



**Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta**  
**National Treasury Management Agency**

**An Gníomhaireacht um Éilimh ar an Stát**  
**State Claims Agency**

10 October 2019

Ref: PAC32-I-1560

Ms Eilis Fallon  
Committee Secretariat  
Committee of Public Accounts  
Leinster House  
Dublin 2

Dear Ms Fallon

I refer to your letter of 27 September last seeking information on the following:

**1. A list of the organisations covered by the General Indemnity Scheme and the Clinical Indemnity Scheme**

I forwarded a list of State authorities, whose claims management functions have been delegated to the SCA under the General Indemnity Scheme or the Clinical Indemnity Scheme, to the Committee with my letter of 23 July last (Ref: PAC32-I-1522). For ease of reference I have attached this list at Appendix 1.

**2. Details of what type of cover is provided and what is not covered under the Schemes.**

Under the **General Indemnity Scheme (GIS)** the SCA manages personal injury and third party property damage risks and subsequent claims/liabilities arising from negligent acts or omissions on the part of State authorities covered by the Scheme. This indemnity is for organisational risks including: personal injuries and property damage claims by employees, patients (arising from the provision of non-medical services), visitors and contractors, students, prisoners and other users of State services which were the result of a negligent act or omission on the part of the relevant State authority. The indemnity provides for risks similar, but not identical to, those traditionally covered by employers liability (EL), public liability (PL), and third party motor commercial insurance.

The following classes of claim are expressly excluded from the SCA's remit under the enacting legislation:

- claims involving a question as to the validity of any law having regard to the provisions of the Constitution;
- claims made in respect of infection, directly or indirectly, with Hepatitis C or the human immunodeficiency virus (HIV), or both, through the administration of blood or blood products or in respect of related matters;
- claims in which certain torts other than negligence are pleaded.

Other insurable risks which are outside the scope of the GIS include:

- Personal injury claims arising from defects in products (i.e. product liability cover);
- State authorities' own property e.g. damage to their own vehicles, buildings insurance;
- Professional indemnity not involving personal injury or property damage;
- Directors and Officers liability/administrative negligence etc.;
- Employment practice liabilities;
- Legal representation outside of liability claim;
- Personal accident insurance.

Under the **Clinical Indemnity Scheme (CIS)**, the SCA manages personal injury claims against healthcare enterprises arising from negligent acts or omissions associated with the provision of, or failure to provide professional medical services. The Scheme covers registered medical practitioners and dentists and other health professionals including pharmacists, nurses, midwives, paramedics, ambulance personnel and laboratory technicians. Healthcare enterprises or professionals who work wholly and under a contract of employment with such a healthcare enterprise do not need to put in place any professional indemnity arrangements.

**3. Information regarding which legal costs are covered and which legal costs are not covered under the Schemes.**

The GIS and CIS are both self-insurance or "pay as you go" schemes, where the relevant DSA meets the costs of claims. As "pay as you go" schemes, solicitor and barrister, expert witness and other legal costs incurred in the management of a claim are charged to the relevant State authority.

Please do not hesitate to contact me if you require any further information in relation to the above.

Yours sincerely



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Ciarán Breen  
Director

## Appendix 1

### DELEGATED STATE AUTHORITIES COVERED UNDER THE GENERAL INDEMNITY SCHEME OPERATED BY THE SCA\*

Bodies that are considered part of their parent Department can be considered to be automatically delegated as part of the relevant Minister's functions.

<b>Minister for/Department of Health</b> <ul style="list-style-type: none"> <li>- Health Information &amp; Quality Authority</li> <li>- Health Services Executive</li> <li>- Adelaide &amp; Meath incorp. Nat. Children's Hospital</li> <li>- Beaumont Hospital</li> <li>- Cappagh National Orthopaedic Hospital</li> <li>- Central Remedial Clinic</li> <li>- Coombe Women &amp; Infants University Hospital</li> <li>- Dublin Dental School &amp; Hospital</li> <li>- Incorporated Orthopaedic Hospital, Clontarf</li> <li>- Mercy University Hospital, Cork</li> <li>- National Rehabilitation Hospital</li> <li>- Our Lady's Children's Hospital, Crumlin</li> <li>- Peamount Hospital, Newcastle, Dublin</li> <li>- Royal Victoria Eye and Ear Hospital</li> <li>- South Infirmary Victoria Hospital, Cork</li> <li>- St. James's Hospital, Dublin</li> <li>- St. John's Hospital, Limerick</li> <li>- St. Michael's Hospital, Dun Laoghaire</li> <li>- St. Vincent's University Hospital, Dublin</li> <li>- The Mater Misericordiae University Hospital</li> <li>- The National Maternity Hospital, Holles Street</li> <li>- The Rotunda Hospital, Dublin</li> <li>- The Children's University Hospital, Temple St.</li> <li>- The Royal Hospital, Donnybrook, Dublin</li> <li>- Brothers of Charity Services IRL, incl. Congregation of the BoCS and Blue Teapot Theatre Company Ltd.</li> <li>- Carriglea Cairde Services CLG</li> <li>- Cheeverstown House Limited</li> <li>- Cope Foundation</li> <li>- KARE Promoting Inclusion for People with Intellectual Disability</li> <li>- Muirfosa Foundation Limited</li> <li>- St. John of God Community Services CLG</li> <li>- Stewarts Care Limited</li> <li>- Sunbeam House Services CLG</li> <li>- The Children's Sunshine Home</li> <li>- Daughters of Charity Disability Support Services Ltd.</li> <li>- Leopardstown Park Hospital Board</li> <li>- Our Lady's Hospice and Care Services</li> <li>- St. Patrick's Centre Kilkenny</li> <li>- St. Michael's House</li> <li>- The Trustees and Governors of St. Vincent's Hospital Fairview</li> </ul>	<b>Minister for/Department of Justice and Equality</b> <ul style="list-style-type: none"> <li>- Commissioner of An Garda Síochána</li> <li>- Governor of a Prison (Irish Prison Service)</li> <li>- Courts Service</li> <li>- Probation Service</li> <li>- Charities Regulatory Authority</li> <li>- Criminal Assets Bureau</li> <li>- Data Protection Commissioner</li> <li>- Garda Síochána Ombudsman Commission</li> <li>- Garda Síochána Inspectorate</li> <li>- Irish Film Classification Office</li> <li>- Insolvency Service of Ireland</li> <li>- Legal Aid Board</li> <li>- Private Security Authority</li> <li>- Private Security Appeal Board</li> <li>- Property Registration Authority</li> <li>- Property Services Appeal Board</li> <li>- Property Services Regulatory Authority</li> <li>- The MacLochlainn Commission of Investigation</li> <li>- The O'Higgins Commission of Investigation</li> </ul>	<b>Minister for/Department of Finance</b> <ul style="list-style-type: none"> <li>- Revenue Commissioners</li> <li>- Appeal Commissioners</li> <li>- Comptroller &amp; Auditor General</li> <li>- Credit Union Restructuring Board</li> <li>- Irish Fiscal Advisory Council</li> <li>- National Asset Management Agency</li> <li>- National Treasury Management Agency</li> </ul>
	<b>Minister for/Department of Education and Skills</b> <ul style="list-style-type: none"> <li>- Boards of Community &amp; Comprehensive Schools</li> <li>- Chomhairle Oideachais Gaeltachta &amp; Gaelscolaíochta</li> <li>- Commission to Inquire into Child Abuse</li> <li>- Grangegorman Development Agency</li> <li>- Higher Education Authority</li> <li>- Irish Research Council</li> <li>- National Council for Curriculum &amp; Assessment</li> <li>- National Council for Special Education</li> <li>- Qualifications &amp; Quality Assurance Authority</li> <li>- Seirbhís Oideachais Leanúnaigh &amp; Scileanna (SOLAS)</li> <li>- State Examinations Commission</li> <li>- Teaching Council</li> <li>- Residential Institutions Redress Board</li> <li>- Residential Institutions Redress Review Committee</li> <li>- Residential Institutions Statutory Fund (Caranua)</li> </ul>	<b>Minister for/Department of Public Expenditure and Reform</b> <ul style="list-style-type: none"> <li>- Commissioners of Public Works in Ireland</li> <li>- Commissioners for Public Service Appointments</li> <li>- Commissioner of Valuation</li> <li>- Houses of the Oireachtas Commission</li> <li>- Houses of the Oireachtas Service</li> <li>- Office of the Ombudsman</li> <li>- Public Appointments Service</li> <li>- State Laboratory</li> <li>- Valuation Tribunal</li> </ul>
		<b>Taoiseach/Department of An Taoiseach</b> <ul style="list-style-type: none"> <li>- Central Statistics Office</li> <li>- Law Reform Commission</li> <li>- National Economic &amp; Social Council</li> <li>- National Economic &amp; Social Development Office</li> <li>- Office of the Attorney General</li> <li>- Office of the Director of Public Prosecutions</li> <li>- President's Establishment</li> <li>- The Fennelly Commission of Investigation</li> </ul>
		<b>Minister for/Department of Business, Enterprise and Innovation</b> <ul style="list-style-type: none"> <li>- Companies Registration Office</li> <li>- Controller of Patents, Designs &amp; Trade Marks</li> <li>- Director of Corporate Enforcement</li> <li>- Employment Appeal Tribunal</li> <li>- Equality Tribunal</li> <li>- Labour Court</li> <li>- Labour Relations Commission</li> <li>- National Employment Rights Authority</li> <li>- Registrar of Friendly Societies</li> </ul>
<b>Minister for / Department of Communications Climate Action and Environment</b>	<b>Minister for/Department of Foreign Affairs and Trade</b>	<b>Minister for/Department of Rural and Community Development</b>
<b>Minister for/Department of Employment Affairs and Social Protection</b> <ul style="list-style-type: none"> <li>- Office of Pensions Ombudsman</li> <li>- Social Welfare Tribunal</li> </ul>	<b>Minister for/Department of Children and Youth Affairs</b> <ul style="list-style-type: none"> <li>- Adoption Authority of Ireland</li> <li>- Children Detention Schools</li> <li>- Child and Family Agency (TUSLA)</li> <li>- Office of the Ombudsman for Children</li> </ul>	<b>Minister for/Department of Agriculture, Food and the Marine</b> <ul style="list-style-type: none"> <li>- Aquaculture Licence Appeals Board</li> <li>- Bord Iascaigh Mhara</li> <li>- Marine Institute</li> <li>- Sea Fisheries Protection Authority</li> </ul>
<b>Minister for/Department of Defence</b> <ul style="list-style-type: none"> <li>- Defence Forces</li> <li>- Office of the Ombudsman for the Defence Forces</li> </ul>		
<b>Minister for/Department of Housing, Planning and Local Government</b> <ul style="list-style-type: none"> <li>- Housing &amp; Sustainable Communities Agency</li> <li>- Pyrite Resolution Board</li> <li>- Returning Officer (RO), Deputy RO, Assistant RO &amp; Local RO, Deputy Local RO &amp; Assistant RO, at all National elections &amp; referendums</li> </ul>	<b>Minister for/Department of Culture, Heritage and the Gaeltacht</b> <ul style="list-style-type: none"> <li>- National Gallery of Ireland</li> <li>- National Library of Ireland</li> <li>- National Museum of Ireland</li> <li>- Oifig Choimisinéir na dTeangacha Oifigiúla</li> <li>- Waterways Ireland</li> </ul>	<b>Minister for/Department of Transport, Tourism and Sport</b> <ul style="list-style-type: none"> <li>- Marine Casualty Investigation Board</li> <li>- Road Safety Authority</li> </ul>

\*Legislation that applies: National Treasury Management Agency (Amendment) Act, 2000, 2014 and subsequent orders.

## DELEGATED STATE AUTHORITIES COVERED UNDER THE CLINICAL INDEMNITY SCHEME OPERATED BY THE SCA\*

Health Service Executive (HSE) includes acute hospitals, national services, community health organisations, section 38 and some section 39 agencies delegated to the CIS.

Acute Hospitals	Community Health Organisations	National Social Care (Section 38s)
<p><b>Ireland East Hospital Group</b></p> <ul style="list-style-type: none"> <li>- Cappagh National Orthopaedic Hospital</li> <li>- Mater Misericordiae University Hospital</li> <li>- National Maternity Hospital, Holles Street</li> <li>- Our Lady's Hospital, Navan</li> <li>- Regional Hospital Mullingar</li> <li>- Royal Victoria Eye &amp; Ear Hospital</li> <li>- St Columcille's Hospital</li> <li>- St Luke's General Hospital, Kilkenny</li> <li>- St Michael's Hospital, Dun Laoghaire</li> <li>- St Vincent's University Hospital</li> <li>- Wexford General Hospital</li> </ul> <p><b>RCSI Hospitals Group</b></p> <ul style="list-style-type: none"> <li>- Beaumont Hospital</li> <li>- Cavan General Hospital</li> <li>- Connolly Hospital Blanchardstown</li> <li>- Louth County Hospital</li> <li>- Monaghan Hospital</li> <li>- Our Lady of Lourdes Hospital, Drogheda</li> <li>- Rotunda Hospital</li> </ul> <p><b>Dublin Midlands Hospital Group</b></p> <ul style="list-style-type: none"> <li>- Coombe Women &amp; Infants University Hospital</li> <li>- Midlands Regional Hospital, Portlaoise</li> <li>- Midlands Regional Hospital, Tullamore</li> <li>- Naas General Hospital</li> <li>- St James's Hospital</li> <li>- St Luke's Radiation Oncology Network</li> <li>- Tallaght University Hospital</li> </ul> <p><b>University Limerick Hospitals Group</b></p> <ul style="list-style-type: none"> <li>- Croom Orthopaedic Hospital</li> <li>- Ennis Hospital</li> <li>- Nenagh Hospital</li> <li>- St John's Hospital</li> <li>- University Hospital Limerick</li> <li>- University Maternity Hospital Limerick</li> </ul> <p><b>South/ South West Hospital Group</b></p> <ul style="list-style-type: none"> <li>- Bantry General Hospital</li> <li>- Cork University Hospital</li> <li>- Cork University Maternity Hospital</li> <li>- Lourdes Orthopaedic Hospital, Kilcreene</li> <li>- Mallow General Hospital</li> <li>- Mercy University Hospital, Cork</li> <li>- South Infirmary Victoria University Hospital</li> <li>- South Tipperary General Hospital</li> <li>- University Hospital Kerry</li> <li>- University Hospital Waterford</li> </ul> <p><b>Galta University Health Care Group</b></p> <ul style="list-style-type: none"> <li>- University Hospital Galway</li> <li>- Letterkenny University Hospital</li> <li>- Mayo University Hospital</li> <li>- Merlin Park University Hospital</li> <li>- Portluncula University Hospital</li> <li>- Roscommon University Hospital</li> <li>- Sligo University Hospital</li> </ul> <p><b>Children's Hospital Group</b></p> <ul style="list-style-type: none"> <li>- Children's Health Ireland (CHI) at Crumlin</li> <li>- Children's Health Ireland (CHI) at Tallaght</li> <li>- Children's Health Ireland (CHI) at Temple Street including CHI at Connolly</li> </ul>	<ul style="list-style-type: none"> <li>- Community Healthcare Organisation 1</li> <li>- Community Healthcare Organisation 2</li> <li>- Community Healthcare Organisation 3</li> <li>- Community Healthcare Organisation 4</li> <li>- Community Healthcare Organisation 5</li> <li>- Community Healthcare Organisation 6 (East)</li> <li>- Community Healthcare Organisation 7</li> <li>- Community Healthcare Organisation 8 (Midlands, Louth, Meath)</li> <li>- Community Healthcare Organisation 9</li> </ul> <p>Including:</p> <ul style="list-style-type: none"> <li>- St. Mary's, Phoenix Park</li> <li>- St. Ita's &amp; St. Josephs (Mental Health and Intellectual Disability)</li> </ul>	<ul style="list-style-type: none"> <li>- Brothers of Charity Services Ireland</li> <li>- Daughters of Charity Service</li> <li>- St. John of God Community Services Ltd</li> </ul>
		National Services
		<ul style="list-style-type: none"> <li>- Health Protection Surveillance Centre</li> <li>- National Ambulance Service</li> <li>- National Drug Treatment Centre</li> <li>- National Forensic Mental Health Service including Central Mental Hospital,</li> <li>- National Home Birth Service</li> <li>- National Screening Services: Breast, Cervical; Bowel, Diabetic Retina</li> <li>- Irish Blood Transfusion Service</li> <li>- National Treatment Purchase Fund</li> <li>- National Virus Reference Laboratory</li> </ul>
	Voluntary Community Services (Section 38s & 39s)	Section 39 Services included in Statutory Instruments 63/2003 and 628/2007
	<ul style="list-style-type: none"> <li>- Ability West</li> <li>- Bloomfield Health Services</li> <li>- Carriglea Cáirde Services</li> <li>- Central Remedial Clinic</li> <li>- Cheeverstown House Ltd.</li> <li>- Cheshire Ireland</li> <li>- The Children's Sunshine Home, Foxrock</li> <li>- Cope Foundation</li> <li>- Cork University Dental School &amp; Hospital</li> <li>- Dublin Dental School &amp; University Hospital</li> <li>- Enable Ireland</li> <li>- Galway Hospice</li> <li>- Incorporated Orthopaedic Hospital, Clontarf</li> <li>- KARE</li> <li>- Leopardstown Park Hospital (Board)</li> <li>- Milford Care Centre</li> <li>- Muirfosa Foundation Ltd.</li> <li>- National Rehabilitation Hospital</li> <li>- Our Lady's Hospice and Care Services</li> <li>- Peamount Healthcare</li> <li>- Rehab Group, Sandymount</li> <li>- Royal Hospital Donnybrook</li> <li>- St. Patrick's Centre, Kilkenny</li> <li>- St. Patrick's Hospital-Marymount Hospice</li> <li>- St. Vincent's Hospital, Fairview</li> <li>- St. Christopher's Services Ltd. Longford</li> <li>- St. Francis Hospice</li> <li>- St. Michael's House</li> <li>- Stewarts Care Ltd.</li> <li>- Sunbeam House Services</li> </ul>	<ul style="list-style-type: none"> <li>- Steadfast House</li> <li>- North West Hospice Ltd.</li> <li>- North West Parents &amp; Friends Association</li> <li>- Western Care Association</li> <li>- Co Action West Cork</li> <li>- St Joseph's Foundation</li> <li>- SOS Kilkenny Ltd.</li> <li>- L'Arche Ireland</li> <li>- Caritas Convalescent Centre</li> <li>- Telford Houses &amp; Apartments</li> <li>- St Mary's Centre, Telford Ltd.</li> <li>- St Mary's Centre Nursing Home (Telford Ltd.)</li> <li>- Dara Residential Services Ltd.</li> <li>- Clann Mór Residential &amp; Respite</li> <li>- Prosper Meath</li> <li>- St Hilda's Services</li> <li>- Prosper Fingal Vocational Training Centre</li> <li>- Piercetown, Skerries, Co Dublin</li> <li>- The Irish Association of Autism</li> </ul>

\*Legislation that applies: National Treasury Management Agency (Amendment) Act, 2000, 2014 and subsequent orders.