



Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta
National Treasury Management Agency

An Ghníomhaireacht um Éilimh ar an Stát
State Claims Agency

The Lifecycle of a Claim – A Walkthrough

Presented by:

Ben Mannering, Head of Claims (GIS) and
Adeline Tuffy, Senior Litigation Solicitor



Obligations of State Indemnity

Under Section 11 NTMA (Amendment) Act 2000, State Authorities must:

Report adverse incidents/claims to the State Claims Agency

Furnish all necessary and requested information and documentation to the State Claims Agency

Permit and assist the State Claims Agency to investigate adverse incidents/claims

Claims Management Mandate

Where liable:

Settle claims expeditiously and economically

Contributory or third-party negligence:

Endeavour to settle on appropriate and reasonable terms

Where liability is fully disputed:

Contest using appropriate resources e.g. State and expert witnesses, all relevant documents, records

The Lifecycle of a Claim



Key Roles



**State Claims Agency
Claims Manager**



**State Claims Agency
Risk Manager**



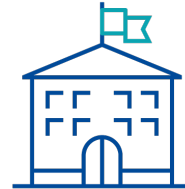
**State Claims Agency
Panel Solicitor**



**State Authority
Nominated Liaison**



**State Authority
Employees**



State Authority



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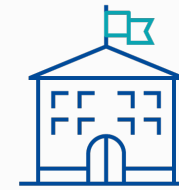


1. Claim Notification



1. Claim Notification

- Claims Manager assigned
- Claim reviewed and NIMS updated
- Acknowledge initial contact from claimant and requests any additional information
- Inform State Authority Nominated Liaison about the receipt of the claim



State Authority

What do you need to do?

- ✓ Follow **Claims Notification Procedure**
- ✓ **Inform** relevant personnel in State Authority about the claim in line with your internal escalation procedures

Claim Notifications Procedure



Forward the notification to us via stateclaims@ntma.ie:

- quote the NIMS reference number, if applicable



We will respond to the notification

- you may acknowledge the notification indicating that the claim is being managed by the State Claims Agency and that all further correspondence should be forwarded to us



We will assign a claims manager who will link with you to investigate the claim to assess liability



All information relating to the should be sent to us as soon as it is available e.g. report forms, witness statements, safety reports, CCTV footage



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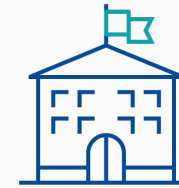


2. Claim Investigation



2. Claim Investigation

- Engage with State Authority
Nominated Liaison to carry out detailed investigation into the claim
- Undertake detailed consultation with your State authority and any witnesses in relation to the claim
- Respond to queries, as appropriate, from the State authority



State Authority

What do you need to do?

- ✓ **Facilitate** interviews with witnesses
- ✓ **Gather** relevant documents
- ✓ **Organise and engage** with detailed consultation about claim
- ✓ **Respond to queries** from Claims Manager
- ✓ **Raise any queries** on behalf of State Authority



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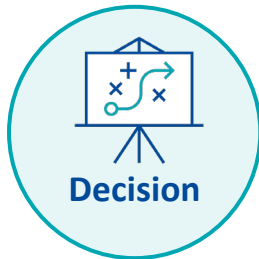


3. Claim Liability Determination

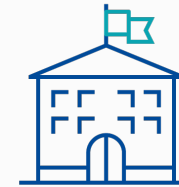


3. Claim Liability Determination

- Obtain any external independent experts, if relevant
- Prepare assessment of liability
- Decide appropriate claim resolution approach based on detailed investigation and assessment of liability
- Consider claim resolution approach including alternative dispute resolution (ADR)
- Liaise with State authority as required and respond to any queries from State authority



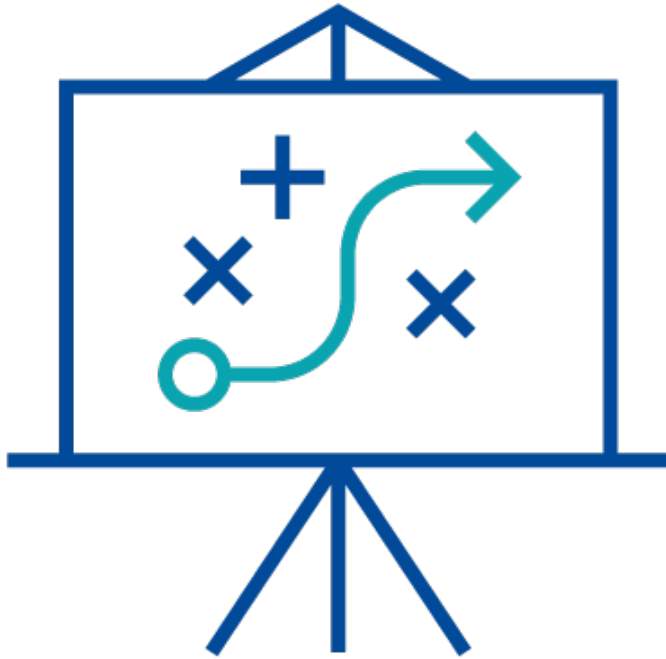
Decision



State Authority

What do you need to do?

- ✓ **Respond to queries** from Claims Manager
- ✓ **Raise any queries** on behalf of State Authority



Claims Strategy - what claims do we dispute?

- Strong factual or engineering evidence
- Good documentation (procedures) and records (risk assessments, inspection checklists, evidence of training)
- Plaintiff was the author of his misfortune
- Evidence that injury did not occur where or in the manner alleged
- Non-State party was responsible for the accident
- Plaintiff's expectations unreasonable as to level of damages
- Precedent case - legal point



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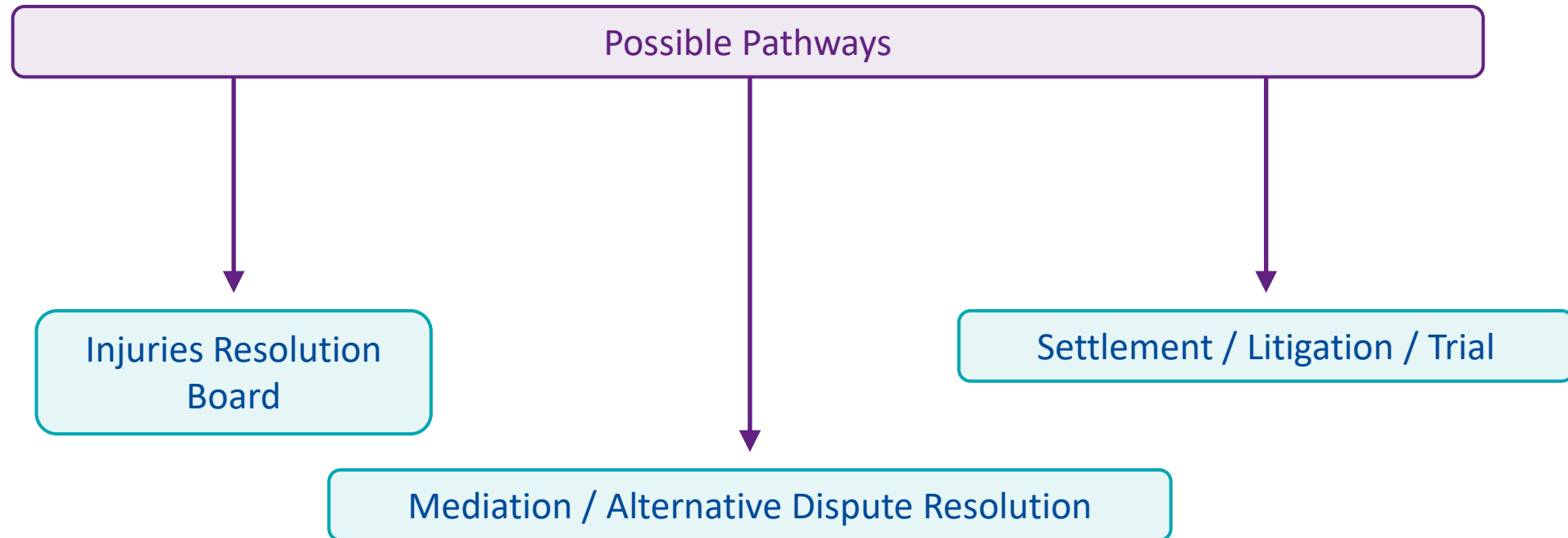
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4. Claim Resolution Approach



4. Claim Resolution Approach

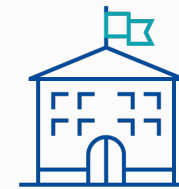




4. Claim Resolution Approach

Injuries Resolution Board

- Liaise with State Authority Nominated
- Liaison as required – form a view on claim
- IRB mediation process (see claims update)
- If SCA and plaintiff agree with IRB assessment, end of claim
- Where one party disagrees with IRB assessment, plaintiff progresses to litigation
- Update State authority and respond to any queries



State Authority

What do you need to do?

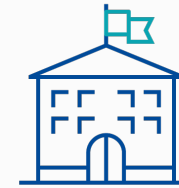
- ✓ **Respond to queries** from Claims Manager
- ✓ **Identify** potential witnesses for interview
- ✓ **Gather** relevant documents



4. Claim Resolution Approach

Mediation / Alternative Dispute Resolution

- Usually mediation
- Parties attend with mediator and legal team to discuss claim
- Mediator brokers settlement between parties
- Confidential process
- Does not affect the litigation
- Where mediation is successful, end of claim
- Where unsuccessful parties prepare for trial



State Authority

What do you need to do?

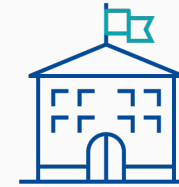
- ✓ **Attend** mediation
- ✓ **Respond to queries** from Claims Manager
- ✓ **Raise any queries** on behalf of State Authority



4. Claim Resolution Approach

Settlement

- Enter settlement negotiations
- Liaise with State Authority as required and respond to any queries from State Authority
- Where negotiations are successful, finalise claim
- Where negotiations are unsuccessful, prepare for litigation/trial
- Liaise with State Authority Nominated Liaison as required and respond to any queries from State Authority



State Authority

What do you need to do?

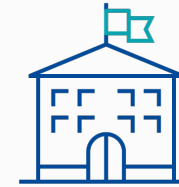
- ✓ **Respond** to queries from Claims Manager
- ✓ **Identify** potential witnesses for interview
- ✓ **Gather** relevant documents



4. Claim Resolution Approach

Litigation

- Personal Injury Summons
- Defence
- Affidavit of Verification
- Affidavit of Discovery
- Trial / Hearing
- Liaise with State Authority Nominated Liaison as required
- Respond to any queries from State Authority



State Authority

What do you need to do?

- ✓ Identify relevant witnesses and documents
- ✓ Participate in Liability Consultation
- ✓ Review Defence and swear AOV

State Authority Participation in Litigation

- ✓ Liability Consultation with witnesses and experts and entire legal team
- ✓ Review and approve Defence
- ✓ Swear Affidavit of Verification
- ✓ Provide documents for preparation of Affidavit of Discovery
- ✓ Pre-trial consultation with witnesses and experts and entire legal team some days ahead of hearing
- ✓ Take any necessary action identified by legal team

- ✓ Identify relevant witnesses and ensure availability for consultation/hearing
- ✓ Attend Liability Consultation
- ✓ Gather documents for discovery



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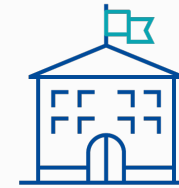


5. Claim Outcome



5. Claim Outcome

- Confirm claim outcome to State Authority Nominated Liaison
- Formally write to State authority in relation to outcome, in line with agreed procedures



State Authority

- ✓ **Acknowledge** claim outcome and inform appropriate relevant stakeholders internally
- ✓ **Raise any queries** on behalf of State Authority



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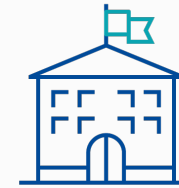


6. Claim Learning



6. Claim Learning

- May advise State authority of any relevant learning on claim
- May alert State Claims Agency Risk Manager of any relevant learning on claim



State Authority

- ✓ **Liaise** with State Claims Agency Risk Manager
- ✓ **Consider/analyse** any learning from the claim internally
- ✓ **Raise any queries** on behalf of State authority