

Briefing Report	28 January 2021
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Title/Subject	Member Complaint Handling



1. Context of paper

A meeting took place between the BCA staff team (Tom Mullarkey, Lisa King and Anne Barlow) and three members – Monica Handa, Jatinder Benepal and Brian Hammond – on Thursday 26 November 2020. After helpful communications between us, the meeting was arranged to hear concerns raised by these members and establish what the BCA could do to allay these. One action point from this meeting was for the “BCA to consider the appointment of a Complaints Officer (a chiropractor to support members through GCC complaints) and revert to all members with response.” This paper is to address this point and explain the history of this role, the action taken to date, the current situation and how we can look forwards.

2. History

In 2017 members raised their concern around how they would be supported during a complaint or any difficult situation. Members had concerns over the level of training of BCA staff providing the service at the time. It was agreed that the BCA would appoint a Complaints Officer to offer guidance and support to those members undergoing complaints from patients and/or the GCC and that further training would be developed. The staff responsible for handling complaints and liaising with both the insurance provider and the legal team were provided with a greater level of training to assist her in providing support to members.

Legal change in Insurance Distribution and professionalisation of the BCA

The Insurance Distribution Directive (IDD) replaced the Insurance Mediation Directive (IMD) and was to come into effect in late 2018. This aimed to enhance consumer protection when buying insurance and to support competition between insurance distributors by creating a level playing field. This meant that the way in which the BCA had provided its insurance product to date needed to be reviewed. Previous staff members in this role did not necessarily have the level of training required by the insurer and it was decided that a better, more robust, process to place the claims handling with trained insurance claims professionals was required.

<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32016L0097>

<https://www.fca.org.uk/firms/insurance-distribution-directive>

Formation of BCA Insurance Services in 2018

BCA Insurance Services includes a dedicated Claims Team, who are members’ first point of contact in the event of a patient complaint or a claim, and a specialist Support Team who are there to assist members with any queries they may have regarding Medical Malpractice Insurance. These changes were introduced to members via email on 14 May 2018.

Meet the Team - www.lloydwhyte.com/chiropractors/bca-insurance-services/

Why choose BCA Insurance Services? - www.lloydwhyte.com/why-choose-bca-insurance-services/

3. Current situation

Since May 2018, the service delivered to BCA members reflects that given to members of the British Medical Association, British Dental Association, British Veterinary Association, Association of Optometrists, Society of Occupational Medicine and Pharmacy Defence Association.

Our insurers, Royal Sun Alliance and the Claims Team at BCA Insurance Services manage the actual claim process, and pastoral support is available for members who are going through these experiences but, for obvious reasons, the insurer requires that matters related to the legal process must be handled by the claims handlers. A number of experienced BCA chiropractors are available to give vital peer-to-peer support to members, in addition to the counselling support provided by ARAG to all BCA members. The Director of Operations and Membership acts as a liaison between BCA Insurance Services and individual members, managing those situations when members require peer-to-peer support.

4. SUMMARY

When the BCA had a more significant responsibility for insurance and therefore complaint handling, a member of the staff team would oversee each complaint and difficult situations experienced by members. Members of staff at the time had assembled a certain informal skillset in legal support, but feedback from both members and our insurers suggested that this was not sufficient.

With the change in insurance arrangement, Lloyd & Whyte and the insurers (Royal Sun Alliance) are now legally responsible for insurance complaints, for which they are statutorily regulated. It is inappropriate for untrained non-legal BCA staff with no liability, to be involved in supporting/advising on the business arrangements of another company, which provides specialist regulated services. The proper legal representatives of the insurer must carry out all legal advice functions. This is an insurance requirement, subject to FCA regulation. Lloyd & Whyte appoint barristers at Weightmans to provide this service to BCA members and feedback to date is excellent.

However, all of this does not prevent the BCA from offering a mentoring level of support and we do this regularly for all manner of member queries ranging from potential to actual GGC complaints, difficult patient encounters, medico-legal concerns and personal issues using experienced members who volunteer their time. All members are offered peer-to-peer support from an experienced BCA member. If members need this informal mentoring support, they should contact the Director of Operations and Membership in the first instance, who is the conduit for seeking such advice.

5. Feedback from Members

Here are some of the testimonials given to us by BCA members, whom BCA Insurance Services and our peer-to-peer system supported during a case or claim:

"...thank you for your kindness and reassurance on the phone. It's not a nice experience to have to go through, so thank you for trying to make it as stress-free as possible..."

"Thank you so much for being on the other end of this – it was a most unpleasant experience and I appreciate your advice and support."

"I'm very reassured that you are dealing with [my case] and look forward to getting it all settled."