



DDU



MDU

Corporate indemnity solution

Product guide



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Ensure that the clinical indemnity liabilities of your company are met.

Tailored indemnity solutions

Increasingly it is likely that a claim may be made against the company instead of, or as well as, the individual healthcare staff involved in treating the patient.

Bespoke indemnity arrangements can allow clinical organisations to keep individual professional membership for their doctors, dentists and other healthcare professionals such as nurses, pharmacists and paramedics.

We have been helping clinical organisations with tailored indemnity solutions for over a decade.

This guide outlines the main benefits of corporate membership.



Corporate membership

Corporate membership offers access to indemnity in the event of the company being sued for clinical negligence. This could be for its liability arising from the acts of the company's own actions or for its individual employees and subcontractors.

An important benefit of corporate membership is to protect the organisation against claims arising from the acts of staff who would not be expected to carry their own individual indemnity.

A company could be held liable for a range of failings, including:

- the poor performance or conduct of individual staff and sub-contractors, particularly employees who do not usually have their own professional indemnity
- inadequate practice systems and procedures such as patient referrals, infection control, and data protection
- poor quality training or supervision of the clinician by the company and lack of regular assessment of staff
- failure to properly investigate complaints or patient safety concerns
- lack of a system to follow up on tests conducted.

Patients can seek to make a claim against your company. In some claims it may not be possible to identify a single clinician who solely provided the negligent care. **Such claims may be made against the company contracted to provide the service.**

With corporate membership, you get access to:

1. indemnity for corporate clinical indemnity claims
2. individual indemnity for doctors and dentists for their work for your organisation (where this is purchased)
3. access to a large team of specialist doctors, dentists, lawyers and claims handlers
4. free 24-hour employment law advice, risk management advice, specialist risk assessment and medio- and dento-legal publications.

1 Indemnity for corporate clinical indemnity claims

The level of indemnity you need can be agreed with us. It will depend on your company's needs.

Claims made against the company

- We can defend your organisation against claims that arise from the normal practice of clinical medicine and dentistry in the UK.
- Corporate membership benefits are provided on a "claims made" basis which means requests for assistance, arising from incidents when you were a corporate member, can only be made during a membership year and not after you have left corporate membership.
- We use our mutual fund to provide assistance to members.
- We will not settle a claim without your agreement.
- Where it is appropriate that patients are compensated, we aim to do so quickly and efficiently to reduce, as far as possible, the stress for everyone involved.
- We can provide indemnity and defence costs for claims brought against the company for its activities in providing clinical professional services.
- Even where claims may be made against an individual doctor or dentist, there is still a risk that the company may be sued for failures in its procedures and controls. The indemnity protects the assets of the company in the event of such a claim.

- If you face a claim, we can help you with:
 - paying compensation, claimants' legal costs and defence expenses arising from claims for professional negligence arising from your corporate clinical practice (including your vicarious liability for your identified staff)
 - indemnity for claims arising from Good Samaritan acts carried out anywhere in the world in respect of your vicarious liability for your identified staff.

Corporate membership can also indemnify a company for legal costs and related expenses of responding to an investigation by any governmental, quasi-governmental or regulatory body (but not a registration body) or by a Clinical Commissioning Group or NHS Commissioning Board. This assistance can apply where the investigation relates to your corporate clinical practice.

- Support can also be provided for the legal expenses involved in you being represented at a coroner's inquest or FAI, where this relates to your corporate clinical practice.
- Defence against corporate manslaughter charges. Should allegations be made against you of corporate manslaughter, including arising from your vicarious liability for identified staff, in connection with your corporate clinical practice, we can provide assistance with organising and meeting the costs of defence (but not of any damages payable).
- Defence against defamation and discrimination allegations. Allegations may be made against you of defamation, sexual harassment and unlawful discrimination, by you or identified staff for whom you are vicariously liable, in connection with your corporate clinical practice. We are able to assist in defending such allegations, although we will not pay any damages which may ensue.
- Membership can be extended to provide indemnity for legal costs incurred by the company for individual directors of your organisation, who are doctors or dentists who are not otherwise indemnified, who have to attend GMC or GDC investigations into their fitness to practise in relation to their involvement in the organisation's affairs.

- As a corporate member, you can vote on resolutions at our Annual General Meeting.
- We are not an insurance company. If you ask us for assistance or indemnity, this may be provided, at our Board of Management's discretion, under our Memorandum and Articles of Association.

Liability for the alleged clinical negligence of employed and contracted staff

- Claims brought against the company for the clinical negligence of its employees and contractors for whom the company is liable and who have been identified and agreed by the MDU.
- Indemnity can also be provided for legal expenses (but not damages) to defend civil cases where employees are accused of harassing, discriminating against or defaming patients, where this is not proven or admitted.

Please note we do not indemnify the practice of midwifery.

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Individual indemnity for doctors and dentists for corporate work (*where purchased*)

We can tailor corporate indemnity to the needs of your organisation, its individual doctors and dentists and other healthcare professionals, such as nurses, pharmacists and paramedics – ensuring that the whole team has access to the support it needs.

It is not a condition of corporate membership that all clinicians must be individual members of the MDU. However, we can provide separate indemnity for individual doctors and dentists (for their work for the company) via individual MDU membership if required.

Having all your clinicians as members of the MDU can minimise conflicts when claims affecting both individual and the company arise. It can also minimise costs and delays in handling claims as all matters are dealt with by one indemnifier.

Individual membership is provided on an occurrence basis. As long as an incident occurs while the individual is a paid member of the MDU, they can seek assistance with a claim even if it arises after they have left.

Alternative options are available for individual clinicians who do not want to change their existing indemnity arrangements.

3 Access to a large team of specialist doctors, dentists, lawyers and claims handlers

- We are led and staffed by doctors and dentists with real-life experience of the pressures and challenges faced in practice.
- Our doctors and dentists are able to consider different arrangements, advise on risk mitigation measures and suggest appropriate pricing.
- Experienced underwriters work as a team to assess and price a wide range of corporate and individual medical and dental indemnity risks to provide a tailored solution for your organisation.
- Our team of specially trained doctors and dentists help our members with medico- and dento-legal advice. Our telephone advice is available for urgent queries 24 hours a day, 365 days a year.

4 Free 24-hour employment law advice, risk management advice, specialist risk assessment and expert medico- and dento-legal publications

- **Free 24-hour employment law advice**
The employment law advice is provided by Peninsula Business Services, the leading provider of employment law and health and safety services in the UK.

Corporate members receive free access to Peninsula's 24/7 employment law helpline via telephone or email.

You can receive:

- immediate advice from dedicated consultants with in-depth experience in employment legislation contractual requirements and case law precedents
 - assistance in drafting any follow-up letters
 - telephone coaching when managing difficult or complex employee relations
 - access to a team of specialist solicitors who can advise on contractual matters.
- **Risk management advice**
Expert help to minimise exposure to risk in your practice. You can ask for our support with medico- and dento-legal issues whenever they arise. Our advisers are all experienced doctors and dentists from a range of specialties who understand the pressures and challenges you face.
- **Medico- and dento-legal publications**
Our extensive library of advisory publications, podcasts, videos and webinars is available online.



How to contact us

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Your feedback

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†The Dental Defence Union (DDU) is the specialist dental division of The Medical Defence Union Limited (MDU) and references to the DDU and DDU membership mean the MDU and membership of the MDU.

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