Changes to the way in which schools and academies support pupils with medical conditions could leave local authorities exposed to medical malpractice claims. Deborah Ball, Client Manager at Aon Risk Solutions, looks at the insurance implications.

The Children and Families Act 2014 places a duty on schools and academies to support pupils with medical conditions. But, while this will ensure these pupils have access to a full education, with teaching staff expected to administer a wider range of medical interventions, local authorities need to make sure they have adequate cover for medical malpractice.

The duty, which came into effect in September 2014, requires schools to develop a policy to identify and support pupils with medical conditions. Central to this support is an individual healthcare plan, usually drawn up in consultation with the pupil’s parents and any relevant healthcare professionals.

These plans need to detail what needs to be done, when and by whom to enable the pupil to receive a full education. In addition, where medical treatment is required, the school will need to identify any training that is required to ensure it can be administered competently.

Insurance position

With schools taking on greater responsibility for pupil’s healthcare and support, local authorities also need to be aware of the insurance implications. While public liability can provide some cover for medical malpractice, it may not be adequate to cover the new responsibilities placed on schools.

Whether or not cover extends to these new responsibilities usually depends on the nature of the medical intervention. Although policy wordings vary, where treatment is invasive or requires a decision, such as the dosage required, it is unlikely to be covered under a standard public liability policy.
Certainly, as a result of the new guidance, teaching staff could find themselves administering more invasive medical treatment. In addition, as medicine moves away from pre-packaged doses to a more personalised approach that takes into account factors such as whether someone has eaten or taken other drugs, teaching staff could also find themselves having to make decisions about a child’s medication.

**Risk management**

Given the change in the requirements, local authorities need to ensure they take a robust approach to managing this new risk. Central to this will be thorough, and regular, reviews with schools to understand the types of treatment pupils require and the training staff has received. Furthermore, given that the situation can change during the course of a school year, it is very important to make sure schools notify their authority of any new cases that arise.

Local authorities should also examine the way in which nursing support is provided to schools. Most contract with an occupational health company to provide this support but, from an insurance perspective, it will be important to understand whether this arrangement is through an agency or the staff are directly employed and if any additional cover is required.

This has become particularly important as the Royal College of Nursing medical malpractice cover has made it clear that this cover is not intended for occupational purposes.

**Arranging cover**

It is essential for local authorities to ensure adequate cover is in place. As the level of cover included on public liability varies between insurers, it is sensible to check with the insurer.

In some instances the existing cover may be adequate, but in others, additional medical malpractice insurance may be required. Sometimes this can be achieved through an endorsement on the public liability cover or it may be possible to get blanket cover by giving an indication of the number of pupils and schools to the insurer.

But, with schools taking on these new responsibilities, it is essential that local authorities take steps to ensure they’re not inadvertently taking on additional risks too.

**Unsure whether your insurance is sufficient?** Contact Deborah Ball (deborah.ball@aon.co.uk) to ensure you’re not taking on unnecessary risk.

---

_About Aon_

Aon plc (NYSE:AON) is a leading global provider of risk management, insurance brokerage and reinsurance brokerage, and human resources solutions and outsourcing services. Through its more than 69,000 colleagues worldwide, Aon unites to empower results for clients in over 120 countries via innovative risk and people solutions. For further information on our capabilities and to learn how we empower results for clients, please visit: _http://aon.mediaroom.com/_