



Deputy Albert Dolan
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11th March 2026

Dear Deputy Dolan,

I refer to your Parliamentary Questions of 25th November 2025:

PQ 65240/25

To ask the Minister for Children; Disability and Equality to provide all claims managed by the State Claims Agency for which her Department is liable for the years 2020 to 2025, including the number of claims, the category of claim, the total cost per category, the number of active claims, the number of settled claims and the median payout per category.

PQ 65241/25

To ask the Minister for Children; Disability and Equality to explain the drivers of the increase in State Claims Agency billing to her Department from approximately €250,000 in 2021 to over €2 million in 2025 (details supplied); and the risk factors, service failures, or litigation trends that account for this escalation.

PQ 65242/25

To ask the Minister for Children; Disability and Equality whether her Department receives claim-level reports from the State Claims Agency detailing the category, cause, and cost of claims for which it is liable; and if so, whether she will publish anonymised versions of these reports to allow transparency on the risks driving expenditure.

PQ 65244/25

To ask the Minister for Children; Disability and Equality whether her Department conducts root-cause analysis on claims that give rise to State Claims Agency costs; to identify if they stem from preventable failures for example, health and safety, service provision, accommodation standards, or administrative errors; and the actions taken as a result.

The National Treasury Management Agency (NTMA) is designated as the State Claims Agency (SCA) when performing the claims management, risk management and legal cost management functions delegated to it under the National Treasury Management Agency (Amendment) Act 2000 and the National Treasury Management Agency (Amendment) Act 2014.



The SCA's management of third-party claims deals with claims taken against the State based on differing sets of circumstances and allegations. In respect of claims managed on behalf of a State authority, the SCA will charge the relevant billing authority for reimbursement, i.e. the entity that has agreed to cover the costs on behalf of that State authority, whether the State authority itself, or its parent Department. The SCA manages claims on behalf of State authorities on foot of a statutory obligation and, therefore, management of claims and payment of related costs is not considered a good or service for the purposes of billing or reimbursement.

Litigation, by its very nature can be complex and involved, with claims varying considerably in terms of allegations made and remedies sought. This in turn can and does lead to significant periods of time, often years, elapsing from the date on which the claim is initiated to that of its ultimate resolution and payment. This can be seen in instances where claims taken against the State, relating to Mother and Baby homes or Illegal adoptions, and which were commenced a number of years previously may only be resolved and ultimately forwarded to the Department for reimbursement, for example, in 2025.

This inevitably results in circumstances where, for example, the level of funding for reimbursement to SCA in respect of legal costs in one year may be low compared to that of following years, for example that of 2020 compared with that of 2025, as you have noted.

Where SCA manage to resolve a large number of cases in one particular year and seek reimbursement from the Department, this will necessarily require a higher level of legal spend by the Department to reimburse SCA in that particular year.

Where claims are settled on a 'without admission as to liability' basis, as they generally are, there may not be any specific identification as to 'preventable failures' as referred to in your question. It is important also to note that the Department's remit has changed significantly over the past five years, particularly with the transfers of functions relating to responsibility for Integration, International Protection Accommodation and Ukraine Accommodation. These functions transferred to the Department of Justice, Home affairs and Migration on 1st May 2025. As such, any further costs relating to claims on these functions will be managed by the Department of Justice, Home affairs and Migration.

In recent years, the SCA has managed a number of cases relating to Mother and Baby Homes. The SCA, as part of its day-to-day management of claims, provides the Department's Mother and Baby Homes Action Plan Unit (MBHAPU) with reports on an ongoing basis by way of what it calls a National Incident Management System (NIMS) report. Such reports contain lists of cases which the SCA designate as 'Mother and Baby Home Litigation' and which they manage.

The SCA lists itself as managing 176 claims for MBHAPU as per the most recent information available from its NIMS list. The nature of these claims varies, but tend to be personal injury claims, relating to Mother and Baby Homes legacy issues. From 2020-2025, MBHAPU has reimbursed €2,186,965.99 to the SCA in respect of claims relating to Mother and Baby Homes legacy issues. A significant portion of this has been reimbursed within the past year.



Year	Total reimbursed by MBHAPU (€)
2020	nil
2021	46,583.35*
2022	nil
2023	303,114.95
2024	507,538.65
2025	1,329,729.04
Total	2,186,965.99

**Relates to Commission of Investigation
related legal costs and not litigation costs*

The Department does not publish anonymised versions of these reports as these documents have been created by SCA and, as such, the appropriate body to provide such anonymised versions would be the SCA, as their creator.

Given the cases that the MBHAPU deal with, this does not lend itself to a “root-cause analysis” on claims as set out in the PQ. The Department receives from the SCA advice as appropriate which can vary from case to case depending on its circumstances. The Department fully considers all claims advice provided to it by the SCA.

I hope that you find this information helpful.

Regards,

Norma Foley TD

Minister for Children, Disability and Equality