

COVID-19 Vaccinations

Community Pharmacy Indemnity - FAQs

These FAQs have been prepared to help clarify what clinical negligence indemnity cover is in place for community pharmacy administering Covid-19 vaccines.

If you have a specific query that is not answered by the FAQs below, please email: CNSC@resolution.nhs.uk

What clinical negligence indemnity arrangements are in place to support community pharmacy to administer COVID-19 vaccinations?

Where community pharmacies have signed, and are operating under, the Local Enhanced Service agreement 2020/2021 (LES 2020/2021) for the Covid-19 vaccination programme, 'Community pharmacy local enhanced service – coronavirus vaccination, COVID-19 vaccination programme 2020/21', then they and their staff will be indemnified by government for clinical negligence arising from the services provided under the LES 2020/2021 until 31 October 2021.

This cover extends to additional staff being brought in to help with administering vaccines under the national protocol, provided they are engaged to carry out activities under the above LES 2020/2021. These indemnity arrangements will also apply to the administration of any temporarily authorised COVID-19 vaccines under the LES 2020/2021. This indemnity will be managed under the Clinical Negligence Scheme for Coronavirus (CNSC). This government indemnity does not cover booster doses as these are not within the scope of the LES 2020/2021.

Government support in relation to clinical negligence liabilities of community pharmacy arising from booster or other vaccinations delivered under other local enhanced service (LES) agreements will be provided under commercial insurance arrangements as outlined below.

Government is providing support to community pharmacy via arrangements with insurance providers to ensure that premiums in respect of clinical negligence cover are available at an affordable price for the delivery of phase three of the Covid-19 vaccination programme under the forthcoming booster LES agreements. The support will cover the period from September 2021 – 31st March 2022.

We anticipate that commercial insurance products will be available for purchase in August 2021 and will operate as a standard insurance policy – your insurer will handle claims in the way they normally do now, with no additional work for pharmacy sites.

What is covered by this arrangement?

Cover is for clinical negligence only. Other risks (such as Public Liability, Employer's Liability and Professional Indemnity – including representation at inquests and

regulatory hearings) need to be covered under pharmacies' and individual pharmacists' existing insurance and/or indemnity arrangements.

Will I be covered from a clinical negligence indemnity perspective if I am using an alternative premises or location (including outside locations, e.g. practice car park)?

Yes. Where a community pharmacy is vaccinating patients under their Local Enhanced Service, the activity is covered by the Clinical Negligence Scheme for Coronavirus (CNSC). This indemnity is not dependent on the location in which the services are being delivered.

What will the indemnity position be in respect of volunteers in community pharmacy led sites?

This will depend upon the circumstances involved. Volunteers engaged locally by a designated pharmacy will be covered for any clinical negligence liabilities under the Clinical Negligence Scheme for Coronavirus (CNSC). Pharmacies should check with their existing insurers that cover for other types of risk, such as Public Liability and Employers' Liability, is in place to cover volunteers.

What indemnity arrangements apply to volunteers who perform stewarding roles for community pharmacy led vaccination sites?

Locally engaged Volunteers performing a stewarding role as part of the Covid-19 vaccination service will be covered by Clinical Negligence Scheme for Coronavirus (CNSC) or the pharmacies' public liability insurance depending on the nature of the incident that leads to a claim being made. For example, if there is a claim for clinical negligence, i.e. related to the provision of care or treatment to a person being vaccinated, and the volunteer's conduct is relevant to that claim, they will be covered by CNSC. Where there is a claim for public liability, e.g. where an individual suffers injury on the premises unrelated to being vaccinated, and the volunteer's conduct is relevant to that claim, they will be covered by the pharmacies' public liability insurance. We recommend that community pharmacies put in place a local volunteer agreement for locally engaged volunteers.

How do I report a claim?

The claims process is set out in the document '[CNSC - How and when to make a claim](#)'. If you need to report a claim after review of the document, contact the CNSC mailbox (CNSCNotification@resolution.nhs.uk) to provide brief details of the claim. You will then be contacted by either NHS Resolution or one of our appointed legal representatives to discuss the matter further before a Notification Form is sent out to you (via an NHS Resolution secure encryption portal account) for completion.

I am a claimant and wish to make a claim, should I contact NHS Resolution?

No, in the first instance you should submit details of your claim directly to the pharmacy. NHS Resolution cannot accept direct claims made by third parties.

What are the indemnity arrangements for pharmacists working in general practice and NHS Trusts?

Pharmacists and Pharmacy technicians working for general practice and NHS trusts are covered by state indemnity schemes for clinical negligence, irrespective of where the services are provided:

- [The Clinical Negligence Scheme for Trusts](#) (CNST), if they are engaged by an NHS trust to provide the NHS services.
- [The Clinical Negligence Scheme for General Practice](#) (CNSGP) if they are engaged by a GP practice to provide NHS services (i.e. a GP practice, the main business of which is the provision of NHS primary medical services).

Will I be covered for a clinical negligence claim which is brought after 31 October 2021 for an incident which occurred on or before this date (i.e. an incident arising from the administration of vaccines under the LES 2020/2021 - 'Community pharmacy local enhanced service – coronavirus vaccination, COVID-19 vaccination programme 2020/21')?

Yes, the indemnity provided in respect of LES 2020/2021 is occurrence-based, so cover is provided for any clinical negligence claim, no matter when it is notified as long as the incident giving rise to the claim occurred on or before 31st October 2021. For example: an incident of clinical negligence occurs on 4 October 2021, the scheme ends on 31 October 2021 and a claim is pursued in 2022; the scheme will provide cover.

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