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Territorial Health Board Chief Executives

By Email.

7 April 2020

Clinical negligence cover

I am writing to you to direct that indemnity cover under your organisation's membership of the Clinical Negligence and Other Risk Indemnity Scheme (CNORIS) must extend to any person engaged by a Health Board to respond to the coronavirus. This includes:

- All Health Board employees.
- GPs and general practice staff working in the new COVID Community Hubs and COVID assessment centres.
- General dental practitioners and dental practice staff working in the urgent dental care treatment centres or deployed to wider COVID-19 response roles.
- Optometrists engaged by NHS Boards to work in the new Board-designated Emergency Eyecare Treatment Centres.

This will not apply where indemnity arrangements are already in place for the person to be indemnified. **Independent contractors should maintain their existing clinical negligence indemnity arrangements as normal. Where the terms of that arrangement require the independent contractor to make their indemnity provider aware of any changes in their circumstances (e.g. if they are going to increase their hours in their practices), contractors should do so in the usual way.** Independent contractors should also continue to have their own professional and regulatory indemnity if they usually have such arrangements.

This indemnity will be available for any claim arising from engagements related to the coronavirus, regardless of when that claim is received. The Scottish Ministers should be notified of clinical negligence and personal injury complaints which may result in a claim against this indemnity as soon as the independent contractor becomes aware of the complaint. The Scottish Ministers will provide further details as to how to notify them of a claim, and of the information they will require, in due course.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I would be grateful if you could draw this direction to the attention of Health Board staff and independent contractors. No further action is required by you to give effect to this direction at this time.

Kind regards

Jeane

JEANE FREEMAN

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