What is the Clinical Negligence Scheme for Coronavirus (CNSC)?

The scheme has been designed to respond to the new contracts being put in place for healthcare arrangements to respond to coronavirus such as those with the Independent Sector and organisations supporting testing arrangements. This cover is in addition to the arrangements already in place to indemnify healthcare workers for the NHS work they already do.

The scheme has been established under the new powers delivered under the Coronavirus Act 2020 and will indemnify healthcare providers for any clinical negligence liabilities which arise where existing indemnity arrangements (such as the Clinical Negligence Scheme for Trusts) do not apply.

The scheme covers NHS services commissioned from non-NHS providers and therefore includes healthcare professionals and others from the independent sector, working as part of the Coronavirus response, where there is no existing indemnity arrangement in place.

I work for the NHS and have been asked to work in a different area of practice/different Trust. Will I be covered?

Yes. NHS staff will be covered by existing indemnity arrangements during a pandemic – the Clinical Negligence Scheme for Trusts (CNST) for those working in NHS trusts and the Clinical Negligence Scheme for General Practice (CNSGP) for partners and staff working in general practice. This will apply even if they are working on a different site or seconded to a different employer. Where you are working outside your normal role, you need to continue to work within your scope of competence. You should be guided by your professional codes. For example, for nurses and midwives, from the Nursing and Midwifery Council (NMC).

I am working on a temporary contract, am I covered?
Yes. Temporary staff will also be covered, provided there is a clear contractual relationship with an employer.

I am a volunteer, am I covered?
Where volunteers are asked by NHS trusts to help deliver NHS services, and a volunteer agreement is in place between the trust and the volunteer or volunteer 3...
organisation, then indemnity for clinical negligence will be provided under the Clinical Negligence Scheme for Trusts.

**Are students covered too?**
Yes. It is important that you work within your scope of competence and receive adequate training and be properly supervised.

**I am coming out of retirement. Am I covered?**
In most cases, returning healthcare professionals will be covered by one of the two existing state schemes: the Clinical Negligence Scheme for Trusts (CNST) if they return to work in an NHS trust; and the Clinical Negligence Scheme for General Practice (CNSGP) if they are engaged by a GP practice providing NHS GP services. However, in the rare instances where these or other indemnity arrangements do not apply, the indemnity provision under the Coronavirus Act will apply.

**Will I be covered if I am asked to carry out duties outside of my usual job?**
Yes, providing you are acting in the course of your employment. The key factor to consider are that healthcare professionals should at all times ensure they are competent to carry out any practice requested of them.

**Where can I find out more about UNISON’s Indemnity cover?**
A copy of our leaflet is available at https://www.unison.org.uk/26028_professional_indemnity_leaflet_2020/

It is important to note that the cover offered is what is known as a ‘contingent’ policy which means that members must first and foremost be indemnified by the organisation they work for (under what is known as a ‘frontline’ cover). In simple terms this means that in order for you to be covered by UNISON’s policy, your employer must provide cover for you.

As part of the response to the pandemic, the government is ensuring that legal protections will be in place for those who take part in work as part of the Covid-19 response.

**Anything else I need to know?**
We would encourage you to check with your employer what arrangements are in place in relation to indemnity cover.

**Sources of information**

NHS employers page: https://www.nhsemployers.org/covid19/assurance/indemnity-and-litigation
NHS resolution page: https://resolution.nhs.uk/2020/03/19/covid-19-and-business-continuity/
