



State Claims Agency Risk Management Mandate

August 2025

1. Statutory Role and Risk Objective

The NTMA is known as the State Claims Agency (SCA) when managing personal injury and property damage claims against the State and delegated State Authorities (DSAs) and in providing related risk management services. The SCA provides claims and risk management services through two State indemnity schemes.

Under the **General Indemnity Scheme**, the SCA manages personal injury and third-party property damage claims taken against State bodies covered by the scheme.

Under the **Clinical Indemnity Scheme**, the SCA manages clinical negligence claims taken against healthcare enterprises, hospitals and medical, nursing and allied healthcare practitioners covered by the scheme.

The SCA has a statutory risk management role as set out in Section 8(4) of the NTMA (Amendment) Act 2000. This requires the SCA to advise and assist a DSA whenever it considers it appropriate to do so or is requested by such a DSA to do so in relation to the measures to be taken to prevent the occurrence, or to reduce the incidence, of acts, omissions or other matters occasioning, or that may occasion, delegated claims against such a DSA, including measures to identify sources of risk that may occasion such claims. The assistance provided by the SCA may include:

- the provision of information, instruction and training for the purposes of identifying and taking appropriate measure to counter such risks,
- the assessment of any such risk, including the determination of whether it could give rise to a serious hazard,
- the evaluation of the adequacy of the measures adopted by such a DSA to counter any such risk,
- the provision to such a DSA of safety audits, inspections and reviews.

Arising from its statutory role, the SCA's risk management goal is to:

Advise and assist State authorities on the management of litigation risks to a best practice standard, in order to enhance the safety of employees, service users/patients and other third-parties and minimise the incidence of claims and the liabilities of the State.

2. Scope of Activities

As employers, occupiers, service providers and organisations performing activities on a day-to-day basis, DSAs have specific duties towards their employees, service users, visitors and other third parties. These duties are established in common law and further set out in primary legislation, regulations, technical guidance and standards and indicative best practice (nationally and internationally). Likewise risk management within DSAs is the responsibility of the delegated enterprises, operating within their governance structures.

Responsibility for the identification, management, monitoring and reporting of risk and setting risk management priorities is in all cases a matter for the DSA concerned. The SCA's risk management role is to advise and assist, as appropriate, with risk management.

The SCA views risk through the lens of an indemnifier and its risk management role arises solely in the context of the provision of State indemnity to DSAs. Its priorities lie in advising and assisting the DSAs in highlighting and addressing those risks which create the greatest liability for the State.

The SCA implements its statutory risk management role through two specialist risk units: the Enterprise Risk Unit and the Clinical Risk Unit. The activities carried out by the two risk units can be broadly categorised as follows:

- i. Reviewing, analysing and extracting learning from incident and claims data;
- ii. Sharing that learning with DSAs and national stakeholders to inform risk mitigation strategies at local and national level;
- iii. Supporting DSAs in enterprise and clinical risk management, including through in person or online engagement visits/meetings, inspections, audits and reviews as appropriate;
- iv. Where trends are identified at local or national level, bringing those to the attention of the responsible person in the DSA, either at local or national level, as relevant; where appropriate, undertaking reviews or audits, or requiring that reviews be undertaken;
- v. Providing advice on risk management and enterprise and clinical indemnity;
- vi. Providing advice on the development of risk policies, regulations and standards at national level;
- vii. Developing, sponsoring and supporting safety initiatives;
- viii. Delivering education and training programmes;
- ix. Requiring the statutory reporting of adverse incidents to the National Incident Management System (NIMS) by DSAs;
- x. Continuously improving NIMS and engaging in activities to enhance reporting to and use of the system.

Both risk units develop annual work programmes based on the broad scope of activities set out above.

The SCA has established a number of liaison groups with DSAs at national level and regional level for communication and discussion of risk management issues. The SCA Risk Units also participate in and convene, as required, stakeholder groups to address specific risk issues.