



TOTAL HEALTHCARE PROFESSIONALS

# Management Liability Policy

Protecting you and your practice from risk



# Exclusive cover and advice to reduce your risks

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The Total Healthcare Professionals Management Liability Policy is an exclusive new policy designed to help protect healthcare practices from the risks they commonly face. There are several common civil claims, including employment disputes, disputes between partners, health and safety investigations, official investigations and shareholder disputes within provider companies. The policy, written by experts in the sector, will help you ensure that you have the management liability cover in place to protect you and your practice against such risks.

The policy has been created by these providers to the healthcare sector:



## Your insurer

AXA UK is part of the AXA Group. The AXA Group is a worldwide leader in insurance and asset management, with 163,000 employees serving 101 million clients in 57 countries.

In the UK, AXA operates through a number of business units; including AXA Wealth, AXA Commercial Lines and Personal Intermediary, AXA Personal Direct and Partnerships, AXA PPP healthcare, AXA Ireland and an independent distribution business, Bluefin.

AXA employs over 12,000 staff in the UK.



## Your insurance adviser

Lucas Fettes & Partners are independently owned Lloyd's accredited insurance brokers who specialise in creating tailored insurance solutions for professionals.

Lucas Fettes & Partners recognise deficiencies that exist in insurance products that exclude the cover of legal expenses under insurance policies, so have created a policy that facilitates free access to the highest quality advice from one of the country's most highly regarded healthcare law firms, Lockharts.



## **Your legal adviser**

Established in 1995, Lockharts is now one of the best recognised specialist firms providing advice exclusively to professionals across the healthcare sector. As a matter of policy Lockharts do not act for any healthcare commissioners. Healthcare professionals can be confident in receiving wholly independent and impartial advice on all legal issues that they are likely to encounter in their work. This includes premises leasing and development, practice sales and acquisitions, partnership, LLP and company formation, disputes, employment and contractual arrangements.

## **Management Liability Helpline**

Our Management Liability Helpline is free to policyholders and is operated by one of the country's leading healthcare solicitors, Lockharts. The helpline can be used as a tool to assist in preventing employment challenges like disciplinary or grievance issues from turning into expensive and time consuming claims.

NB: Unlike many legal expense covers there is no necessity to contact the helpline in order for the cover to operate. However, in the majority of employment claims, the excess will be removed where helpline advice has been obtained and followed.

# Sole Practitioners', Partners', Directors' and Officers' Liability

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There are several common civil claims that expose practices to risk, including:

- ▶ Employment disputes
- ▶ Disputes between partners
- ▶ Health and safety investigations
- ▶ Official investigations
- ▶ Shareholder disputes within provider companies

Criminal and regulatory investigations can potentially lead to the prosecution of individuals, and many offences carry prison sentences. Examples include breaches of health and safety and tax and regulatory intervention from your professional body. In the worst case scenario, this could leave you unable to practice.

## What cover does the policy provide?

You will be covered for the personal liability risks faced under many areas of statutory and common law. You get legal and other expert help as required to give you the best possible defence in the event of an investigation or claim made against you. The policy will also pay any settlements and awards that are required (not including fines or penalties).

## Key features and benefits

| Feature  | Benefit   |
|--|---|
| Cover of all individuals                                   | No dispute over definition of who is covered, which prevents gaps occurring   |
| Covered with representation at all official investigations | This is not restricted solely to investigations directly related to the individual                                    |
| No absolute pensions exclusion                             | Cover for vast majority of pension trustee and administration claims, reducing the chance of claims not being covered |
| No environmental restrictions                              | No sub limits or exclusions affecting your cover  |
| Costs covered up to policy limit                           | No sub limit on such costs, meaning the reputation of your business is better protected                               |
| Any one claim limit  | The policy will respond to a series of large claims   |

# Employment Practices Liability

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The table below provides an overview of common claims made against healthcare practices, and average awards excluding legal costs (employment tribunal stats 2012).

| Common claim                     | Average award |
|----------------------------------|---------------|
| Unfair dismissal                 | £9,133        |
| Sexual harassment/discrimination | £9,940        |
| Racial discrimination            | £102,259      |
| Age discrimination               | £19,327       |
| Disability discrimination        | £22,183       |

## What cover does the policy provide?

Your business and you are covered against claims made against it by existing and former employees. These duties arise from the obligations placed on you by complex employment law.

This entitles you to expert legal help in the event of an investigation or claim made against you. It will also pay any settlements and awards that are required.

## Key features and benefits

| Feature                                   | Benefit   |
|---|---|
| No TUPE exclusions or restrictions        | The policy defends breach of TUPE allegations without imposing conditions |
| Nil excess where helpline advice followed | This reduces your costs in the event of a claim                           |
| Any one claim limit                       | The policy will respond to a series of large claims                       |

Generally, an employer will not recover the costs of defending any tribunal claim.

You are at least 10 times more likely to face an employee tribunal than have a fire claim.

# Sole Practitioners', Partnership & Company Legal Liability

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There are several common civil claims that expose practices to risk, including:

- ▶ Employee dishonesty
- ▶ Former patients alleging breaches of contract
- ▶ Data protection
- ▶ Investigations
- ▶ Pollution claims
- ▶ Shareholder disputes within provider companies

Criminal and regulatory investigations or the prosecution of healthcare professionals can arise from numerous potential breaches of the law, including health and safety and tax and regulatory intervention from your professional body.

In the worst case scenario, failure to prove you have adhered to such regulation could leave your business unable to practice.

## What cover does the policy provide?

Your business is covered for the risks that are faced under many areas of statutory and common law.

This gives you expert legal help in the event of an investigation or claim made against you. It will also pay any settlements and awards that are required (not including fines or penalties).

## Key features and benefits

| Feature  | Benefit   |
|--|---|
| The policy covers all types of official investigation or prosecution. Cover is not restricted to certain regulators, giving your customers greater certainty of cover when they need it most | Unlike similar policies in this area, cover is not restricted to health and safety only |
| Giving you the cover you need when you need it most  | This is not restricted solely to investigations directly related to the individual      |
| Employee dishonesty is covered as standard   | Protects you from fraudulent employee activity  |
| Any one claim limit  | The policy will respond to a series of large claims                                     |

# Making it easier to get the cover you need

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## How to get cover in place

For an instant quotation and to arrange cover online, visit [www.totalhealthcareprofessionals.co.uk](http://www.totalhealthcareprofessionals.co.uk)

Should you have any questions, please call us on 020 7413 2788, or email [healthcaremp@lucasfettes.co.uk](mailto:healthcaremp@lucasfettes.co.uk)

Provided you can confirm you comply with the Statement of Fact shown on pages 3 and 4 of the proposal form, please confirm the limit you require and we will arrange for cover to be put in place to protect you immediately.

## How else can we help you?

Lucas Fettes & Partners are offering a free of charge audit of your existing insurance arrangements, including:

- ▶ Assessing the adequacy of your current cover in relation to your trading liabilities and protection of assets
- ▶ Assessing the cost effectiveness of the covers in place. Over the last few years we have seen some of the most competitive insurance markets with some substantial savings available
- ▶ Advice on omissions in cover that could seriously affect your bottom line
- ▶ Considering alternative ways of insuring to give greater protection and achieve more savings
- ▶ Technical comment on any unusual or particularly onerous wordings
- ▶ Access to a wide range of specialist insurance markets, including Lloyd's, by virtue of our status as a truly independent Lloyd's accredited firm

For further information please contact us at [totalhealthcare@lucasfettes.co.uk](mailto:totalhealthcare@lucasfettes.co.uk) or call Phil Worthington on **07968 769 032** or Jon Cockayne on **07970 009 200**, who will be happy to provide an impartial review of your requirements.



[www.totalhealthcareprofessionals.co.uk](http://www.totalhealthcareprofessionals.co.uk)

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