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**Dafydd Bebb**  
Board Secretary  
Health Education & Improvement Wales

cc: Kim Jenkins, Welsh Government

**Date:** 21<sup>st</sup> September 2018  
**Our Ref:** IQ200 HEIW Indemnity

## Application of NHS Indemnity and Welsh Risk Pooling arrangements for Health Education & Improvement Wales (HEIW)

Dear Dafydd

Further to previous correspondence on this matter, I am pleased to be able to report to you on the position regarding indemnity for the activities undertaken by HEIW.

By way of background, all NHS Health Bodies are intended to exercise the principles of NHS Indemnity to their core activities and benefit from the services of the Welsh Risk Pooling arrangements. I understand that HEIW, which has been operating in a shadow format will become a Special Health Authority on 1<sup>st</sup> September 2018.

An anomaly exists with the all-Wales policy design, which specifies that NHS Indemnity and Welsh Risk Pooling applies to NHS Trusts and Local Health Boards. HEIW would not therefore technically benefit from the application of NHS Indemnity and risk pooling – as it is not an NHS Trust or a Local Health Board.

Once this was highlighted as a potential issue, the leadership team of NHS Wales Shared Services Partnership looked into what steps were necessary to ensure that HEIW has appropriate cover.

I am pleased to report that the WRPC held on 11<sup>th</sup> September 2018 considered the matter and resolved that HEIW would be included in the all-Wales Policy on Indemnity & Insurance from its commencement date of 1<sup>st</sup> October 2018.

The resolution was ratified at the NWSSP Partnership meeting, held on 20<sup>th</sup> September 2018.

The anomaly in relation to the policy is in the process of being amended and a revised policy wording – to extend NHS Indemnity and Welsh Risk Pooling to HEIW is in the process of being confirmed. The adjusted policy has been approved by the WRPC and ratified by the NWSSP Partnership Committee. It now requires approval by Welsh Government, which myself and Martin Riley (Head of Finance) are in the process of formally securing.



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Partnership  
Welsh Risk Pool Services

I will share with you the final draft of the adjusted policy and its supporting document. Once formally approved by Welsh Government, my team will ensure that this is shared with all Health Bodies in NHS Wales.

You will note that the principles of indemnity and risk pooling have not been altered in the revised documents and that the changes are to enable bodies (listed in a schedule) which are not NHS Trusts or Local Health Boards to be included.

For the avoidance of doubt, please accept this letter as confirmation that HEIW will benefit from NHS Indemnity and will be able to access the Welsh Risk Pooling arrangements with effect from 1<sup>st</sup> October 2018.

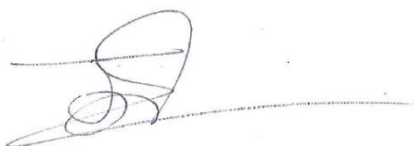
The WRPC did allocated a task to myself and Martin Riley. This is to establish the liabilities which are transferring to HEIW from 1<sup>st</sup> October and which will be subject to insurance provision. I will be in touch to make a suitable appointment to visit you to explore this issue. You may be able to prepare for this by securing the details of insurance provision for those activities moving to HEIW which were not undertaken by an NHS Health Body previously (such as those undertaken by Higher Education institutions).

You will be aware that the Welsh Risk Pool operates a Risk-Sharing Agreement. This is invoked in the event that there are insufficient funds available in-year to settle claims paid – and a formula is used to determine the proportion of funds required from each health body. The WRPC have already determined that it is very unlikely that the risk sharing agreement will be invoked for the year 2018-19 and all health bodies have been advised that they are not required to make provisions for this. The WRPC determined that even in the unlikely event of the risk sharing agreement being invoked, it would not apply to HEIW for 2018-19 and that Martin should identify a suitable formula for 2019-20 which includes HEIW. I am therefore pleased to report that your Director of Finance is not required to make provisions for the risk sharing agreement.

We have already agreed that it may be beneficial for the HEIW Board to receive a presentation from Martin & myself in the near future in relation to NHS Indemnity, Insurance and Risk Pooling. I would be delighted to plan a suitable date.

If you have any queries in relation to this matter, please do not hesitate to contact myself directly.

Yours sincerely,



**Jonathan Webb**

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Head of Safety & Learning

pennaeth diogelwch a dysgu