



## **Clinical Negligence and Other Risks Indemnity Scheme (CNORIS)**

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### **Edinburgh Integration Joint Board**

**17 July 2015**

#### **Purpose of report**

1. The purpose of this report is to seek approval to apply for the IJB to become a member of the Clinical Negligence and Other Risks Indemnity Scheme (CNORIS).

#### **Recommendations**

2. It is recommended that the IJB:
  1. notes the contents of this report
  2. agrees to apply to Scottish Ministers to join the CNORIS
  3. notes that the Council can make its own application for operational delivery of social care functions.

#### **Main report**

##### **CNORIS**

3. The CNORIS is a risk transfer and financing scheme, which was established in 1999 for NHS organisations in Scotland. It provides a cost-effective approach to 'insuring' the NHS against claims made against it.
4. 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.
5. The basic objectives of the Scheme are to:
  - provide advice on clinical and non-clinical scheme coverage to all parts of the NHS in Scotland
  - support scheme members in an advisory capacity in order to reduce their risks
  - indemnify our members against losses which qualify for scheme cover;
  - allocate equitable contributions amongst our members to fund their qualifying losses
  - provide members with scheme financial updates throughout the year to help with end-of-year budgeting; and
  - help manage risk by providing members with clinical and non-clinical loss analysis throughout the year.

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

### **Legislation**

8. Part 2 of the Public Bodies (Joint Working) (Scotland) Act provides for the extension of CNORIS under Section 85B of the National Health Service (Scotland) Act 1978 (schemes for meeting liabilities of health service bodies) to local authorities and integration joint boards.
9. IJBs can apply to Scottish Ministers to become a member. This includes cover with respect to health and social care functions in so far as the IJB is concerned.
10. Local authorities can apply separately with respect to the operational management of social care functions. Separate risk profiles and costing arrangements will be developed.

### **Cover Provided**

11. CNORIS provides a wide range of covers, similar to traditional insurance packages, for each of its members. These include, amongst others, the core Clinical Negligence cover, but also Employers Liability and Public / Product Liability. Appendix 1 contains further details of the cover available.

### **Reason cover is required**

12. Operational delivery of services remains with the Health Board and Council following delegation to the Health Board. However, there is a low risk that a claim could be made against the IJB in respect of decisions made in the course of its business.
13. Membership of CNORIS would provide cover in respect of any claim made against the IJB itself in terms of Officers/Officials Indemnity.

### **Key risks**

14. Although operational service delivery remains with the Health Board and Council there is a low risk that a claim is made against the IJB.

## **Financial implications**

15. The initial annual cost for IJBs to join is £3,000. This is based on an initial assessment of the likely risk during year 1 and on the arrangements for a comparator organisation already within CNORIS.
16. The Scheme deductible amount is £25,000, i.e. equivalent to an 'insurance policy excess' is £25,000.

## **Impact on inequalities, including health inequalities**

17. No direct implications.

## **Involving people**

18. No direct implications.

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Appendix 1: CNORIS Standard Confirmation of Cover.



## CNORIS

### Confirmation of Cover 2015/16

The following organisations are covered by the Clinical Negligence and Other Risks Indemnity Scheme (CNORIS) for all Health Services in Scotland and for Health and Social care services covered by Integration schemes.

NHS Ayrshire & Arran

East Ayrshire Integrated Joint Board

North Ayrshire Integrated Joint Board

South Ayrshire Integrated Joint Board

NHS Borders

NHS Dumfries & Galloway

NHS Education

NHS Fife

NHS Forth Valley

NHS Grampian

NHS Greater Glasgow & Clyde

NHS Health Scotland

NHS Highland

NHS Lanarkshire

NHS Lothian

Mental Welfare Commission for Scotland

National Services Scotland

National Waiting Times Centre

NHS Orkney

NHS Quality Improvement Scotland

Scottish Ambulance Service

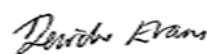
NHS Shetland

The State Hospital

NHS Tayside

NHS Western Isles

NHS 24



**Mrs Deirdre Evans**  
CNORIS Scheme Director  
**NHS National Services Scotland**  
**May 2015**

## Purpose of this Guidance Note

There will be occasions when CNORIS scheme members are required to confirm the extent of cover available to them under the Clinical Negligence and Other Risks Indemnity Scheme (CNORIS). This guidance note sets out the cover for the listed Members, and can be provided to external organisations as Members see fit. This guidance is effective from 1 April 2015 until 31 March 2016 inclusive.

## Introduction

In my capacity as CNORIS Scheme Director, I can confirm that with effect from 1 April 2015, the bodies listed herein are admitted Members of CNORIS, which has been created by authority of the Scottish Ministers.

CNORIS is subject to scheme rules and governed by the National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Amendment Regulations 2015.

## Cover

### General:

CNORIS provides indemnity to Member organisations in relation to Employer's Liability, Public / Product Liability and Professional Indemnity type risks (inter alia). The level of cover provided is at least £5m Public Liability, £10m Employers Liability, and £1m Professional Indemnity. The Scheme will provide "Indemnity to Principal" where required. CNORIS also provides cover in relation to Clinical Negligence.

### Work Experience and Student Placements:

CNORIS provides indemnity to Member organisations in relation to their legal liability associated with work experience recruits of whatever age acting on behalf of the Member organisations. CNORIS will similarly provide indemnity to member organisations in relation to their legal liability associated with students working with the Member organisation on placement from an educational establishment.

### Volunteers:

CNORIS provides indemnity in relation to legal liability of Member organisations associated with volunteers of whatever age acting directly on behalf of the Member organisation. For the avoidance of doubt, no cover is provided in relation to voluntary organisations.

## Further Information

For further information please contact

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