

Primary Care Directorate
General Practice Division



Addresses

For Action

Chief Executives NHS Boards
GP Practices

For information

Scottish General Practitioners Committee
Primary Care Leads NHS Boards
NHS National Services Scotland

Policy Enquiries to:

Michael Taylor
Primary Medical Services
1 East Rear
St Andrew's House
Edinburgh
EH1 3DG

Tel: 0131-244 5483

Michael.Taylor@gov.scot

26 February 2021

Dear colleague

COVID-19 VACCINATION PROGRAMME – PRIMARY CARE – GP PRACTICES - INDEMNITY

1. I write to provide confirmation of indemnity arrangements for GP practices and their staff participating in the COVID-19 Vaccination Programme (“the programme”).

Background

2. On 11 January 2021 the programme commenced in GP practices, using the recently authorised Oxford/AstraZeneca (AZ) vaccine. A COVID-19 Vaccination Directed Enhanced Service (DES) set out in ([PCA\(M\)\(2020\)17](#)) and a set of supporting [Directions](#) have been agreed with the BMA Scottish GP Committee (SGPC). The target groups have been detailed in the [CMO](#) letter. It also contains clinical arrangements for the programme. Most GP practices are supporting the programme by providing vaccinations by agreement and capturing and updating data in a timely manner.

Clinical Negligence Cover

3. On 7 April 2020 Jeane Freeman MSP, the Cabinet Secretary for Health & Sport, wrote to Territorial Health Board Chief Executives directing them to extend indemnity cover under their organisation’s membership of the Clinical Negligence and Other Risk Indemnity Scheme (CNORIS) to any person engaged by a Health Board to respond to the coronavirus.
4. I can confirm that [direction](#) applies to any person engaged by a Health Board, including Special Health Boards, to deliver the programme.
5. Independent contractors should maintain their existing clinical negligence indemnity arrangements for Covid vaccine delivery, even under the Directed Enhanced Service.

Where the terms of that indemnity 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 or where a practice engages additional staff), 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.

Vaccine Protocols

6. The National Protocols for the supply and administration of the Pfizer and AstraZeneca vaccines extend NHS indemnity to approved persons designated by a provider which can be either a Health Board or an organisation delivering services on behalf of a Health Board. This is distinct from arrangements Health Boards can make to deploy vaccines via alternative routes, e.g. with a GP practice where vaccines are administered by GPs and staff employed by the practice who are authorised to administer vaccines under existing provisions in the Human Medicines Regulations 2012 and the protocols. As such GP practices participating in the programme for their own patient population should arrange their own indemnity as set out above.

Overview of arrangements

- GPs and staff employed by the practice will generally be providing Covid-19 vaccinations to their own patient population. There will likely be a minority of patients who are not registered with the practice, where no option is available to be vaccinated by their registered GP practice. Practices undertaking vaccinations of non-registered patients at the request of the Health Board, including their own staff, (in their own premises or in those arranged by the practice for the purposes of vaccination) under the Directed Enhanced Service, should be covered by their existing indemnity.
- Any GPs and staff employed by the practice engaged by a Health Board to administer vaccinations at Health Board level (e.g. mass vaccination sites) will be provided with indemnity by the Health Board provided by CNORIS; and
- Any additional staff provided by health boards to assist in the primary care rollout of Covid-19 vaccination will also have their indemnity provided by CNORIS.

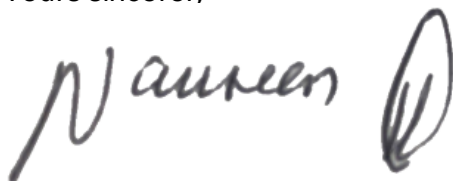
Action

7. NHS Boards are requested to action this guidance and ensure that their primary medical services contractors are aware of it.

Enquiries

8. In the instance of any enquiries on this circular please contact Michael Taylor.

Yours sincerely

A handwritten signature in black ink that reads "Naureen" followed by a stylized circular flourish.

Naureen Ahmad

Deputy Director and Head of General Practice Division