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## **NHS (Indemnities) (Wales) Bill**

**Inquiry by the National Assembly for Wales Health, Social Care and Sport Committee**

**Response from BMA Cymru Wales**

**15 October 2019**

### **INTRODUCTION**

BMA Cymru Wales is pleased to provide a response to the inquiry into the NHS (Indemnities) (Wales) Bill by the Health, Social Care and Sport Committee.

The British Medical Association (BMA) is an independent professional association and trade union representing doctors and medical students from all branches of medicine all over the UK and supporting them to deliver the highest standards of patient care.

### **RESPONSE**

As the representative body for GPs in Wales, representatives of the BMA's Welsh General Practitioners Committee have been part of the Welsh Government's Indemnity Stakeholder Reference Group (SRG), having lobbied for government action in this area to address the unsustainable rise in indemnity costs to GPs. This led to the launch of the GMPI scheme for future liabilities (FLS) from April 2019, and the Ministerial commitment to introduce an existing liabilities scheme (ELS) for claims prior to that date.

Our reading of the bill as laid is that it will introduce a regulatory regime which allows NHS Wales to cover existing liabilities via the introduction of a 'direct indemnity scheme', which will subsequently be described by Welsh Government through regulations and directions. This is subject to the successful conclusion of negotiations with the Medical Defence Organisations (MDOs) who currently cover these liabilities.

We are supportive of the Welsh Government's intention to introduce an ELS scheme through this course of action. Our main priority is ensuring that the created scheme does not put Welsh GPs at a disadvantage when compared to English colleagues, which could create a barrier to

recruitment and retention. We are heartened by the commitment in the Bill's explanatory memorandum to align the English and Welsh schemes as much as possible. As the representative body for Welsh GPs, we anticipate being involved in the development of the scheme, in the same manner as we were for the introduction of GMPI. We look forward to discussing this with Welsh Government officials and other partners.

It would not be appropriate at this stage to comment on discussions between Governments (Welsh and UK) and Medical Defence Organisations, therefore we will refrain from doing so.

We do not anticipate any unintended consequences for Welsh GPs from the bill as it stands.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. White', written in a cursive style.

**Dr Phil White**  
**Chair, GPC Wales**