

# PAAs and AAs: ADM6 - Insurance and indemnity

## Introduction

1. This guidance is for authorised decision makers ('ADM's') asked to consider whether they are satisfied that a declaration of insurance and indemnity (I&I) provided by an applicant for Physician Associate (PA) or Anaesthesia Associate (AA) registration, is appropriate and adequate for their practise as an associate<sup>1</sup>.
2. This guidance aims to ensure consistency, fairness and proportionality in our approach to making decisions. ADMs should read it in conjunction with the ['Principles which apply to decision-making'](#) across all our registration and revalidation functions.
3. This guidance sits under our [registration evidence framework](#), which sets out the overarching policy for PA/AA registration.

## Basis for assessing evidence of insurance and indemnity

4. The Anaesthesia Associates and Physician Associates Order (AAPAO) requires that applicants for PA/AA registration must:
  - meet the standards for registration
  - comply with the procedural requirements set out in the General Medical Council (Registration) (Anaesthesia Associates and Physician Associates) Rules ('the registration rules')
  - provide proof of their identity, and
  - provide evidence to demonstrate that they have in force, or will have in force by the date on which they begin to practise in the UK, an indemnity arrangement, and/or insurance policy, which provides appropriate and adequate cover in respect of their practise as an associate<sup>2</sup>.
5. Under the registration rules we specify that applicants will meet the I&I requirements by making a declaration as part of their registration application<sup>3</sup>.
6. We explain how applicants can meet the requirements for registration, and specifically the

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<sup>1</sup> Declaration provided under part 2, rule 5(2)(j).

<sup>2</sup> Under Article 6(1)(b) and 6(4)(b) of the AAPAO.

<sup>3</sup> Under part 2, rule 5(2)(j).

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requirement to make a declaration in respect of I&I in our:

- [registration evidence framework](#), and
- [Insurance and indemnity policy](#).

7. Where discretion is exercised to accept evidence to demonstrate one of more parts of the standards or information requirements for registration, ADMs must be satisfied of this in the context of the totality of the applicant's overall evidence.

## Meeting the evidence requirements for insurance and indemnity

8. The rules define 'appropriate and adequate cover' to mean: 'cover against liabilities that may be incurred by an individual when practising as an associate, which is appropriate and adequate, having regard to the nature and extent of risks of their individual practice'<sup>4</sup>.
9. If applicants meet the criteria below ADMs are likely to be satisfied that evidence of appropriate and adequate I&I has been provided:
- agreement with the I&I declaration in their registration application, and
  - an absence of concerns raised with us, or identified by us, through the processing of their registration application.

## Refusing to make a decision and closing an application

10. Where an applicant fails to provide the declaration of I&I<sup>5</sup>, the ADM must refuse to make a decision and close the application<sup>6</sup>.
11. The applicant must be notified of this decision within a period of five business days beginning with the closure<sup>7</sup>. This notification must include the reason for closing the application and refusing to make a decision.

## Factors to consider

12. Where applicants have completed the declaration that they have, or will have, I&I arrangements in place, but concerns are raised through the assessment of their application, ADMs can assess the nature of the concern and seek further information<sup>8</sup>. This could include but is not limited to:

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<sup>4</sup> Part 1, rule 2.

<sup>5</sup> As required under Part 2, rule 5(2)(j).

<sup>6</sup> Under Part 2, rule (6)(9)(c).

<sup>7</sup> Under part 2, rule 7(3).

<sup>8</sup> Under part2, rule 6(1).

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- details of the applicant's scope of practice in the UK
  - information about the indemnity and/or insurance that they have in place, or plan to put in place.
13. ADMs can make enquiries, and/or seek advice from other organisations, including but not limited to:
- the applicant's previous, current and/or prospective employer(s)
  - any other regulatory body which the applicant is, or has been, registered with
  - providers of I&I cover for healthcare professionals including medico legal defence organisations.
14. ADMs should use the checklist below to help them decide whether an applicant has provided satisfactory evidence that they have in force, or will have in force by the date on which they begin to practise in the UK, an indemnity arrangement, and/or insurance policy, which provides appropriate and adequate cover in respect of their practise as a PA or AA in the UK.
15. All decisions must be made on a case-by-case basis and take into account the associate's individual circumstances.
16. The evidence ADMs rely upon to reach a decision must be robust, objective, independent and verifiable.
17. ADMs will need to consider:
- whether any of the information available identifies any concerns about the applicant's current or planned I&I arrangements, and/ or whether these are appropriate and adequate, and if so
  - whether there is sufficient robust, objective, independent and verifiable information to provide assurance that the applicant has fully addressed these concerns to the extent that the I&I requirement is met and we would continue to fulfil our duty for public protection if the applicant were granted registration?
18. If the ADM is not satisfied then the application must be refused<sup>9</sup>.

## Checklist

19. Where there are concerns about the applicant not holding appropriate and adequate I&I in any previous or current healthcare role, either in the UK or overseas, ADMs should consider if:
- the applicant's arrangements are, or have been considered, not appropriate and adequate for that role by another regulatory body
  - the applicant is/ has treated patients in circumstances where they knew, or should have known, that they did not have adequate I&I in place

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<sup>9</sup> Under part 2, rule 6(9)(b)(iii).

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- the applicant has falsely declared to another party (such as their employer) that they have I&I cover in place
  - the applicant is, or is intending to use the same I&I cover when they begin to practise as a registered PA or AA in the UK
  - what actions the applicant has taken to address these concerns.

20. Where there are concerns that the applicant's current or proposed I&I may not be appropriate and adequate for their practise as a PA or AA in the UK, ADMs should consider:

- the nature and scope of the PA/AA's practice in the UK (where known)
- if the planned cover has been independently and robustly verified, including:
  - the amount of cover and whether this is adequate and appropriate to cover claims likely to arise from the applicant's practice as a PA/AA in the UK
  - if the policy originates in another country outside of the UK, that the amount of cover is sufficient to cover claims arising in the UK<sup>10</sup>
- whether the cover is for an individual or group of PA/AAs.

21. Where the ADM is not satisfied that the applicant has, or will have, appropriate and adequate I&I for their practise as a PA or AA in the UK, they should consider whether this raises a concern that the applicant was dishonest or misleading in their declaration of insurance and indemnity.

- If so, this may also raise a concern under the standards of conduct and ethics, and ADMs should consider this under our [assessment of conduct and ethics policy](#).

Publication date: 13 December 2024.

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<sup>10</sup> In these circumstances, ADMs can seek input from third parties such as recognised providers of I&I for healthcare professionals.