

To: Chief Executives and Finance Directors
All NHS Bodies

November 2007

Circular No: 07/01

Dear Colleagues

**European Working Time Directive (EWTD)
CNST Indemnity for clinicians working in excess of EWTD limits**

We have been asked by one of the Royal Colleges to spell out the position relating to CNST indemnity where colleagues work beyond the limits of the Directive.

Naturally we would not wish to encourage our scheme members to ignore the requirements of the Directive, but we are acutely conscious that the practical realities of Trust activity make this a common circumstance of working life for our members and it is frequently impossible to abide by the precise letter of the Directive.

That being the case, the purpose of this circular is to restate the view formally expressed some three years ago namely:

“Any activity carried out by clinicians which would be the subject of an indemnity if carried out during “allotted” hours will be treated no differently under our schemes because that work was being done outside those hours.”

I understand that concerns have been expressed on this topic and I hope that this assurance about how the CNST, or indeed the Risk Pooling Schemes for Trusts, would be applied will give you and your colleagues the reassurance they need.

Can you please ensure that all of your staff who need this reassurance are given access to a copy of this circular. It has also been put on our website, www.nhsla.com, should you simply wish to refer colleagues to that.



Stephen Walker CBE
Chief Executive