

Indemnity Statement re Self Employed Community Midwives (Updated March 2014)

The Clinical Indemnity Scheme (CIS) was established in July 2002 and is managed by the State Claims Agency (SCA). Under the scheme, the State assumes full responsibility for the indemnification and management of all clinical negligence claims against enterprises and practitioners covered by the scheme.

In 2008, the remit of the CIS was extended to cover professional medical services by Self Employed Community Midwives (SECMs). This cover is provided to the HSE, but extends vicariously to SECMs PROVIDED:-

- The care and treatment provided by the SECM to the expectant mother is within the timeframe of a signed Agreement between the SECM and the HSE, and;
- The care and treatment provided by the SECM falls within the terms of that Agreement including any criteria laid down by the HSE.

For the avoidance of any doubt, the CIS will only provide medical malpractice indemnity in circumstances where the SECM is acting strictly within the terms of the Agreement and any associated schedules laid down by the HSE. SECMs are not covered by the CIS in respect of Good Samaritan acts.

Should the expectant mother and her nominated SECM proceed with a Home Birth or other maternity related care outside the terms of the Agreement and its associated schedules, the SECM will not have the benefit and protection of CIS cover in respect of any resultant medical malpractice claim or inquest.

CIS Indemnity is provided in respect of a suit for personal injuries brought by a person alleging negligence, statutory or at common law, in respect of the provision of, or failure to provide, professional medical services. The CIS does not provide cover in respect of criminal matters i.e. where the Director of Public Prosecutions (DPP) directs criminal charges against a health practitioner.

The CIS does not provide representation for midwives (or any health practitioner) in relation to fitness to practice issues. In that regard, the SCA advises midwives to purchase additional benefits' cover, specifying cover in respect of criminal and fitness to practice matters from their relevant defence organisations.

