



February 2022

State Claims Agency Clinical Indemnity Statement regarding HSE funded Home birth services

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.

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 healthcare practitioners in relation to fitness to practice issues. In this regard, the SCA advises healthcare practitioners to purchase additional benefits' cover, specifying cover in respect of criminal and fitness to practice matters from their relevant defense organizations.

HSE home birth services provided by Self Employed Community Midwives

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

- 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 their nominated SECM proceed with a home birth or other maternity-related care outside of 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.

Tá eolas faoin gcaoi a bpróiseálann an Ghníomhaireacht um Éilimh ar an Stát sonraí pearsanta ar fáil [anseo](#)
Information on how the State Claims Agency processes personal data is available [here](#)

HSE home birth services provided through a HSE hospital or HSE-funded voluntary hospital

CIS cover is provided to the organization and all healthcare practitioners providing or supporting a homebirth service within the terms of their employment with the HSE or voluntary hospital.

Private home birth services

These services are not covered under the CIS.

Employees of HSE hospitals or HSE-funded voluntary hospitals providing professional medical services.

In addition, for the avoidance of any doubt, where an expectant mother is attending or considering attending a home birth service, whether this service is provided by 1) a HSE hospital or HSE-funded voluntary hospital, by 2) the HSE home birth service provided by SECMs or 3) by a private service outside of the HSE, if they attend a HSE hospital or HSE-funded voluntary hospital for any clinical care related to their pregnancy and post-partum period, CIS provides indemnity to the organization and to the hospital and to ALL healthcare practitioners providing such professional services for, and on behalf of, the hospital.

Governance of HSE home birth services provided by SECMs

The SCA notes, effective 28th February 2022, changes in the governance of the HSE home birth services provided by SECMs. Since governance of the service remains within the HSE, such changes do not alter State indemnity for the service.

State Claims Agency