a contribution if we consider it appropriate.