



Department of  
**Health**

An Roinn Sláinte

Máinnystrie O Poustie

[www.health-ni.gov.uk](http://www.health-ni.gov.uk)

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Your Ref:

Our Ref:

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Dear Margaret

## **COVID-19 CLINICAL NEGLIGENCE INDEMNITY FOR GENERAL PRACTICE**

I am writing to advise you of the clinical negligence indemnity arrangements that have been agreed for General Practice in relation to the COVID-19 pandemic. The arrangements cover existing GPs and also retired GPs who are returning in response to COVID-19.

We do not want indemnity to be a barrier or cause delay to anyone assisting with the response to COVID-19. These arrangements reflect the principles set out in Section 13 of the Coronavirus Act 2020 – NI indemnity clause. This clause allows the Department of Health to provide clinical indemnity coverage for health and social

care professionals and others carrying out activities connected to care, treatment or diagnostic services provided under arrangements for responding to the COVID-19 pandemic. This 'emergency' indemnity will apply where liability for the provision of such services is not already provided for under an individual's existing indemnity arrangements.

### **Clinical Negligence Indemnity Arrangements for Existing GPs**

The indemnity powers in the Coronavirus act 2020 are not intended to replace existing indemnity arrangements. For existing GPs, Department of Health indemnity cover would apply where a GP's current indemnity arrangement does not extend to the additional clinical work undertaken in response to COVID-19. This includes for example, undertaking additional sessions, providing backfill cover or working in a COVID-19 Centre.

In light of the above, the first step for a GP is to contact their Medical Defence Organisation to check if their existing indemnity arrangement will cover the additional work they will be undertaking.

Where the MDO confirms that existing indemnity arrangements will cover the additional sessions, providing backfill cover, or working in a COVID-19 Centre, those arrangements will continue to apply.

Where a GP is advised that their existing indemnity arrangement will not cover this work or where indemnity will only be available at an additional cost, the Department of Health will provide clinical negligence indemnity to cover this work.

**GPs should keep a record of where and when they performed any additional work that is not covered under their existing indemnity arrangements, including additional sessions, backfill activities, Out of Hours sessions or work in a COVID-19 Centre.**

### **GPs Working New or Additional Sessions in Out Of Hours**

GPs who work in Trust-run Out of Hours services will have clinical indemnity for Out of Hours sessions provided by the relevant Health and Social Care Trust.

GPs who undertake to work new or additional Out of Hours sessions in Western Urgent Care or Dalriada Urgent Care and are not therefore covered by HSC Trust indemnity arrangements, should contact their Medical Defence Organisation in the first instance. Where a GP is advised that their existing indemnity arrangement will not cover this work or where indemnity will only be available at an additional cost, the Department of Health will provide clinical negligence indemnity to cover this work.

### **Retired Returning GPs**

The Department of Health will provide clinical negligence indemnity cover for retired GPs who return to provide support in response to the COVID-19 emergency.

**Retired returning GPs should keep a record of where and when they performed work, including additional sessions, backfill activities, Out of Hours sessions or work in a COVID-19 Centre.**

### **Indemnity for Purposes Other than Clinical Negligence – Retired Returning GPs**

It is recognised that that returning doctors may also want to access medico-legal advice and support, and it is intended that this is not a barrier to their return. The Medical and Dental Defence Union of Scotland (MDDUS), the Medical Defence Union (MDU), and the Medical Protection Society (MPS) have confirmed that they will provide medico-legal advice and support at no cost to their retired members who return to work on the COVID-19 response.

For retired MPS and MDDUS members this is automatic. MDU is asking retired members to complete a short form. More information for returning members is available at [www.mddus.com/coronavirus](http://www.mddus.com/coronavirus); [themdu.com/coronavirus](http://themdu.com/coronavirus); or [www.medicalprotection.org/uk/articles/information-for-retired-doctors](http://www.medicalprotection.org/uk/articles/information-for-retired-doctors).

Clinical negligence indemnity provided by the Department of Health will be administered using the existing reporting and administration arrangements within Health and Social Care Trusts. In the event of any future clinical negligence claim arising, the GP should contact their MDO and the relevant HSC Trust for the area in which they worked. Email addresses are provided below.

Belfast HSC Trust – CAL-LegalServDept@belfasttrust.hscni.net

Northern HSC Trust – risk.management@northerntrust.hscni.net

Western HSC Trust – Therese.Brown@westerntrust.hscni.net

Southern HSC Trust – Litigation.Department@southerntrust.hscni.net

South Eastern HSC Trust – litigation.services@setrust.hscni.net

Yours sincerely,



Chris Matthews

Director of Primary Care

cc: Chris Matthews  
Charles Barnett  
Dr Helen Rogers HSCB  
Karen Dawson