

**(AOP) PROFESSIONAL LIABILITY INSURANCE CLAUSE FOR
INCLUSION IN CONTRACT**

In the event of any claim for damages, or of circumstances coming to the notice of the healthcare commissioner* which might give rise to a claim for damages, which might give rise to a claim for indemnity from the Contractor pursuant to this contract, the healthcare commissioner shall promptly notify the Contractor thereof in writing, whereupon:-

- (a) immediately, by themselves, their representatives or their insurers, the Contractor and the healthcare commissioner* shall consult together without admitting liability, making any payment or generally engaging in the handling of the claim for damages;
 - (b) the parties shall seek to act together to reject, defend or minimise or mitigate the claim for damages and to seek contribution, indemnity or re-imburement from some other person (not being a party hereto) as they may agree; and
 - (c) the handling of the claim for damages shall, subject as aforesaid, be delegated to the Contractor, his representatives or his or their insurers (subject, if required, to satisfying the healthcare commissioner* that one or more of those parties can meet their responsibilities under this indemnity if such claim for damages is successful) and the healthcare commissioner* shall take such action (or abstain from action) in relation to any such claim for damages (whether a party to it or not) as the Contractor, his representatives or his or their insurers shall reasonably require including, without limitation, defending, resisting, compromising or settling any proceedings or threatened proceedings and appealing any judgement or decision.
 - (d) Please **NOTE** that the above relates to professional indemnity only. If you are carrying out procedures away from your own practice, you must ensure that your public liability insurance covers you in such circumstances.
- **The name of the healthcare commissioner e.g. primary care organisation i.e. Primary Care Trust etc, GP, practice or hospital contracting your services should be placed here**