

Professional Indemnity Insurance for FC Employees/Personal Liability Claims

Aimed at:	All Staff
Issue Date:	18 December 2008
Contacts:	HR: Fiona Wright, Lynn Carty, Lindsay Macpherson Business Unit Managers

Background/Action

1. This Staff Notice is being re-issued to remind staff of the position on professional indemnity insurance.
2. Please bring the content of this notice to appropriate members of staff who may not have access to personal email.

Indemnity for Forestry Commission Employees

3. The Commission will normally indemnify staff against personal liability claims, where staff are acting in their official capacity. This would cover damages and legal representation costs (including liability for the other party's legal costs).
4. Exceptions to this 'cover' will be drawn to the specific attention of staff when it is appropriate- such as situations where staff use their private cars for official journeys and are required to provide appropriate insurance as a condition of claiming the FC's business mileage rates.
5. The indemnity does cover external work approved by and carried out on behalf of the Forestry Commission to generate income, because that would form part of the official duties of the member of staff. The indemnity for this FC work will continue after the member of staff leaves the Forestry Commission, because the test is whether the work was carried out at the time **in his or her official capacity**. If the Forestry Commission ceased to exist, its rights and liabilities would be transferred to the successor body.
6. Indemnity does **not**, of course, cover liability for situations where a member of staff was acting /operating in a private capacity (e.g. home to work journeys, running a private business).

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7. The indemnity against a claim arising from their work would also cover staff who had been negligent. However, depending on the circumstances, a negligent action by a member of staff might then be recorded as poor performance and reflected in the individual's performance management report. In serious cases, if it were clear after investigation that the individual's failure arose from a breach of instructions or gross negligence, for example, this would result in disciplinary action and possibly a charge of gross misconduct.

8. If you are unsure or concerned about the application of this guidance to your own work, in the first instance please discuss this your line manager or Business Unit Manager.

Jean Lindsay
Director HR
18 December 2008