

Report from the State Claims Agency 2020

The State Claims Agency (SCA) manages personal injury and third party property damage risks on behalf of Community and Comprehensive Schools. The SCA's mandate is to provide a risk management advisory and claims management service to Community and Comprehensive Schools. Some of the key risk management initiatives undertaken in 2020 include:

COVID-19 Guidance & Communications

In 2020 the SCA issued several key advices to C&C Schools in response to the COVID-19 pandemic. These advices included:

- **Guidance for accessing and reopening schools** were issued to provide schools with risk management considerations for staff accessing schools during closures and advices on the reopening of schools after these closures;
- **Travel/Trips during the COVID-19 Pandemic** clarification of cover under State indemnity for schools planning on undertaking trips abroad;
- **RAN-17 Risk Assessment for COVID-19 (C&C Schools)** was designed to assist schools in completing a biological risk assessment to mitigate the risk of COVID-19 infection in schools. The editable risk assessment sets out the typical hazards/ risks which may arise in schools from COVID-19 and allows schools to consider site specific factors and incorporate these into their existing risk assessments and amend as appropriate;
- **COVID-19 Cleaning Guidance & Sample Checklists** outlines how schools can implement public health advice in relation to cleaning and disinfection during COVID-19. This document provides a breakdown of the general requirements relevant to schools and editable sample cleaning checklists for schools to adapt to suit their facilities and resources;
- **SIG-13 Use of Third Party Premises and Temporary Structures by Delegated State Authorities** recognises that schools may need to use third party owned locations such as hotels, community halls and/or use onsite temporary structures such as marquees or portacabins for capacity or other requirements. This SIG sets out the scope of cover and risk management considerations for use of these premises/structures;
- **COVID-19 National Incident Report Form (NIRF)** and accompanying **COVID-19 C&C Schools Incident Reporting Guidance** to assist schools in meeting their statutory requirement to report all incidents to the State Claims Agency (SCA), including those arising from COVID-19.

The advices above are available on the ACCS website under Info Bulletin 14/20, Info Bulletin 64/20 and Info Bulletin 81/20.

Board of Management Briefing 2020

The SCA took part and presented at an ACCS Governance webinar for Board of Management members in October 2020. The presentation included an introduction to the SCA, our support services, the health and safety responsibilities of the Board of Management and our risk management initiatives. A particular emphasis was placed on the importance of prompt incident reporting.

Engagement with SCA

In 2020, the SCA received and answered approximately 100 queries from Community and Comprehensive Schools across a range of topics, including confirmation of indemnity for transition year work experience, the use of marquees and third party premises to allow for physical distancing and advices on contracts and State indemnity.

The SCA review all major/extreme rated incidents and new claims and conduct a Risk Review to determine if there is any potential opportunity for learning. Where the SCA have identified possible opportunities for learning and improvement a Risk Review letter is issued to the school. The Risk Review letter asks the school to complete an investigation/review of the incident and respond using the National Incident Investigation Form (NIIF). In 2020, 5 Risk Review letters were issued on incidents/claims relating to slips, trips and falls and inadequate provision of protective equipment. To date 2 schools have responded.

Incident Reporting

Under the National Treasury Management Agency (Amendment) Act 2000, C&C Schools are legally obliged to report incidents promptly to the SCA.

66 out of 96 schools fulfilled their requirement to report incidents to the SCA in 2020. This shows a decrease when compared to the number of schools reporting incidents in 2019 which was 72.

In 2020, 1,344 incidents were reported to the SCA. This figure represents a 36% decrease on the number of incidents reported in 2019. This is not unexpected due to school closures in response to COVID-19. However, the figures are still indicative of underreporting. There is a misconception that reporting an incident is a negative occurrence, however incident reporting is indicative of a good risk management system and culture and this is something the SCA will continue to promote.

| Total No. Incidents Reported 2020 | % Relating to Staff | % Relating to Students | % Relating to Members of the public* |
|-----------------------------------|---------------------|------------------------|--------------------------------------|
| 1,344 | 4% | 86% | 6% |

*Includes incidents relating to external contractors

In December 2020 the SCA requested that all COVID-19 incidents be reported via the COVID-19 NIRF. COVID-19 reportable incidents include circumstances where a confirmed diagnosis of COVID-19 is likely to have been caused by exposure at school (occupational exposure), or where COVID-19 was acquired from home or a community setting and the individual (student or staff member) attended the school and was in contact with others (dangerous occurrence). To date 6 schools have reported COVID-19 incidents to the SCA.

In 2020, 21 claims were notified to the SCA of which 10% related to staff, 57% students, 19% members of the public and 14% property damage.

NIMS Rollout

Currently, Community and Comprehensive schools fulfil their statutory duty to report incidents promptly to the SCA by completing a National Incident Report Form (NIRF) and submitting it to the SCA. This information is entered onto the National Incident Management System (NIMS) by the SCA.

In 2020, the SCA launched a new functionality on NIMS called Electronic Point of Entry which allows a school user to enter an incident directly onto NIMS. The SCA have been liaising with the ACCS to roll out this new functionality to all Community and Comprehensive schools in 2021.

Elaine Byrne,
Enterprise Senior Risk Manager,
State Claims Agency.

Niamh Sisk,
Enterprise Risk Executive,
State Claims Agency.