



**2015**

***State Indemnity Guidance***  
***Community & Comprehensive***  
***Schools***

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## 1. State Indemnity

Government Departments and other State agencies/bodies including Community and Comprehensive Schools, whose claims are delegated for management by the State Claims Agency (SCA)<sup>1</sup>, do not have conventional insurance cover. Instead, these State agencies/bodies operate under State indemnity, a self-insurance model whereby the State bears the financial risk associated with the costs of claims.

This approach to insurance is set out in the Public Financial Procedures (Department of Finance, 2008, C8, Section 11): 'the general rule is that no insurance should be effected against the risk of any loss which, if it arose would fall wholly and directly on public funds. This is based on the understanding that the risks for which the Government is liable are innumerable and widely distributed, and that losses maturing in any one year are never so large as to materially disturb the financial position of the year, so that it is cheaper in the long term for the Exchequer to 'carry its own insurance.'

## 2. Implications of State indemnity for Community and Comprehensive Schools

Your school therefore does not purchase insurance for personal injury and third party property damage and as such will not have to bear associated premium costs. Indemnity works on a pay as you go basis so that all costs associated with personal injury and third party property damage claims will be paid directly from the Department of Education and Skills budget through a reimbursement system operated by the SCA.

Claims brought against your school/ school board of management, which are associated with personal injury and third party property damage are handled by the SCA claims management team. The SCA also has an associated risk management function and the risk management team will be available to provide ongoing advice and assistance to your school in this respect. To assist the SCA in the identification of potential litigation risks you are legally obliged to report adverse incidents relating to personal injury and third party property damage to the SCA.

In relation to property damage, the cost of repair or replacement of school premises, its goods and/contents, school vehicles and/or equipment are borne directly by the school or the Department of Education and Skills.

## 3. Inclusions under State indemnity

State indemnity is provided by your respective Minister under legislation and you do not have authority to extend this indemnity to cover the risk/s of other organisations. Your school cannot be held liable for the negligent acts or omissions of those who are not considered servants and/or agents of your school.

Where your school, its servants and/or agents, are negligent State indemnity provides protection for possible damage or loss associated with the following:

### ➤ Personal Injury

- **Injury to school staff (teaching and non-teaching)**

This refers to bodily injury sustained (which includes death, illness, injury or disease) to an employee of your school. Employees who sustain such a personal injury as a result of the negligence of your school may make a claim for compensation. This type of event and associated losses/damage would typically be covered under a conventional insurer's employer's liability insurance policy

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<sup>1</sup> Under the National Treasury Management Agency (Amendment) Act, 2000 and subsequent orders the management of personal injury and their party property damage claims was delegated to the State Claims Agency (SCA).

- **Injury to a member of the public**

This refers to bodily injury sustained (which includes death, illness, injury or disease) to a member of the public. Members of the public include visitors, students, parents, contractors etc. Members of the public who sustain a personal injury as a result of the negligence of your school may make a claim for compensation. This type of event and associated losses/damage would typically be covered under a conventional public liability insurance policy.

- **Third Party Property Damage**

- This refers to physical damage sustained to the property of a third party or loss of a third parties material property. Property includes buildings, contents, vehicles and personal property. Third parties who suffer damage or loss of their property as a result of the negligence of your school may make a claim for compensation. This type of event and associated losses/damage would typically be covered by a conventional insurer as part of a public liability policy or property policy.

#### 4. Jurisdiction or Territorial Limits

There is no jurisdiction or territorial limits in respect of students/staff participating in a work placement abroad as part of your school's work experience programme.

**However each student should have their own travel and personal accident insurance cover in place for the country they are visiting.**

#### 5. Issuance of State Indemnity Confirmation Statements to Third Parties

Community and Comprehensive Schools are State Indemnified. State Indemnity is enshrined in legislation and as such does not have an insurance policy or an insurance policy number. State Indemnity Confirmation Statements are issued instead in lieu of an insurance policy.

A third party may request confirmation of School insurance/indemnification for a number of reasons e.g. work experience programme, school trips, attending courses etc. Where a third party seeks written confirmation of such cover from your school the following steps should be taken:

1. A formal risk assessment of all activities a school intends to undertake should be completed prior to engagement or commencement of any such activity. This includes work experience programmes. See Section 8 Risk Management, below for further assistance.
2. Request approval from the school Board of Management to issue a State Indemnity Confirmation Statement and conduct the activity/attend event in question. A State Indemnity Confirmation Statement should be issued, where appropriate, together with the cover letter provided:
  - A. **State Indemnity Confirmation Statement (General)**. This confirmation statement should be used by your school for school tours, educational visits/trips, courses etc. when a third party requests evidence of school insurance/indemnity cover. It should be issued to the third party together with the cover letter provided.
  - B. **State Indemnity Confirmation Statement (Work Experience) together with a cover letter for schools with Personal Accident insurance cover in place**. This confirmation statement should be issued to host employers (who are partaking in the work experience programme) only if your school carries a personal accident policy for students (24 hours policy). It is recommended that you inform your personal accident insurer that your students will be undertaking work experience to ensure that referencing this policy is not precluded.

- C. **State Indemnity Confirmation Statement (Work Experience) together with a cover letter for schools without Personal Accident insurance cover in place.** This confirmation statement should be issued to host employers (who are partaking in the work experience programme) if your school does not have a personal accident policy for students in place.

## **6. Requests to Name Third Parties on State Indemnity Confirmation Statements**

When an insured enters into an agreement with a third party they often request written confirmation that the insured's policy extends to cover this agreement, referred in insurance terms as indemnity to principals. As State Indemnity is enshrined in legislation there is no requirement to name indemnified parties. When a third party requests such an indemnity they are referred to the State Indemnity Confirmation Statement, where it specifically states that the indemnity applies in all cases where Community and Comprehensive Schools, their servants or agents are negligent.

It is also important to ensure that no "contractual arrangements" are entered into where your school assumes full liability for losses. A third party, in law, cannot contract out his/her negligence. Such liabilities should be passed to those parties responsible for any loss.

## **7. Personal Accident Insurance**

Personal Accident insurance is a no fault compensation scheme and therefore the injured party does not have to prove negligence, they only have to prove an injury has occurred (the terms of the policy may stipulate more conditions, this is a general view). It is cover that is taken out by parents, usually through a scheme managed by the school, which for a small premium covers certain upfront medical costs in the event of an injury sustained by their son/daughter.

This type of cover is not part of the State Indemnity but it is recommended by the State Claims Agency that all students have availed of this cover.

This cover is particularly useful in the school sector, due to the numerous student accidents which are accidental and/or where no fault occurred e.g. sports accidents, falls in school yard etc. This cover is typically in respect of a specific compensation amount (depending on the injury suffered). It does not involve solicitors; negligence does not have to be proven and the only cost incurred is the initial payment, which is typically small. The cover can also be for just "school activities" or "24 hour" cover depending on the insurance provider and the policy option selected.

## **8. Risk Management Guidance**

Your school operates on a policy of risk retention in relation to personal injury and third party property damage where the risk is not transferred to a conventional insurance company. Compliance with health and safety legislation and the implementation of best practice in terms of risk management systems shall assist in the reduction of incidents.

It is important to remind schools of their obligation to report all school related accidents (including those which occur off site or while on work experience) to the State Claims Agency Risk Management Unit in accordance with your school's accident reporting procedure.

It is recommended that a formal risk assessment be undertaken of any activity/event organised by your school. This will assist your school with planning the activity/event and will also ensure that the appropriate controls have been implemented.

Likewise, a formal risk assessment must be undertaken of all proposed work experience placements to ensure that all parties are clear on the scope and extent of the work experience programme and what tasks are permitted etc.

For further guidance please refer to the following links:

[Guidelines on Managing Safety and Health in Post-Primary Schools - Part 1](#)

[Guidelines on Managing Safety and Health in Post-Primary Schools - Part 2](#)

## **9. Further Information**

If you wish to discuss State Indemnity or risk management issues, do not hesitate to contact:

Gemma D'Arcy  
Lead Risk Manager  
State Claims Agency  
01-2384069

### 10. State Indemnified Community and Comprehensive Schools

An Scoil Chuimsitheach, Cork	Kilrush Community School, Clare	St. Tiernan's Community School, Dublin 16
Ardee Community School, Louth	Kinsale Community School, Cork	St. Brendan's Community School, Offaly
Ashbourne Community School, Meath	Loreto Community School, Donegal	Tallaght Community School, Dublin 24
Ashton Comprehensive School, Cork	Mayfield Community School, Cork	Tarbert Comprehensive School, Kerry
Athboy Community School, Meath	Millstreet Community School, Cork	The Royal and Prior Comprehensive School, Donegal
Bailieborough Community School, Cavan	Moate Community School (Moate Business College), Westmeath	Trinity Comprehensive School, Dublin 9
Ballinamore Community School, Leitrim	Mount Temple Comprehensive School, Dublin 3	Tullow Community School, Carlow
Ballincollig Community School, Cork	Mountmellick Community School, Laois	
Ballinrobe Community School, Mayo	Mountrath Community School, Laois	
Ballinteer Community School, Dublin 16	Moyne Community School, Longford	
Ballyhaunis Community School, Mayo	Newpark Comprehensive School, Dublin	
Ballymakenny College, Drogheda	Old Bawn Community School, Dublin 24	
Beara Community School, Cork	Phobailscoil Iosolde, Dublin 20	
Bishopstown Community School, Cork	Pobalscoil Chiarain, Meath	
Blackwater Community School, Waterford	Pobalscoil Chloich Cheannfhaola, Donegal	
Blakestown Community School, Dublin 15	Pobalscoil Chorca Dhuibhne, Chiarraí	
Boyne Community School, Meath	Pobalscoil Ghaoth Dobhair, Donegal	
Cabinteely Community School, Dublin 18	Pobalscoil Inbhear Sceine, Kerry	
Carndonagh Community School, Donegal	Pobalscoil Iosa, Dublin	
Carrick-on-Shannon Community School, Leitrim	Pobalscoil na Rosann, Donegal	
Carrigaline Community School, Cork	Pobalscoil na Tríonóide, Cork	
Cashel Community School, Tipperary	Pobalscoil Neasain, Dublin 13	
Castlecomer Community School, Kilkenny	Pobalscoil Rosmini, Dublin 9	
Castlerea Community School, Roscommon	Portmarnock Community School, Dublin	
Choláiste Cholmcille, Donegal	Portumna Community School, Galway	
Clifden Community School, Galway	Ramsgrange Community School, Wexford	
Colaiste Chiarain, Kildare	Scoil Chuimsitheach Chiaráin, Galway	
Coolmine Community School, Dublin 15	Scoil Mhuire Community School, Kildare	
Crescent College Comprehensive School, Limerick	Scoil Phobail Mhic Dara, Galway	
Donahies Community School, Dublin 13	Scoil Phobail Sliabh Luachra, Kerry	
Douglas Community School, Cork	St. Aidan's Community School, Dublin 24	
Dunmore Community School, Galway	St. Aidan's Comprehensive School, Cavan	
East Glendalough School, Wicklow	St. Attracta's Community School, Sligo	
Gallen Community School, Offaly	St. Caimin's Community School, Clare	
Glenamaddy Community School, Galway	St. Columba's Comprehensive School, Donegal	
Gorey Community School, Wexford	St. Enda's Community School, Limerick	
Gort Community School, Galway	St. Louis Community School, Mayo	
Hartstown Community School, Dublin 15	St. Mark's Community School, Dublin 24	
Heywood Community School, Laois	St. Patrick's Comprehensive School, Clare	
Holy Child Community School, Sallynoggin, Dublin	St. Peter's Community School, Passage West	
Holy Family Community School, Rathcoole, Dublin	St. Wolstan's Community School, Kildare	
John The Baptist Community School, Limerick	St. Clare's Comprehensive, Leitrim	
Kildare Town Community School	St. Colmcille's Community School, Dublin 16	
Killinarden Community School, Dublin 24	St. Kilian's Community School, Wicklow	





## Appendix 1

### **State Indemnity Confirmation Statement (General)**

This confirmation statement should be used by your school for school tours, educational visits/trips, courses etc. when a third party requests evidence of school insurance/indemnity cover. It should be issued to the third party together with the cover letter provided.



1<sup>st</sup> January 2015

State Claims Agency  
Treasury Building  
Grand Canal Street  
Dublin 2



To whom it concerns,

**Re - State Indemnity**

The State Indemnity Confirmation Statement provided confirms that Community and Comprehensive Schools, their servants and/or agents, will be indemnified by the State in respect of claims for personal injury and third party property damage, arising from the negligence of the schools, their servants and/or agents.

A conventional insurance policy is typically issued to the insured containing all the details of cover, exceptions, conditions and other relevant information. State indemnity is not conventional insurance, it is enshrined in legislation, and as this school is State indemnified this State Indemnity Confirmation Statement is provided in lieu of an insurance policy. The statement shall not be subject to change or renewal unless there is a change in legislation. In that respect, it is worth noting, that this State Indemnity Confirmation Statement does not have or require a policy number or stipulate a period of cover. The State Indemnity Confirmation Statement provided is effective from the date indicated. The limit of indemnity is unlimited in amount (in relation to personal injury and third party property damage liabilities, arising from the negligence of the school, its servants and/or agents).

When an insured enters into an agreement with a third party they often request confirmation that the insured's policy extends to cover this agreement, referred to as indemnity to principals in insurance. Again as State Indemnity is enshrined in legislation there is no requirement to name indemnified parties. When such an indemnity is requested a third party is referred to this State Indemnity Confirmation Statement, where it specifically states that the indemnity applies in all cases where Community and Comprehensive Schools, their servants or agents are negligent (in relation to personal injury and third party property damage liabilities).

I trust this is in order.

Kind regards,

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Gemma D'Arcy  
Lead Risk Manager  
State Claims Agency



**State Indemnity**  
**Confirmation Statement (General)**  
**Community and Comprehensive Schools**



The State Claims Agency confirms that Community and Comprehensive Schools (indemnified schools noted overleaf) will be indemnified by the State<sup>1</sup> in respect of all claims for personal injury and third party property damage, arising from the negligence of the schools, their servants and/or agents.

The indemnity provided is unlimited in amount. A claim for damages can include all associated costs and expenses for which the indemnified are legally liable or incurred by the indemnified.

This indemnity extends to cover only the negligence of the Community and Comprehensive Schools, their servants and/or agents, and does not extend to indemnify any third party, its servants and/or agents concerning any negligent act or omission by the latter by reference to Statute or at Common Law.

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 torts other than negligence are pleaded.

As State indemnity is enshrined in legislation, this document operates in lieu of a certificate of insurance and shall not be subject to change or require renewal unless there is a change in legislation. This State Indemnity Confirmation Statement does not have or require a policy number or stipulate a period of cover. The State Indemnity Confirmation Statement provided is effective from the date indicated and the limit of indemnity is unlimited in amount (in relation to personal injury and third party property damage liabilities, arising from the negligence of the school, its servants and/or agents). Issuance of this State Indemnity Confirmation Statement in circumstances not covered by State indemnity would not act in lieu of insurance cover.

**Ciarán Breen**

**Director**

<sup>1</sup>Under the National Treasury Management Agency (Amendment) Act, 2000 and subsequent orders the management of personal injury and third party property damage claims was delegated to the State Claims Agency (SCA).

**The following are State Indemnified Community and Comprehensive Schools:**

An Scoil Chuimsitheach, Cork	Kilrush Community School, Clare	St. Tiernan's Community School, Dublin 16
Ardee Community School, Louth	Kinsale Community School, Cork	St. Brendan's Community School, Offaly
Ashbourne Community School, Meath	Loreto Community School, Donegal	Tallaght Community School, Dublin 24
Ashton Comprehensive School, Cork	Mayfield Community School, Cork	Tarbert Comprehensive School, Kerry
Athboy Community School, Meath	Millstreet Community School, Cork	The Royal and Prior Comprehensive School, Donegal
Baillieborough Community School, Cavan	Moate Community School (Moate Business College), Westmeath	Trinity Comprehensive School, Dublin 9
Ballinamore Community School, Leitrim	Mount Temple Comprehensive School, Dublin 3	Tullow Community School, Carlow
Ballincollig Community School, Cork	Mountmelllick Community School, Laois	
Ballinrobe Community School, Mayo	Mountrath Community School, Laois	
Ballinteer Community School, Dublin 16	Moyne Community School, Longford	
Ballyhaunis Community School, Mayo	Newpark Comprehensive School, Dublin	
Ballymakenny College, Drogheda	Old Bawn Community School, Dublin 24	
Beara Community School, Cork	Phobailscoil Iosolde, Dublin 20	
Bishopstown Community School, Cork	Pobalscoil Chiarain, Meath	
Blackwater Community School, Waterford	Pobalscoil Chloich Cheannfhaola, Donegal	
Blakestown Community School, Dublin 15	Pobalscoil Chorca Dhuibhne, Chiarraí	
Boyne Community School, Meath	Pobalscoil Ghaoth Dobhair, Donegal	
Cabinteely Community School, Dublin 18	Pobalscoil Inbhear Sceine, Kerry	
Carndonagh Community School, Donegal	Pobalscoil Iosa, Dublin	
Carrick-on-Shannon Community School, Leitrim	Pobalscoil na Rosann, Donegal	
Carrigaline Community School, Cork	Pobalscoil na Tríonóide, Cork	
Cashel Community School, Tipperary	Pobalscoil Neasain, Dublin 13	
Castlecomer Community School, Kilkenny	Pobalscoil Rosmini, Dublin 9	
Castlerea Community School, Roscommon	Portmarnock Community School, Dublin	
Choláiste Cholmcille, Donegal	Portumna Community School, Galway	
Clifden Community School, Galway	Ramsgrange Community School, Wexford	
Colaiste Chiarain, Kildare	Scoil Chuimsitheach Chiaráin, Galway	
Coolmine Community School, Dublin 15	Scoil Mhuire Community School, Kildare	
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Heywood Community School, Laois	St. Patrick's Comprehensive School, Clare	
Holy Child Community School, Sallynoggin, Dublin	St. Peter's Community School, Passage West	
Holy Family Community School, Rathcoole, Dublin	St. Wolstan's Community School, Kildare	
John The Baptist Community School, Limerick	St. Clare's Comprehensive, Leitrim	
Kildare Town Community School	St. Colmcille's Community School, Dublin 16	
Killinarden Community School, Dublin 24	St. Kilian's Community School, Wicklow	

## Appendix 2

### **State Indemnity Confirmation Statement (Work Experience) – with cover letter for schools with Personal Accident insurance cover in place.**

This confirmation statement should be issued to host employers (who are partaking in the work experience programme) only if your school carries a personal accident policy for students (24 hours policy). It is recommended that you inform your personal accident insurer that your students will be undertaking work experience to ensure that referencing this policy is not precluded.





1<sup>st</sup> January 2015

State Claims Agency  
Treasury Building  
Grand Canal Street  
Dublin 2



To whom it concerns,

### Re - State Indemnity

The State Indemnity Confirmation Statement provided confirms that Community and Comprehensive Schools, their servants and/or agents, will be indemnified by the State in respect of claims for personal injury and third party property damage, arising from the negligence of the schools, their servants and/or agents.

A conventional insurance policy is typically issued to the insured containing all the details of cover, exceptions, conditions and other relevant information. State indemnity is not conventional insurance, it is enshrined in legislation, and as this school is State indemnified this State Indemnity Confirmation Statement is provided in lieu of an insurance policy. The statement shall not be subject to change or renewal unless there is a change in legislation. In that respect, it is worth noting, that this State Indemnity Confirmation Statement does not have or require a policy number or stipulate a period of cover. The State Indemnity Confirmation Statement provided is effective from the date indicated. The limit of indemnity is unlimited in amount (in relation to personal injury and third party property damage liabilities, arising from the negligence of the school, its servants and/or agents).

When an insured enters into an agreement with a third party they often request confirmation that the insured's policy extends to cover this agreement, referred to as indemnity to principals in insurance. Again as State Indemnity is enshrined in legislation there is no requirement to name indemnified parties. When such an indemnity is requested a third party is referred to this State Indemnity Confirmation Statement, where it specifically states that the indemnity applies in all cases where Community and Comprehensive Schools, their servants or agents are negligent (in relation to personal injury and third party property damage liabilities).

In addition we have been informed that this school has a conventional personal accident insurance policy in place for its students for accidental personal injuries sustained regardless of whether it was the result of negligence on the part of the Department/School/Host Employer.

I trust this is in order.

Kind regards,



Gemma D'Arcy  
Lead Risk Manager  
State Claims Agency



**State Indemnity  
Confirmation Statement  
(Work Experience)  
Community and Comprehensive Schools**



The State Claims Agency confirms that Community and Comprehensive Schools (indemnified schools noted overleaf) will be indemnified by the State<sup>1</sup> in respect of all claims for personal injury and third party property damage, arising from the negligence of the schools, their servants and/or agents.

This indemnity is in respect of personal/bodily injury and or third party property damage which was as a result of the students and/or schools negligence. This indemnity also extends to school staff (special needs assistants), who may from time to time be required to attend work experience with a student from a Community and Comprehensive school.

The indemnity provided is unlimited in amount. A claim for damages can include all associated costs and expenses for which the indemnified are legally liable or incurred by the indemnified. There is no jurisdiction or territorial limits in respect of students/staff participating in a work placement abroad as part of your schools work experience programme.

There are no exceptions to the above statement. The school and host employer shall determine the appropriate duties for the student while on work experience and shall formally risk assess these activities. High risk activities such as the list below should be avoided or prior approval sought from the State Claims Agency:

1. Work in Atomic or nuclear energy installations or plants
2. Aviation work or airport risks but not in respect of ground operational duties which do not involve work airside
3. Work in mines, collieries or quarries
4. Work in Ship breaking or ship repairing yards
5. Tunneling or work in sewers
6. Stevedoring or dock side risks
7. Any work in connection with explosives
8. Work in Gas works or filling of any gas into cylinder
9. Tree felling or lopping
10. Excavations below 3 metres in depth; Height work in excess of 5 metres
11. Work in reservoirs
12. Work on boats or trawlers
13. Work in equestrian centres and/or participation in show jumping/horse riding activities but not excluding grooming horses under supervision, cleaning out empty stables once horses have been removed, cleaning tack and clerical duties in connection with the stables.

As State indemnity is enshrined in legislation, this document operates in lieu of a certificate of insurance and shall not be subject to change or require renewal unless there is a change in legislation. This State Indemnity Confirmation Statement does not have or require a policy number or stipulate a period of cover. The State Indemnity Confirmation Statement provided is effective from the date indicated and the limit of indemnity is unlimited in amount (in relation to personal injury and third party property damage liabilities, arising from the negligence of the school, its servants and/or agents). Issuance of this State Indemnity Confirmation Statement in circumstances not covered by State indemnity would not act in lieu of insurance cover.

The host employer must have insurance cover in place in respect to their legal liabilities e.g. the condition of the workplace.

**Ciarán Breen, Director**

<sup>1</sup> Under the National Treasury Management Agency (Amendment) Act, 2000 and subsequent orders the management of personal injury and third party property damage claims was delegated to the State Claims Agency (SCA).

**The following are State Indemnified Community and Comprehensive Schools:**

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Cabinteely Community School, Dublin 18	Pobalscoil Inbhear Sceine, Kerry	
Carndonagh Community School, Donegal	Pobalscoil Iosa, Dublin	
Carrick-on-Shannon Community School, Leitrim	Pobalscoil na Rosann, Donegal	
Carrigaline Community School, Cork	Pobalscoil na Tríonóide, Cork	
Cashel Community School, Tipperary	Pobalscoil Neasain, Dublin 13	
Castlecomer Community School, Kilkenny	Pobalscoil Rosmini, Dublin 9	
Castlerea Community School, Roscommon	Portmarnock Community School, Dublin	
Choláiste Cholmcille, Donegal	Portumna Community School, Galway	
Clifden Community School, Galway	Ramsgrange Community School, Wexford	
Colaiste Chiarain, Kildare	Scoil Chuimsitheach Chiaráin, Galway	
Coolmine Community School, Dublin 15	Scoil Mhuire Community School, Kildare	
Crescent College Comprehensive School, Limerick	Scoil Phobail Mhic Dara, Galway	
Donahies Community School, Dublin 13	Scoil Phobail Sliabh Luachra, Kerry	
Douglas Community School, Cork	St. Aidan's Community School, Dublin 24	
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East Glendalough School, Wicklow	St. Attracta's Community School, Sligo	
Gallen Community School, Offaly	St. Caimin's Community School, Clare	
Glenamaddy Community School, Galway	St. Columba's Comprehensive School, Donegal	
Gorey Community School, Wexford	St. Enda's Community School, Limerick	
Gort Community School, Galway	St. Louis Community School, Mayo	
Hartstown Community School, Dublin 15	St. Mark's Community School, Dublin 24	
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Holy Family Community School, Rathcoole, Dublin	St. Wolstan's Community School, Kildare	
John The Baptist Community School, Limerick	St. Clare's Comprehensive, Leitrim	
Kildare Town Community School	St. Colmcille's Community School, Dublin 16	
Killinarden Community School, Dublin 24	St. Kilian's Community School, Wicklow	

### Appendix 3

**State Indemnity Confirmation Statement (Work Experience) – with cover letter for schools without Personal Accident insurance cover in place.**

This confirmation statement should be issued to host employers (who are partaking in the work experience programme) if your school does not have a personal accident policy for students in place.



1<sup>st</sup> January 2015

State Claims Agency  
Treasury Building  
Grand Canal Street  
Dublin 2



To whom it concerns,

**Re - State Indemnity**

The State Indemnity Confirmation Statement provided confirms that Community and Comprehensive Schools, their servants and/or agents, will be indemnified by the State in respect of claims for personal injury and third party property damage, arising from the negligence of the schools, their servants and/or agents.

A conventional insurance policy is typically issued to the insured containing all the details of cover, exceptions, conditions and other relevant information. State indemnity is not conventional insurance, it is enshrined in legislation, and as this school is State indemnified this State Indemnity Confirmation Statement is provided in lieu of an insurance policy. The statement shall not be subject to change or renewal unless there is a change in legislation. In that respect, it is worth noting, that this State Indemnity Confirmation Statement does not have or require a policy number or stipulate a period of cover. The State Indemnity Confirmation Statement provided is effective from the date indicated. The limit of indemnity is unlimited in amount (in relation to personal injury and third party property damage liabilities, arising from the negligence of the school, its servants and/or agents).

When an insured enters into an agreement with a third party they often request confirmation that the insured's policy extends to cover this agreement, referred to as indemnity to principals in insurance. Again as State Indemnity is enshrined in legislation there is no requirement to name indemnified parties. When such an indemnity is requested a third party is referred to this State Indemnity Confirmation Statement, where it specifically states that the indemnity applies in all cases where Community and Comprehensive Schools, their servants or agents are negligent (in relation to personal injury and third party property damage liabilities).

I trust this is in order.

Kind regards,

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Gemma D'Arcy  
Lead Risk Manager  
State Claims Agency





**State Indemnity  
Confirmation Statement  
(Work Experience)  
Community and Comprehensive Schools**



The State Claims Agency confirms that Community and Comprehensive Schools (indemnified schools noted overleaf) will be indemnified by the State<sup>1</sup> in respect of all claims for personal injury and third party property damage, arising from the negligence of the schools, their servants and/or agents.

This indemnity is in respect of personal/bodily injury and or third party property damage which was as a result of the students and/or schools negligence. This indemnity also extends to school staff (special needs assistants), who may from time to time be required to attend work experience with a student from a Community and Comprehensive school.

The indemnity provided is unlimited in amount. A claim for damages can include all associated costs and expenses for which the indemnified are legally liable or incurred by the indemnified. There is no jurisdiction or territorial limits in respect of students/staff participating in a work placement abroad as part of your schools work experience programme.

There are no exceptions to the above statement. The school and host employer shall determine the appropriate duties for the student while on work experience and shall formally risk assess these activities. High risk activities such as the list below should be avoided or prior approval sought from the State Claims Agency:

1. Work in Atomic or nuclear energy installations or plants
2. Aviation work or airport risks but not in respect of ground operational duties which do not involve work airside
3. Work in mines, collieries or quarries
4. Work in Ship breaking or ship repairing yards
5. Tunneling or work in sewers
6. Stevedoring or dock side risks
7. Any work in connection with explosives
8. Work in Gas works or filling of any gas into cylinder
9. Tree felling or lopping
10. Excavations below 3 metres in depth; Height work in excess of 5 metres
11. Work in reservoirs
12. Work on boats or trawlers
13. Work in equestrian centres and/or participation in show jumping/horse riding activities but not excluding grooming horses under supervision, cleaning out empty stables once horses have been removed, cleaning tack and clerical duties in connection with the stables.

As State indemnity is enshrined in legislation, this document operates in lieu of a certificate of insurance and shall not be subject to change or require renewal unless there is a change in legislation. This State Indemnity Confirmation Statement does not have or require a policy number or stipulate a period of cover. The State Indemnity Confirmation Statement provided is effective from the date indicated and the limit of indemnity is unlimited in amount (in relation to personal injury and third party property damage liabilities, arising from the negligence of the school, its servants and/or agents). Issuance of this State Indemnity Confirmation Statement in circumstances not covered by State indemnity would not act in lieu of insurance cover.

The host employer must have insurance cover in place in respect to their legal liabilities e.g. the condition of the workplace.

**Ciarán Breen**  
Director

<sup>1</sup> Under the National Treasury Management Agency (Amendment) Act, 2000 and subsequent orders the management of personal injury and third party property damage claims was delegated to the State Claims Agency (SCA).

**The following are State Indemnified Community and Comprehensive Schools:**

An Scoil Chuimsitheach, Cork	Kilrush Community School, Clare	St. Tiernan's Community School, Dublin 16
Ardee Community School, Louth	Kinsale Community School, Cork	St. Brendan's Community School, Offaly
Ashbourne Community School, Meath	Loreto Community School, Donegal	Tallaght Community School, Dublin 24
Ashton Comprehensive School, Cork	Mayfield Community School, Cork	Tarbert Comprehensive School, Kerry
Athboy Community School, Meath	Millstreet Community School, Cork	The Royal and Prior Comprehensive School, Donegal
Bailieborough Community School, Cavan	Moate Community School (Moate Business College), Westmeath	Trinity Comprehensive School, Dublin 9
Ballinamore Community School, Leitrim	Mount Temple Comprehensive School, Dublin 3	Tullow Community School, Carlow
Ballincollig Community School, Cork	Mountmellick Community School, Laois	
Ballinrobe Community School, Mayo	Mountrath Community School, Laois	
Ballinteer Community School, Dublin 16	Moyne Community School, Longford	
Ballyhaunis Community School, Mayo	Newpark Comprehensive School, Dublin	
Ballymakenny College, Drogheda	Old Bawn Community School, Dublin 24	
Beara Community School, Cork	Phobailscoil Iosolde, Dublin 20	
Bishopstown Community School, Cork	Pobalscoil Chiarain, Meath	
Blackwater Community School, Waterford	Pobalscoil Chloich Cheannfhaola, Donegal	
Blakestown Community School, Dublin 15	Pobalscoil Chorca Dhuibhne, Chiarraí	
Boyne Community School, Meath	Pobalscoil Ghaoth Dobhair, Donegal	
Cabinteely Community School, Dublin 18	Pobalscoil Inbhear Sceine, Kerry	
Carndonagh Community School, Donegal	Pobalscoil Iosa, Dublin	
Carrick-on-Shannon Community School, Leitrim	Pobalscoil na Rosann, Donegal	
Carrigaline Community School, Cork	Pobalscoil na Tríonóide, Cork	
Cashel Community School, Tipperary	Pobalscoil Neasain, Dublin 13	
Castlecomer Community School, Kilkenny	Pobalscoil Rosmini, Dublin 9	
Castlerea Community School, Roscommon	Portmarnock Community School, Dublin	
Choláiste Cholmcille, Donegal	Portumna Community School, Galway	
Clifden Community School, Galway	Ramsgrange Community School, Wexford	
Colaiste Chiarain, Kildare	Scoil Chuimsitheach Chiaráin, Galway	
Coolmine Community School, Dublin 15	Scoil Mhuire Community School, Kildare	
Crescent College Comprehensive School, Limerick	Scoil Phobail Mhic Dara, Galway	
Donahies Community School, Dublin 13	Scoil Phobail Sliabh Luachra, Kerry	
Douglas Community School, Cork	St. Aidan's Community School, Dublin 24	
Dunmore Community School, Galway	St. Aidan's Comprehensive School, Cavan	
East Glendalough School, Wicklow	St. Attracta's Community School, Sligo	
Gallen Community School, Offaly	St. Caimin's Community School, Clare	
Glenamaddy Community School, Galway	St. Columba's Comprehensive School, Donegal	
Gorey Community School, Wexford	St. Enda's Community School, Limerick	
Gort Community School, Galway	St. Louis Community School, Mayo	
Hartstown Community School, Dublin 15	St. Mark's Community School, Dublin 24	
Heywood Community School, Laois	St. Patrick's Comprehensive School, Clare	
Holy Child Community School, Sallynoggin, Dublin	St. Peter's Community School, Passage West	
Holy Family Community School, Rathcoole, Dublin	St. Wolstan's Community School, Kildare	
John The Baptist Community School, Limerick	St. Clare's Comprehensive, Leitrim	
Kildare Town Community School	St. Colmcille's Community School, Dublin 16	
Killinarden Community School, Dublin 24	St. Kilian's Community School, Wicklow	

