



# Paramedic Member Guide

Summary of benefits of MDU membership for paramedics

**2009/2010**

# Contents

	<b>Page</b>
<b>Summary of benefits of MDU membership for Paramedics</b>	<b>6</b>
<b>1. General benefits</b>	<b>6</b>
<b>2. Contractual benefits</b>	<b>7</b>
Policy elements applying to paramedics	7
Regulatory control for peace of mind	8
Expert, consultative claims handling	9
How to report a claim under the professional indemnity policy	9
Out of pocket expenses	10
<b>3. Discretionary benefits</b>	<b>11</b>
Summary of discretionary benefits	11
Eligibility to request discretionary benefits	12
Areas where the MDU is unlikely to provide support or representation	13
<b>4. Benefits for MDU members working overseas</b>	<b>14</b>
Members working overseas	14
All members – Good Samaritan cover	14
<b>5. General membership procedures</b>	<b>15</b>
Refunds	15
Continuation of membership	15
Keeping your MDU membership up to date	15
<b>6. Service standards and complaints</b>	<b>16</b>
Complaints – Insurance policy and claims	17
Complaints – Discretionary support and other matters	17

# Welcome to your guide to MDU member services for Paramedics

I am pleased you have chosen to be a member of the Medical Defence Union. We have been supporting and defending members for over 120 years as a mutual company, owned by our members. Our commitment to you remains:

- to provide the best possible defence and medico-legal expertise
- to deliver our service to you via our doctors, lawyers and claims specialists who have unrivalled expertise and an understanding of and empathy with the experiences of the profession.

When reading letters from members, I am encouraged to see how much members appreciate the way the MDU has helped them when they need it most. Many members hope they will never need to use our claims or defence services, but in these days where our profession faces the challenge of multiple jeopardy arising from a single incident, I trust it is reassuring for you to know that help from the MDU is just a telephone call away 24 hours a day, 365 days a year.

Please take time to see the breadth of the services we provide by reading this booklet. If you have any comments or suggestions for improvements, do let me know.

Yours sincerely



**Dr Christine Tomkins**

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Chief Executive

## Professionals in healthcare services

Health services are becoming ever more regulated with new hazards facing paramedics seemingly on a daily basis.

You spend your professional career saving lives and helping others, but you need to have someone you can turn to, who can support you with these challenges.

The MDU employs doctors and healthcare professionals who, through their own time in practice, understand the issues you are facing and can provide you first-hand advice and encouragement.

## Specialist medico-legal advice when you need it - 24-hours a day

There are likely to be times in your career when you will face a difficult medico-legal or ethical decision or you receive a patient complaint. Our team of experts (doctors, healthcare professionals and lawyers) are available to provide advice and support, 24 hours a day, 365 days a year.

Our advisers help members with over 25,000 calls a year. Where appropriate they can help you draft a response to a complaint or arrange representation for you at inquiries or disciplinary hearings. Above all they are there to help you defend your reputation.

The services we provide are described in detail on page 11 of this guide.

## Support when there is a claim against you

Should an incident turn into a claim, you can have confidence that the MDU can put in place a team of experts, comprising a doctor, a claims expert and, if appropriate, a lawyer to provide the very best defence for you.

We pride ourselves on keeping our members fully involved and informed on the development of a claim, and also on not settling a case without the consent of our member. In recent years we have won a number of landmark cases on behalf of our members.

(More information on the professional indemnity policy and our claims procedure is contained on pages 7,8,9 and 10 of this guide.)

## Support and advice to help you to avoid common medico-legal pitfalls

From experience of handling complaints and claims against our members for 120 years, the MDU has built up knowledge of the common pitfalls which lead to problems. We provide you with a range of ways to obtain this information:

- through our medico-legal publications on issues such as complaints and confidentiality
- through the articles and over 100 case histories contained on our website [www.the-mdu.com](http://www.the-mdu.com)
- the popular and informative MDU journals
- regular emails on medico-legal 'hot topics'.

Please note: The MDU always seeks to offer attractive benefits as part of membership and as such, from time to time, may add, withdraw or amend benefits at its discretion. Visit [www.the-mdu.com](http://www.the-mdu.com) for the latest information of the benefits included in membership.

## Summary of benefits of MDU membership for paramedics

MDU membership entitles its members to certain benefits. These fall into three categories

1. **General benefits:** available to all members.
2. **Contractual benefits:** insurance coverage, from authorised insurers subject to the terms and conditions of the contract, available to most paying members.
3. **Traditional discretionary benefits:** assistance which members may request within the terms of the Memorandum and Articles of Association of the MDU.

### 1. General Benefits

Among the services available to current members of the MDU are:

1. Right to vote on Resolutions at the MDU's AGM# (not including associate members).
2. Right to receive the Annual Report and Accounts# (not including associate members).
3. Access to the MDU's publications such as The Journal and a range of advisory publications on subjects such as complaints and confidentiality.
4. Access to the comprehensive case history and advisory centre within the MDU website – [www.the-mdu.com](http://www.the-mdu.com)
5. Access to third party offers negotiated by the MDU on behalf of its members. To find out more about these offers visit the MDU website – [www.the-mdu.com](http://www.the-mdu.com)

#Please note this service is available online – you can enrol at the MDU's website [www.the-mdu.com](http://www.the-mdu.com)

## 2. Contractual Benefits

The MDU is the only UK medical defence organisation (MDO) to provide individual members with a professional indemnity policy. The policy is issued on a co-insured basis by SCOR UK Company Limited and International Insurance Company of Hannover Limited.

### Policy elements applying to paramedics

This policy currently provides, in the event of a claim against the member for clinical negligence, up to £5m\* indemnity for any one claim and the total of all claims annually, as long as the claim falls within the terms and conditions of the policy. The cover is provided on a claims made basis – which means that it covers incidents which occurred while the individual was a member of the MDU and where a claim is made while the policy is still in force.

The policy also includes a retirement section and an extended reporting period section. Under these conditions you can also continue to be covered for three years for incidents that occurred while you were a member of the MDU, but where a claim is not made until you retire permanently from practice or leave the MDU.

The policy does not cover:

- claims that arise from an incident at a time when the individual was not a member of the MDU
- claims that arise from an incident at a time when the individual was temporarily retired from practice, which may include when an individual is on maternity leave or taking a short term break from practice. Please note that where a short term or maternity leave break falls within a policy year, an incident may still be reported under the policy during this time so long as the incident arose during a time when the individual was a member of the MDU and not on a break.

However, providing you apply to, and are granted this by MDU Services prior to commencing leave and while you are still an MDU member, your policy can be endorsed so that you can continue to be covered for incidents which occur while you were a practising member of the MDU, but where a claim is not made until after you cease practising, for periods of family leave up to one year, or if you are disabled from practising for three years.

\* Check your individual policy schedule, policy limits vary.

Your legal representatives can apply for a similar endorsement should you die. Please note that should you return to practice after a period of disablement, retirement or family leave, you will no longer benefit from this extended reporting right.

The cover provided under the retirement section, extended reporting period section, disablement or family leave endorsement is restricted to and within the indemnity limit of the last policy issued to you before commencing your extended reporting period after leaving the MDU, retirement disablement or family leave, or before your death.

The policy includes cover for claims arising from Good Samaritan acts anywhere in the world.

A copy of the policy wording for paramedics is available on the MDU website [www.the-mdu.com](http://www.the-mdu.com)

### **Regulatory control for peace of mind**

You have the added peace of mind in knowing that the insurance policy provided is subject to exacting standards of service and financial control set by external regulators.

Members' policies are arranged by MDU Services Limited, a company owned by the MDU, which acts as an independent intermediary with an agency for SCOR UK Company Limited, International Insurance Company of Hannover Limited and the MDU, and is regulated by the Financial Services Authority (FSA). FSA rules, by which MDU Services abide, set standards to ensure we act properly in the way we sell and administer the policies provided to MDU members. SCOR UK Company Limited and International Insurance Company of Hannover Limited are also regulated by the FSA.

## Expert, consultative claims handling

In the unfortunate event of your having a claim under the policy, it will be handled by one of MDU Services' experienced in-house teams. Teams include doctors, insurance experts and solicitors, if needed. We believe in keeping you informed on the progress of the claim as we know just how stressful the experience can be.

## How to report a claim under the professional indemnity policy

Often the first indication you will have of a claim for compensation being made against you is when you receive a letter from a patient or his solicitor. Alternatively you may receive Court papers. It is important that you act quickly to report the claim to us as we usually have only 12 weeks from receiving a detailed Letter of Claim to provide a full detailed response. In order to report a claim to MDU Services:

- contact the 24-hour medico-legal advisory helpline on **0800 716 646** and report that you have received notification of a claim against you. The adviser will arrange for you to be provided with a checklist of the documents we require – which will be based on the list below
- immediately afterwards please write to  
Claims Manager  
MDU Services Limited  
230 Blackfriars Road  
London SE1 8PJ

including the following:

- confirmation that you would like our assistance with the claim
- your consent for us to act on your behalf in this matter
- the date on which you received the solicitor's letter or request for compensation or Court documents
- a statement formally confirming that you have sent photocopies of all the records relevant to the case in your possession to MDU Services and your consent that MDU Services may disclose these records to the Claimant's solicitors, if appropriate
- full details of any other practitioners or other persons involved in the sequence of events surrounding the claim
- any other information you feel relevant to the claim.

We also need you to send to us copies of several documents including:

- the solicitor's letter or request for compensation or Court documents
- all records in your possession relating to the patient which may include:
  - a complete photocopy of the original records on single sided A4 sheets
  - a printout of computerised records if available

Please note it is essential that documents are not altered or amended in any way, as this may severely weaken your defence and could result in other serious adverse consequences for you such as disciplinary action.

We are aware of how upsetting it can be for a member to receive a claim. The sooner we are informed and receive these documents the sooner we are able to begin to assist you.

### **Out of pocket expenses**

Please note, in order to keep the costs of subscriptions low for the benefit of all members, we do not meet the costs incurred by you in attending court, hearings or meetings with the MDU relating to your case. Neither can we meet the costs of any locum cover you may need to arrange for you to attend one of the above events.

### 3. Discretionary Benefits

In addition to insurance benefits, individual members may seek assistance from the MDU for a wide range of discretionary benefits. The MDU is the only UK MDO to offer this attractive combination. Such benefits are at the absolute discretion of the Board of Management, are not provided as a right and are all subject to the Memorandum and Articles of Association. You have a right to request assistance and to have that request fairly considered.

#### Summary of discretionary benefits

In general, the MDU can assist with medico-legal problems that arise from normal paramedic practice. Below is a list of examples of benefits which the MDU can provide:

- 24-hour telephone advice on the ethical and legal aspects of clinical practice provided by specially trained doctors, healthcare professionals and lawyers
- support in preparing a case and representation at PCT and NHS trust (or Health Board) disciplinary hearings related to professional services\*
- support in responding to a complaint and representation at an HPC hearing relating to matters of professional services and personal misconduct
- support with CHRE referrals to the High Court as a result of an HPC decision
- support in preparing a response to patient's complaints
- support with criminal investigations and proceedings arising from professional services
- support in preparing a case and representation in a Coroner's Court
- risk management advice in connection with your professional services
- advice and representation in dealing with press or media enquiries
- assistance (which can include assistance for personal representatives and beneficiaries) with claims arising from incidents relating to professional services which occurred while you were an MDU member but not reported until after you have left the MDU, have retired from professional practice or after your death where a policy is not in force. This assistance can include indemnity against a legal liability to pay compensation, claimants' legal costs and defence expenses

\* Where the presence of MDU representation is permitted under local procedure

- help with Good Samaritan acts worldwide for retired and other non-paying members, where the policy is not in force.

In order to discuss or report any matter you wish to have considered for discretionary assistance, please contact the MDU's 24-hour freephone medico-legal advisory helpline on 0800 716 646. We encourage you to contact us as soon as possible to discuss any concerns you have over an incident.

### **Eligibility to request discretionary benefits**

Members of the MDU are eligible to request assistance, which is at the absolute discretion of the Board of Management, but the following criteria are examples of those which may be taken into account when determining whether assistance will be provided or continued:

1. You should have been a full member of the MDU when the incident took place.
2. You should have been registered with the HPC or alternative appropriate registration body to perform the clinical duties you undertook and have had the required training and experience for the activities.
3. You should co-operate fully with MDU Services and its representatives.
4. You should provide full and accurate information relevant to the case and be truthful at all times.
5. You should have declared the full degree of the nature of your practice, in terms of type and quantity of work to MDU Services and paid the appropriate subscription.

With the exception of Good Samaritan acts, the MDU does not offer assistance with any matter that arises from practice in the USA, Canada, Australia, Bermuda, Israel, Hong Kong or Zimbabwe, or for matters over which the courts of those countries have jurisdiction.

## Areas where the MDU is unlikely to provide support or representation

The following areas are examples of where it is unlikely that the MDU's discretionary benefits will be provided:

1. Defence of criminal charges arising from activities not related to the normal treatment of a patient (eg assault of a colleague, motoring offences).
2. Matters arising from an admitted and/or proven criminal act.
3. Damages and fines payable for criminal acts.
4. Issues arising from commercial contracts or arrangements.
5. Investigations by competition authorities.
6. Issues arising from failure to achieve necessary educational or training standards (eg failing exams or challenging the outcome of a RITA).
7. Employment disputes or contracts\*.
8. Partnership contracts and disputes\*.
9. Fee scales and recovery of charges for work performed\*.
10. Legal expenses or costs if you pursue a claim of defamation against a third party.
11. Defence of allegations of personal misconduct (as distinct from clinical issues) at PCT and NHS trust (or Health Board) disciplinary hearings.

\* We do not support members in the area of employment advice and associated services and strongly encourage members to join the BPA or other representative organisations in addition to the MDU.

## 4. Benefits for MDU Members Working Overseas

### Members working overseas

Members working overseas are not covered by the professional indemnity insurance policy. However, repatriation work may be able to be covered where responsibility for management of a patient is only taken over from local healthcare staff immediately prior to transportation back to the UK.

If you are considering doing repatriation work, you must have the prior agreement of the MDU Membership Department.

With the exception of Good Samaritan acts, the MDU does not offer assistance with any matter arising from practice in the USA, Canada, Australia, Bermuda, Israel, Hong Kong or Zimbabwe, or for matters over which courts of those countries have jurisdiction.

### All members – Good Samaritan cover

MDU members in the UK with policies have worldwide insurance cover for Good Samaritan acts as part of their standard membership benefits.

This cover is sufficient for claims arising in Australia from Good Samaritan acts you may be called on to perform whether your visit is primarily for a professional or leisure purpose.

Good Samaritan acts means the provision of clinical services related to a clinical emergency, accident or disaster when you are not present in your professional capacity but as a bystander.

## 5. General Membership Procedures

### Refunds

Membership of the MDU is on an annual basis and is normally only terminated at the end of a membership year. Within six weeks of commencing or renewing membership of the MDU, you may request to cancel from inception and receive a full refund. Beyond this period, other than for reasons of sickness, retirement or maternity, the MDU does not give a refund of subscription should you wish to curtail your membership mid year. Due to the uneconomic cost of doing so, refunds will not be made for amounts of less than £10, although you may be able to use an amount of less than £10 as a credit towards your next subscription should you reactivate your membership within the policy year.

### Continuation of membership

Approximately three weeks prior to the end of a membership year, you will normally receive an invitation to renew your membership of the MDU and policy, where applicable, for a further year.

You are requested to respond to this invitation prior to your renewal date, but a period of up to 30 days grace beyond the renewal date is currently offered to allow you to respond. If no response is received then you are erased from membership with effect from the renewal date and sent written confirmation to this effect. If you respond to this notice and wish to remain your membership may be reinstated within 10 days at the MDU's discretion.

Most MDU members find that the risk of forgetting to pay their annual subscription is removed by arranging to pay either with an annual direct debit or by monthly instalments. To enquire about how to pay by direct debit, contact the Membership Department.

You are required to keep the MDU up-to-date regarding the nature and extent of your practice at all times, but are specifically requested to inform the MDU as you renew of any change in your activities.

## Keeping your MDU membership up to date

It is important that you ensure MDU Services is kept updated with changes in your personal and professional circumstances which may affect your MDU membership.

For example, please do not forget to update us when you move home. If we do not have your latest address you may not receive your renewal documents and could find yourself without membership.

The insurance policy states you must also inform the insurer via MDU Services, without delay, of any changes to the type or amount of work you undertake which may increase or decrease your risk or exposure to risk. (eg. where you have significantly increased the number of days spent undertaking private paramedic services.) If you fail to do so, you may lose your right to make a claim under the policy.

To keep your membership up-to-date please contact the **freephone membership helpline** on **0800 716 376** (lines are open Monday to Friday, 8am-6pm).

## 6. Service Standards and Complaints

MDU Services seeks always to provide a high quality professional service to its members. Typically MDU Services receives over 120,000 telephone calls to the membership helpline and over 25,000 calls to our 24-hour advisory helpline annually. On some days we receive over 1,000 telephone calls. Overall our aim is to:

- answer **at least 95%** of telephone calls to our membership helpline directly at normal times and an average of **at least 80%** during peak
- answer **over 90%** of telephone calls to our medico and dento-legal advice lines directly, with the remainder of calls being returned within 2 hours
- answer all claims and case work correspondence within one week
- answer all membership correspondence within two weeks.

## **Complaints – Insurance policy and claims**

If you have a complaint about your insurance policy or an insurance claim, a clear complaints procedure is laid down within the policy. In summary you should first contact the Head of Membership at:

MDU Services Limited  
230 Blackfriars Road  
London SE1 8PJ

Complaints we cannot settle may be referred to the Financial Ombudsman Service at:

South Quay Plaza  
183 Marsh Wall  
London E14 9SR

## **Complaints – Discretionary support or other matters**

If you have a complaint about a matter unconnected to the professional indemnity insurance policy, you should contact the Chief Executive at

MDU Services Limited  
230 Blackfriars Road  
London SE1 8PJ

This brochure is intended only as a broad guide to the products and services offered by MDU Services Limited, the DDU, the MDU, SCOR UK Company Limited and International Insurance Company of Hannover Limited. The policies issued by such insurers contain terms, conditions and exclusions. The MDU is not an insurance company. The benefits of membership of the MDU are all discretionary and are subject to the Memorandum and Articles of Association, a copy of which can be found on the MDU website [www.the-mdu.com](http://www.the-mdu.com)

**freephone 24-hour advisory helpline**  
**0800 716 646**

**freephone membership helpline**  
**0800 716 376**

(lines are open 8am to 6pm Mon to Fri)

MDU Services Limited  
230 Blackfriars Road  
London SE1 8PJ

**website** [www.the-mdu.com](http://www.the-mdu.com)  
**email** [membership@the-mdu.com](mailto:membership@the-mdu.com)

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