

MEDICAL PROTECTION SOCIETY  
PROFESSIONAL SUPPORT AND EXPERT ADVICE

# A GUIDE TO

# MPS MEMBERSHIP

MPS



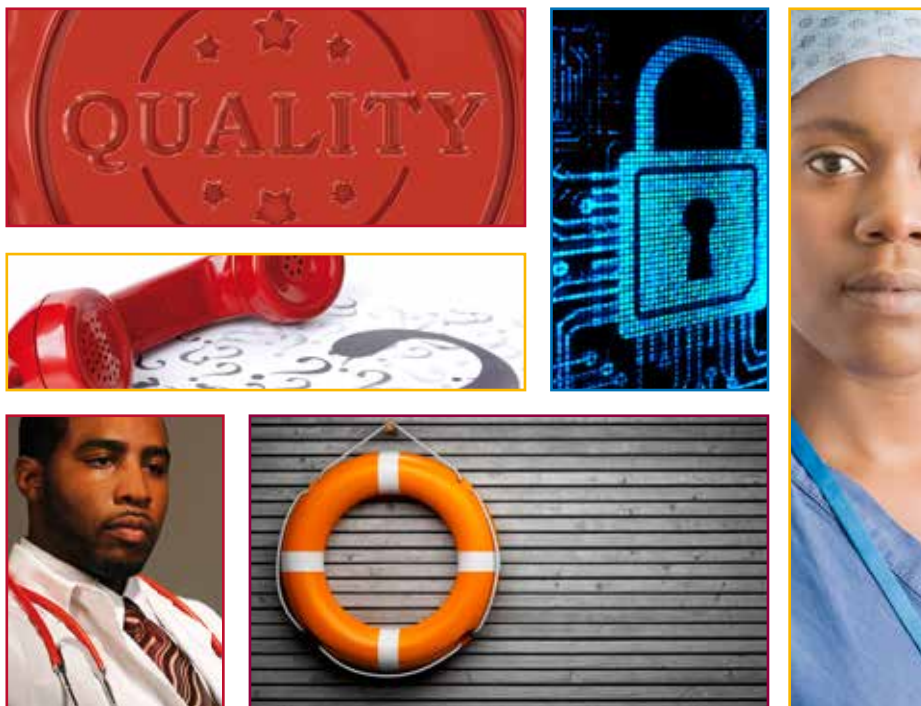
Putting members **first**













# MEMBERSHIP

SOUTH AFRICA

[www.medicalprotection.org](http://www.medicalprotection.org)



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Simon Kayll  
Chief Executive

## MPS – Putting Members First

MPS is the world's leading medical defence organisation, run by doctors to provide the best possible professional support and expert advice to you throughout your career.

I strongly believe that MPS is the right choice for you. The decisions we make and the ethos of the organisation mean we can truly say we put members first.

This booklet is an introduction to the many benefits of MPS membership. It also provides a short account of MPS history and philosophy, and describes how we work.

I hope you find it a useful resource. If we have not included a topic you are interested in, or if you would like more detail about certain subjects, you may find it on the MPS website, or simply by giving us a call.

Thank you for making MPS your choice.



Visit the MPS website for the most up to date details of the benefits of MPS membership.

## The benefits of membership

Our whole ethos is focused on putting your needs first. Every day we help members deal with difficult issues arising from their clinical practice, whether they be regulators challenging their professional competence, or patients making complaints or claims for clinical negligence. Just as you do with your own patients, we can provide expertise, reassurance and support to help you through the relevant processes and see things to a resolution.

MPS is not an insurance company. All the benefits of membership of MPS are discretionary as set out in the Memorandum and Articles of Association.

## MPS Indemnity and Representation

You can request assistance with any action, proceeding, claim or demand arising from your professional practice including:

### Clinical negligence claims

Worldwide, this represents about 20% of our caseload, but accounts for the largest proportion of annual expenditure. When we take on a claim, we can manage it from first notification to conclusion, and can take care of all the legal costs and compensation payments.

### HPCSA investigations

We can provide advice and legal representation for regulatory council

inquiries arising from health, performance, and professional conduct. We can help you from the outset, whether it be drafting a letter in response to a HPCSA investigation or providing high-calibre legal representation at a full hearing.

### Disciplinary procedures

We can provide advice and representation if you face allegations arising from the provision of clinical care to patients, concerning your professional conduct, competence and performance, or in relation to health problems that are having a significant effect on your clinical performance.

### Preparing for inquests

We can help you prepare a report for the coroner and advise you on how to conduct yourself at the inquest. If necessary, we can arrange for legal representation on your behalf.

### Criminal proceedings

We can help if you become the subject of criminal investigations that arise directly from your provision of clinical care to patients. This includes investigation or prosecution for gross negligence manslaughter. We can also help if you face an allegation of indecent or sexual assault – if that arises from your bona fide clinical practice. It is unlikely that we would assist where the allegations arise from personal conduct.

### Indemnity for Good Samaritan acts

A Good Samaritan act is one in which medical assistance is given, free of charge, in a bona fide medical emergency upon which you may chance, in a personal as opposed to a professional capacity.

Examples include roadside accidents and emergencies at public events you attend as a spectator.

In the unlikely event that legal proceedings follow, you would be entitled to ask for assistance, no matter in which country the legal proceedings are commenced.

## Advice

### Medicolegal advisory service

You can phone or email us for advice to help resolve the many dilemmas that can arise from everyday practice. We are available 24 hours a day, seven days a week for urgent advice.

Requests for medicolegal assistance can be directed to a toll-free advice line (0800 982 766) and email address (medical.rsa@mps-group.org).

There is also an incident reporting form available at [www.mps-group.org/za-mla](http://www.mps-group.org/za-mla). The form is secure and confidential allowing you to give us your membership details and a brief explanation of the incident.

This direct access is underpinned by our established panel of local expert lawyers and experienced medicolegal advisers.

### Complaints

We can help you formulate a response to a complaint and assist and support you through to its resolution. We can work with you to look at why complaints arise and how to minimise the risks of recurrence.

Just as you do with your own patients, we can provide expertise, reassurance and support.



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### Handling media attention

If you attract adverse publicity, we can issue press statements and act as spokesperson to the media to shield you as far as possible from having to deal directly with the press.

### Counselling and support

We offer access to a 24/7 counselling service if you are suffering from stress and anxiety as a result of situations such as complaints, claims, or disciplinary or a HPCSA investigation. It is an independent service tailored to your requirements and delivered by fully trained, qualified and registered psychologists and counsellors.

The service is entirely independent and confidential – MPS is not informed of the details of consultations – and accessing the service is via the relevant medicolegal case handler, who will be able to provide the service's freephone number.

## Working in another country

MPS has members in many countries around the world and you may be able to continue membership with us if you decide to work overseas. Please check with our Membership Helpline on 0800 225 677 or email [mps@samedical.org](mailto:mps@samedical.org) before travelling, to ensure that you have appropriate indemnity arrangements. This is particularly important because some countries – for example, Australia and Germany – have a legal requirement that all healthcare practitioners have insurance-based indemnity.

## Education and publications

### Workshops and E-learning

MPS strongly believes in the preventative value of education and risk management. We are committed to helping you avoid problems, allowing you to provide the best possible care for your patients. We have a wealth of experience and expertise in helping doctors and other healthcare professionals to reduce the risks that arise from your practice.

The educational programmes provided by MPS are based on more than 120 years experience and expertise in this field, and concentrate on the following topics:

- Good medical practice
- Communication skills
- Confidentiality
- Medical record keeping.

As an MPS member you can also access our E-learning platform, which contains a series of interactive case reports suitable for doctors at all levels.

For further information, please visit: [www.medicalprotection.org/southafrica/education-and-publications](http://www.medicalprotection.org/southafrica/education-and-publications)

### Publications

MPS produces a range of serial publications and tailored e-newsletters to meet your needs:

- *Casebook*, our flagship journal, promotes safer practice through in-depth medicolegal and ethics based articles, and case reports based on real MPS cases.
- *Junior Doctor* offers professional support to senior medical students, interns, community service medical officers, registrars and medical officers.
- *Practice Matters* offers professional support and expert advice for GPs and practice staff.
- *MPS Update*, a regular e-newsletter, that provides up to date news on medicolegal developments.





## Our history, our values

### About MPS

MPS was founded in 1892. It is a membership organisation of healthcare professionals, providing comprehensive professional indemnity and expert advice and assistance to more than 290,000 members in over 40 countries around the world. MPS has offered membership in South Africa for over 50 years and today we have more than 31,000 members.

- As a mutual, not-for-profit professional organisation, MPS is owned by – and accountable to – you, its members.
- Our purpose is to protect and promote your professional interests, often in a changing environment.
- We are committed to supporting you throughout your career, and helping you wherever possible.
- We offer risk management tools to reduce your exposure to risk, and so improve your patients' safety and satisfaction.

- We believe that patients who have experienced an adverse event are entitled to, and should receive, a full and open explanation.

### Apologies and explanations

In our experience, complaints arise because patients are unhappy and this is often due to poor communication. Once the facts have been established, we advocate a policy of full and open communication. An open and honest explanation, and apology where appropriate, may be what is needed to reassure a patient and avoid any escalation.

A wall of silence after an adverse incident can compound mistrust, and provoke formal complaints and legal action. If it is clear that something has gone wrong, an apology is called for, and it should be forthcoming. Contrary to popular belief, apologies tend to prevent formal complaints rather than the reverse. We can advise you on how to handle such a situation.

## MPS values

Our principles and purpose are encapsulated in the core values of security, quality and fairness, and in our commitment to being at the heart of the profession.

### Security

Fear of litigation is a significant source of anxiety for doctors, so choosing a reliable protection organisation that you can trust will be important to safeguard your peace of mind.

MPS is a not-for-profit mutual society – putting your needs first underpins all we do.

MPS has been assisting members of the medical profession for 120 years and, during that time, has earned a reputation as a dependable partner for doctors facing medicolegal challenges.

At the end of 2013, MPS had more than £2 billion in total assets to enable us to meet the cost of claims and complaints brought against members.

### Quality

We pride ourselves on our commitment to giving you the highest quality service. Our whole ethos is focused on putting your needs first and doing our best to help you in whatever way we can.

- The level of service we provide rests on the quality of our staff. MPS staff take pride in providing the best service they can. We provide the training they need and they bring the enthusiasm, skill and dedication to excel at their jobs.
- We are committed to delivering a world class service in all that we do.
- We strive to offer you a personalised service tailored to your needs.

### Fairness

Fairness is at the centre of all our actions and decisions. We aim to behave ethically and fairly in all we do, both with members and external suppliers. We are transparent and open in how we conduct business.

MPS holds a large fund of money for the benefit of members. This is a responsibility we take very seriously as it is crucial that the money is managed wisely so that sufficient funds are available for assisting members when the need arises. This means exercising good stewardship to secure the ongoing financial health of MPS and to ensure that the benefits of membership are allocated fairly in accordance with our objectives.





Transparency is a key aspect of our accountability. We publish clear information about our financial position and the remuneration of the Chief Executive and non-executives each year in our Annual Report and Accounts.

### Heart of the profession

Right from the beginning, MPS has played a key role in protecting the integrity of the medical profession and our members; this continues to be a core function.

We seek to actively engage with senior government and regulatory representatives. We use our experience, expertise and international perspective to bring influence where it is needed to improve safety and reshape proposals that could otherwise be detrimental to the interests and needs of members.

We also commit significant resources to providing risk management and educational programmes for healthcare professionals. As a membership organisation, we want to use our experience to improve the quality of healthcare and understanding about patient safety.

### MPS Council

MPS Council is the company's board of directors, and the majority of its members are clinicians elected by the membership. It exercises discretion on behalf of MPS and balances the professional interests of individual members and the wider membership as a whole.

## Getting the most from your membership

### Your eligibility for assistance

You must be a member of MPS at the time of the event in order to be entitled to request assistance. The event must not predate the point you joined or rejoined MPS.

You must have paid the correct subscription rate and abide by the terms of membership, as laid out in the Memorandum and Articles of Association and associated policy documents, and it is important to be aware of them. You must inform us if the scope of your practice changes. Withholding information or providing false or misleading answers is likely to adversely affect entitlement to the benefits of membership and, in certain circumstances, membership may be terminated.

### What we expect from you

As a service-driven, membership organisation, we ask you to respect and meet our expectations so that we can provide a fair, high quality experience when you need it.

In order to provide you with the best possible assistance we require your complete and prompt co-operation at all times. MPS cannot take any steps on your behalf without your agreement. You must provide full and accurate facts and supporting documents relevant to your case, and be available to attend meetings and give instructions when required.

You should not incur legal expenses regarding a complaint, claim or other matter, nor agree to pay compensation, without MPS's prior approval. You are

personally liable for any such expenses and MPS will not reimburse costs you incur.

MPS's team of advisers are here to assist you and understand that involvement in disciplinary, regulatory and other legal proceedings can be very stressful. However, hostile, abusive and threatening behaviour of any kind is unacceptable and will not be tolerated. MPS operates a zero tolerance policy towards such conduct and anyone who acts in such a manner may have their ongoing assistance and future membership terminated.

### Complaints procedure

If you feel MPS could have done better or there is something you believe we should be doing differently, we want to know. Our aim is to respond to any concerns to your satisfaction and use your feedback in order to improve our service in the future.

We want to resolve complaints as soon as possible. If a complaint is complex or serious, we will send an acknowledgement within three working days and a full response within four weeks. If, for any reason, this timetable cannot be met, we will explain why.

We ask that, where possible, the complaint should be addressed directly to the individual member of staff concerned. They will try to resolve the complaint to your satisfaction quickly and fairly. Alternatively, you can raise concerns in writing or by telephone to the head of the department concerned.

All complaints will be treated seriously, fairly and in confidence, whether they are made in person, by telephone or in writing.



## Limitations of membership

The MPS website features a number of individual PDF documents that contain information on the scope of benefits, and what we do not assist with, including:

- Criminal proceedings from non-clinical practice and fraud allegations
- Personal conduct
- Vicarious liability
- Claims under US and Canadian law
- Treating elite sportsmen and women.

Download them here:  
[www.medicalprotection.org/southafrica/membership/guide](http://www.medicalprotection.org/southafrica/membership/guide)



## Your data

At times we will ask you to provide us with data and personal information. This will include when you apply for membership, when your membership is renewed, when your scope of practice changes and if you seek and we provide assistance to you.

Some of this information may be sensitive personal data.

In applying for membership and by continuing as a member you agree that we may hold and process your personal data including sensitive personal data which you provide to us or which we fairly obtain from another source:

- For the purposes of processing any application for membership, the administration and provision of membership services, providing you with the benefits of membership (including, but not limited to, advice, assistance and indemnity), underwriting, risk assessment, marketing, education, research and audit.
- During your membership and for a reasonable period after your membership terminates or an application for membership is rejected by us or withdrawn by you.
- That we may share such data with third parties, who may also hold and process the data for the same purposes.

You also agree that:

- We may seek information relevant to any purpose for which you have agreed we may hold personal data regarding past and current matters from other professional defence organisations, insurance companies or employers with whom you have had professional indemnity arrangements or been employed and that they may release to us such information.
- If you are outside the European Economic Area (EEA) your data may be transferred to, held and processed within the EEA.
- If you provide us with an email address or telephone number it may be used by us and third parties to contact you for any of the purposes for which you have agreed to allow us or them to hold or process your personal information.

## Notes

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