

West Lothian Shadow Integration Joint Board

Date: 8/12/ 2015

Agenda Item: **12**

CLINICAL NEGLIGENCE AND OTHER RISKS INDEMNITY SCHEME (CNORIS)

REPORT BY DIRECTOR

A PURPOSE OF REPORT

The purpose of this report is to seek formal approval for the West Lothian Integrated Joint Board (IJB) to apply to become a member of the Clinical Negligence and Other Risks Indemnity Scheme (CNORIS).

B RECOMMENDATION

1. To note that membership of CNORIS would provide cover in respect of any potential claim made against the West Lothian IJB in terms of Officers/Officials Indemnity and other risks.
2. To agree the West Lothian IJB applies to Scottish Ministers to become a member of CNORIS.

C TERMS OF REPORT

The CNORIS is a risk transfer and financing scheme which was established in 1999 for NHS organisations in Scotland. NHS National Services Scotland is the scheme manager and its primary objective is to provide effective risk pooling and claims management arrangements for Scotland's NHS Boards and Special Health Boards.

The Scottish Government Health and Social Care Directorate (SGHSCD) fund all large losses (i.e. those which breach CNORIS scheme deductibles during each financial year). At the end of the financial year, funds are collected from Members to pay back the deficit accrued in year. In order to share the cost fairly between members, clinical and non-clinical risk profiles are created which determine relative risks for each member organisation. The total annual deficit is then shared between Members according to the proportion of the overall risk.

The Public Bodies (Joint Working) (Scotland) Act provides for the extension of CNORIS to Local Authorities and Integration Joint Boards. This allows for IJBs to apply to Scottish Ministers to become a member. This includes cover in respect of health and social care functions which are delegated to the IJB.

CNORIS provides a wide range of covers, similar to traditional insurance packages, in respect of Clinical Negligence, Employers Liability, Public / Product Liability and Professional indemnity type risks. The level of cover provided to IJBs is the same as all other CNORIS members and is at least £5m Public Liability, £10m Employers Liability, and £1m Professional Indemnity. CNORIS also provides cover in relation to Clinical Negligence should this be required at a later date. All claims currently have a deductible level of £25,000, equivalent to an insurance policy excess, which would be met by the IJB. The risks associated with IJBs membership of CNORIS is considered low and therefore an annual contribution of £3,000 payable each financial year has been set, with notification of the contribution being confirmed in December of the preceding year.

It is important to note that operational delivery of services remains with the Health Board and Council following delegation to the IJB. Insurance arrangements and cover for claims in relation to operational delivery of services would remain the responsibility of NHS Lothian and West Lothian Council.

The Board's membership was agreed in principle at the Shadow Board meeting on 25 August 2015, and approval of this report will confirm that position on a more formal basis. Officers will thereafter make the application at the most appropriate date.

D CONSULTATION

Relevant officers in NHS Lothian and Council and NHS National services Scotland.

E REFERENCES/BACKGROUND

Public Bodies (Joint Working) (Scotland) Act 2014

CNORIS Amendment Regulations 2015 – SSI 2015/102

Shadow IJB, 25 August 2015

F APPENDICES

None.

G SUMMARY OF IMPLICATIONS

Equality/Health	N/A
National Health and Wellbeing Outcomes	None
Strategic Plan Outcomes	None
Single Outcome Agreement	None

**Impact on other
Lothian IJBs** None

Resource/finance Total annual cost of £3,000 per annum for CNORIS cover will be funded by the IJB.

Policy/Legal Membership of CNORIS will allow the IJB to meet policy and legal requirements related to indemnity.

Risk Through CNORIS membership, the West Lothian IJB officers and members will be covered against the limited risks anticipated in relation to the statutory status of IJBs.

H CONTACT

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