

The Educational Institute of Scotland

Local Authority Insurance Protection

Background

1.1 The AGM in June 2010 approved the following resolution:

“This AGM instructs Council to investigate and report on Local Authority insurance protection for staff injured in the course of their duties.”

Actions

2.1 A letter requesting information was sent to all Chief Executives.

2.2 32 responses were received and are summarised in a table at Appendix 1.

Findings

3.1 Employers are required by The Employers' Liability Act (1969) to have insurance cover in place provide compensation for employees who are injured in the course of employment. Local Authorities are exempt from this requirement and can self-fund claims against them, however, Scottish Councils choose not to make use of this exemption.

3.2 To gain compensation for work related illness or injury an employee has to pursue his/her employer through the civil courts and negligence has to be established on behalf of the employer. The compensation payments for either out of court settlements or awards from a court are met, in full or in part, by the insurers under the terms of the Employers' Liability Insurance.

3.3 The EIS assists members in gaining compensation for injuries and illnesses caused by work activities. Legal advice and representation is provided through approval of the Employment Relations Committee.

3.4 In addition to Employers' Liability Insurance 15 councils also provide a no fault accident insurance but payment under this

type of insurance is limited by type of injury and may be at the discretion of the council, Appendix 1 indicates which councils currently hold such a policy.

- 3.5 Certain payments in the event of death at work and specified injuries are part of teachers' contractual rights: SNCT Handbook, Part 2, paragraphs 9.14 to 9.17, provided at Appendix 2.

Appendix 1

Name of Council	Employers' Liability Insurance	Personal Accident Cover (No fault)
Aberdeen City	Yes - Limit 25m	No
Aberdeenshire	Yes - Limit £25m	No
Angus	Yes - Limit £50m	Yes
Argyll and Bute	Yes	No
Clackmannan	Yes - Limit £25m	Yes
Dumfries and Galloway	Yes	Yes
Dundee	Yes - Limit £30m	Yes
East Ayrshire	Yes - Limit £50m	Yes
East Dunbartonshire	Yes	No
East Lothian	Yes - Limit £20m	No
East Renfrewshire	Yes	No
Edinburgh	Yes	No
Falkirk	Yes - Limit £25m	No
Fife	Yes	Yes
Glasgow	Yes - Limit £100m	Yes
Highland	Yes	Yes
Inverclyde	Yes - Limit £50m	Yes
Midlothian	Yes	Yes
Moray	Yes	No
North Ayrshire	Yes	Yes
North Lanarkshire	Yes - Limit £25m	Yes

Orkney Islands	Yes - Limit £20m	Yes
Perth and Kinross	Yes - Limit £25m	No
Renfrewshire	Yes - Limit £25m	No
Scottish Borders	Yes - Limit £25m	No
Shetland Islands	Yes - Limit £30m	Yes
South Ayrshire	Yes	No
South Lanarkshire	Yes - Limit £50m	No
Stirling	Yes - Limit £25m	No
West Dunbartonshire	Yes - Limit £25m	No
West Lothian	Yes - Limit £40m	Yes
Western Isles	Yes - Limit £50m	No

Appendix 2

SNCT HANDBOOK: PART 2, SECTION 9: OTHER PROVISIONS

9.14 Where an employee or, in the event of death, the employee's dependants, suffers financial loss caused, in the opinion of the council, by violent or criminal assault suffered in the course of or as a consequence of employment, councils are recommended to pay either:

- (a) in the event of the employee's death within 12 months of the date of and in the opinion of the council by reason of the assault, to the employee's representatives the equivalent of five years gross remuneration at the rate applying at the date of the assault or £35,000, whichever is the greater, where the teacher has left one or more dependants and otherwise £950; or
- (b) in the event of permanent total or partial disablement to the employee, the appropriate percentage (specified in paragraphs 9.15 to 9.17 below), of five years gross remuneration at the rate applying at the date of the assault, or £35,000, whichever is the greater. This is with the proviso that such payment shall be reduced, at the discretion of the council, by the amount of any damages or compensation recoverable in respect of the particular injuries.

9.15 Death, total and irrecoverable loss of all sight in one or both eyes, total loss by physical severance or complete loss of use of one or both hands or feet at or above wrist or ankle, occurring within 12 months from the date of assault: 100% of the capital sum specified in paragraph 9.14 above.

9.16 Permanent total and absolute disablement (other than as stated above) from engaging in or giving attention to any profession or occupation of any kind: 100% of the capital sum specified in paragraph 9.14.

9.17 Permanent partial disablement (not otherwise provided for above): the percentage of the capital sum specified in paragraph 9.14 set against the degree of disablement as follows:

Total loss of hearing in both ears 40%

Total loss of hearing in one ear 10%

Complete loss of use of hip or knee or ankle 20%

Removal of the lower jaw by surgical operation	30%
Fractured leg or foot with established non-union	25%
Fractured kneecap with established non-union	20%
Shortening of a leg by at least 3cm	15%

Loss by amputation or complete loss of the following limbs: the percentage of the capital sum as set out in the following table:

		Right	Left
One thumb	20%	17.5%	
One index finger	15%	12.5%	
Any other finger	10%	7.5%	
One big toe	10%	10%	
Any other toe	3%	3%	
Use of shoulder or elbow	25%	20%	
Use of wrist	20%	15%	

(To be reversed if the injured teacher is left handed)