**Clarification on Pelvic Examinations and CSP PLI**

This document aims to clarify any confusion arising from a part of section 11 of the CSP PLI terms and conditions document, which states that physiotherapists will not be covered if:

'any claim arising from allegations of actual or attempted sexual relations, sexual contact or intimacy, harrassment or exploitation".

From the outset its worth stressing that the risk of criminal allegations arising from work are extremely rare, and that all physiotherapists who can demonstrate that they comply with good practice in areas such as information giving, consent and chaperoning are unlikely to face such complaints against them in any event.

It is true if a patient \*misconstrues\* the purpose of a pelvic examination, then they may consider making a complaint, and if such a complaint is made to the police it will be investigated as a possible criminal offence. However, all physiotherapists who can demonstrate that they comply with good practice in areas such as information giving, consent and chaperoning are unlikely to face such complaints against them in any event. To some degree this is why the CSP worked with ACPWH to create the educational expectations for pelvic examination to assure everyone that it is always conducted in therapeutic context after proper training.  Moreover, we now have robust guidance on the use of chaperones, and whilst it is not mandatory to have a chaperone for physiotherapy pelvic exams (unlike doctors who will not perform them without a chaperone now) this guidance is there to protect members and we would advise that they use a chaperone if they have any concerns about how their actions may be interpreted.

The CSP PLI scheme has never covered the defense of criminal allegations against members. The CSP PLI scheme is a medical malpractice and professional indemnity scheme which covers the defense of civil claims against members arising from their work, subject to the terms of the policy.

Until 2010, any CSP member facing a criminal allegation against them would have the costs of criminal defence met by the Legal Aid Scheme, which the CSP would claim on the member’s behalf. Since 2010, the Legal Aid rules have changed in England and Wales, such that no such Legal Aid is available and thus any defence costs would need to be met by the individual themselves.

As with many other risks, insurance to cover ‘criminal defence costs’ is available and members can buy this if they wish. The CSP signposts to one such scheme available via Thompsons, but members may wish to check if ‘criminal defence costs’ are covered as part of any other household and/or personal insurance scheme they may have. This may be particularly pertinent as most physiotherapists will not meet qualifying criteria for Legal Aid support.

The list in PD027 is not a list of ‘extended areas’ of practice, it is merely a list of subjects which the CSP has been repeatedly asked if they are accepted physio practice. Pelvic examination is considered as part of accepted physiotherapy practice and in the context of women’s health has never been questioned as being \*outside\* of scope and so it is not listed in the list you refer to in PD027.

It is true to say that male physiotherapists are more vulnerable to this type of allegation than female physiotherapists, which is why we have strengthened our chaperoning guidance to help all members. Also it is sad to report that there has been one conviction in recent years for plainly inappropriate and criminal assault on patients. No insurance would ever protect a member who set out to commit crimes.

Please have a look at our ‘Insurance’ pages on the CSP website as we have explained criminal defence costs insurance in more detail there.

**POGP**