

IRISH STATE CLAIMS AGENCY'S RISK MANAGEMENT: SUPPORTING OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE (CASE IE6)

1 Introduction

Promoting effective occupational safety and health (OSH) practices is key to safer and healthier workplaces. Improving arrangements and practices for managing OSH across a whole range of industry sectors and firm sizes — large, medium and small — is stimulated, supported and sustained by a range of institutional actors and internal and external processes to firms. Scientific research¹ highlights, among other things, the critical role that state regulators for OSH, such as Labour Inspectorates and prevention services, can play. This case study is part of a research project conducted in Ireland to provide further insight into this topic.²

The State Claims Agency³ (SCA) is included as a case study due to its ability to mandatorily require all incident data from the government-run health and social care providers, such as hospitals and residential care homes. This allows it to receive and analyse a large amount of reliable and valid OSH-related data from the many workplaces and workers in the health and social care sector. This incident data are used to prioritise risk management audits by the SCA for selected healthcare providers. These data also allow for empirical evidence that demonstrates the positive OSH compliance effects of the SCA from its risk management initiatives and activities. In addition to the health and social care sector, SCA conducted studies and provided assistance and suggestions for improvements to other public services such as the Department of Agriculture, the Prison service and State Police force.

The SCA was established in 2001 by statute law under the National Treasury Management Agency (Amendment) Act, 2000. It provides risk management advice and assistance to delegated state authorities and its principal objectives are:

- While acting fairly and ethically in dealing with people and their families who have suffered injuries and or damage, the SCA manages personal injury and property damage claims taken against the state so that the liability of the state is contained at the lowest achievable level.
- The SCA advises and assists 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 to minimise the incidence of claims and the liabilities of the state.
- The SCA manages third-party claims for legal costs arising from all categories of claims taken against the state so that such claims for legal costs are contained at the lowest achievable level.

At the end of 2023, the SCA was managing a portfolio of 11,137 active claims, with a total estimated outstanding liability of €5.19 billion (NTMA Annual Report and Financial Statements, 2023). The total workforce of the SCA is circa 170 and its statutory remit covers in the region of 150 state-related organisations, including: government departments, the Defence Forces, the Office of Public Works, the Irish Prisons Service, TUSLA (the Irish Child & Family Agency), An Garda Síochána (the state police force), and public health and social care services such as acute care hospitals and community organisations.

As part of the risk management guidance provided for these organisations, the SCA operates the Enterprise Risk Management Unit. This is a team of risk professionals with backgrounds in engineering,

¹ EU-OSHA – European Agency for Safety and Health at Work, *Improving compliance with occupational safety and health regulations: an overarching review*, 2021. Available at: <https://osha.europa.eu/en/publications/improving-occupational-safety-and-health-changing-world-work-what-works-and-how>

² The main report is available at: <https://osha.europa.eu/en/publications/irelands-approach-supporting-occupational-safety-and-health-compliance-role-labour-inspectorate-and-prevention-services>

³ See: www.stateclaims.ie

science, public health and risk management. The Enterprise Risk Management Unit is led by a Decision Group of four with a Deputy Director and three Senior Enterprise Risk Managers. This managerial group oversees the strategic approach of the unit and agrees on an annual work programme for the team. Currently, the number of field staff is 14. One legally mandated key role of the Enterprise Risk Management Unit is to carry out audits and reviews of its client organisations and includes assessing these organisations' risk management systems during visits. The SCA's audit process involves the following procedures:

- The SCA first forwards a request to complete an occupational health & safety (OH&S) risk management audit to the client organisation.
- On acceptance of the request, an audit plan is developed and communicated to the client.
- The client reviews the plan and ensures all information is relevant and accurate. Documentation may be requested at this stage from the client for review by the auditors.

This case study further details the work of the Enterprise Risk Management Unit and in particular how it achieves its mandate. It also details and illustrates the SCA's wide range of collaborative activities that it undertakes as part of its mandate, including how it supports and promotes OSH compliance.

2 Methodology

Two members of the Enterprise Risk Management Unit were interviewed for this case study. Both have master's-level qualifications in OSH as well as over 10 years' experience as senior OSH professionals.

3 How organisations are selected for audit

There are a number of risk-based methods used by the SCA to assess which organisation to visit and conduct risk management audits: incident and claims surveillance and analysis (for example, the number of assaults on prison officers), audits and reviews, long-term review reports and national projects. Knowledge and experience of the client organisation by SCA field staff is also a factor in determining which organisation to visit and assess.

Organisations are further classified into Category 1, 2 or 3, with Category 1 being the highest subjective risk rating. The risk rating is categorised using a weighting system that involves consideration of claims and incident numbers, costs of resolved claims and estimated liabilities against active claims. Category 1 organisations include hospitals, TUSLA, the Irish Prisons Service, the Defence Forces and An Garda Síochána. Category 2 organisations include the Office of Public Works, which looks after all government buildings and national amenities. Category 3 organisations would include the Revenue (tax) service, the Courts service and the National Museum of Ireland.

A minimum of two and sometimes three employees from the SCA will visit organisations. The objectives of the SCA's audit processes are:

- to ensure that the risk management system of the organisation addresses all the elements of a recognised risk management standard or specification;
- to improve the efficiency and effectiveness of the organisation's risk management system by identifying gaps in the existing systems, processes and practices;
- to make recommendations for improvements; and
- to assist in reducing incidents that may result in personal injury claims.

The main method used to assess effectiveness is to conduct a risk management audit. The main benchmark used to assess effectiveness is compliance with ISO 45001 and/or ISO 31000.

Prior to visiting, the SCA will have reviewed the organisation's claims history and incidents using its National Incident Management System (NIMS⁴) data and conducted a trend analysis. All relevant data will inform the SCA of what organisations should be visited and what specific activities need particular

⁴ See: [www2.healthservice.hse.ie/organisation/gps-incident-management/nims/#:~:text=Reporting,-NIMS%20System%20wide&text=The%20National%20Incident%20Management%20System%20\(NIMS\)%20is%20the%20key%20platform,the%20National%20Service%20Plan%20KPIs](http://www2.healthservice.hse.ie/organisation/gps-incident-management/nims/#:~:text=Reporting,-NIMS%20System%20wide&text=The%20National%20Incident%20Management%20System%20(NIMS)%20is%20the%20key%20platform,the%20National%20Service%20Plan%20KPIs)

attention during visits. For example, this approach resulted in the SCA in the past visiting the Irish Prisons Service for tuberculosis risk management and hospital groups for needlestick injuries. Visits to organisations to conduct risk management audits typically take one to two days. The visit will include a walkthrough of relevant areas selected. When reviewing more complex issues across an organisation, the SCA will visit and sample a representative group of sites within the organisation.

The following comments from SCA staff illustrated their approach to supporting OSH compliance in their client organisations.

'Our goal is to see if they operate an effective risk management system that will prevent, manage and mitigate claims as far as possible'.

'We want to see how they are managing risk and how we can assist and give advice when we feel that it is necessary'.

'We use claims history as an indicator and see if their risk management performance is improving or disimproving'.

'We find that there is always something that organisations can do to improve'.

'We follow the money. When claims come in, we now know what to look for and any risks that may cause higher value claims are addressed as a higher priority'.

'Persuasion is the key'.

During the visit, the SCA will engage with all levels of management, including senior managers, safety officers and employees. For example, any staff member may be interviewed on particular risk issues that are relevant to their risk management system.

Due to the size of the organisations the Enterprise Risk Management Unit deals with the audit team and adopt a sampling approach of facilities and areas. In some cases, random sampling or more focused sampling based on known trends is conducted.

On completion of the visit, a 'draft for comment' report is written and sent to the organisation. As part of the process, the SCA will provide a draft report that gives the client the opportunity to ensure that the information is accurate and fully reflects the current situation, or whether there is additional information that did not come to light during the audit process.

Once the draft report is accepted, the final report is issued. This final report will contain the SCA's findings and recommendations to improve workplace safety using ISO 45001 and/or ISO 31000. The SCA will also formally liaise with the organisation and request that a plan is put in place to address findings and track recommendations to closure.

The SCA takes into account that report recommendations will need funding or be incorporated into organisational action plans that themselves can involve monthly or yearly time frames.

During their engagement, the SCA will use persuasion and provide training, assistance and advice to ensure the risk management effectiveness of the client organisation. Persuasion therefore remains the key method to achieve the required improvements in workplace safety.

The successful effectiveness of these SCA visits and interaction can be measured quantitatively using NIMS data, for example:

- The SCA carried out a review on knife injuries reported by the Department of Agriculture employees. The implementation of new personal protective equipment measures helped mitigate further incidents and claims.
- The SCA's ongoing assistance and advice to the Irish Prisons Service in relation to infection and prevention control management for tuberculosis. These practices were also instrumental in mitigating the impact of the COVID-19 pandemic on operations.
- The SCA carried out a review in 2015, following a number of violent physical assaults on Irish Prisons Service staff by prisoners. The SCA determined the root cause of such incidents, commented on the potential for future reoccurrence and made recommendations for improvement. The successful implementation of these recommendations has helped reduce the number of assault incidents on staff in subsequent years.
- The SCA carried out a review of seatbelt-wearing in military vehicles. Proposed interventions were implemented and helped mitigate further incidents and claims.
- Implementation of a wellbeing-related risk assessment method known as the Work Positive tool⁵ (HSA/SCA/CISM, 2024) across high-risk clients. This tool assists organisations in managing work-related stress and critical incident stress exposures. It was developed in partnership with the HSA and collaboratively managed nationally.
- A review of road traffic collisions involving the State Police force, An Garda Síochána, and the implementation of the recommendations of the report resulted in a reduction in claims.

The SCA has also successfully introduced an initiative to improve the reporting of incidents by client organisations. This included the use of specific training programmes and information as well the introduction of new technology to make reporting easier. The increase in reporting claims and incidents as subsequently identified by NIMS showed how effective this specific SCA-led initiative and engagement was.

4 The National Incident Management System, NIMS

Under the National Treasury Management Agency (Amendment) Act 2000, it is a legal requirement to report incidents to the SCA. The definition of incidents within the NTMA Act particularly focuses on incidents that may become claims. However, the SCA, given their risk management statutory function, uses a wider definition to allow for the capture of incident information that is important for trend analysis.

Incidents captured by NIMS are defined as follows:

'An unplanned or uncontrolled occurrence or sequence of occurrences that caused or had the potential to cause injury, ill-health or disease to a person and/or damage/loss to property/service.'

Typical incidents reported are workplace accidents, ill health, fatalities, personal injury claims, property or fleet car damage as well as near misses that occur to staff, visitors or patients.

Including clinical incidents such as medication errors. NIMS is provided free of charge to all organisations under its remit. In some organisations, incidents are first recorded on the National Incident Report Form (NIRF)⁶ on paper, for onward central reporting to the NIMS database.

An extract from this report form is given below.

⁵ See: www.workpositive.ie

⁶ See: hse.ie/eng/about/who/ngpsd/gps-incident-management/nims/nirf-01-v12-person-interactive.pdf.

Figure 1: Screenshot of NIMS's National Incident Report Form (NIRF)⁶

 National Incident Management System	HC NIRF 01 – V12 Date issued: 26/11/2021	NATIONAL INCIDENT REPORT FORM (NIRF) NIRF – 01 PERSON NIMS record Number:
<i>Incident: An event or circumstance which could have, or did lead to unintended and / or unnecessary harm. Please complete this form to the best of your knowledge at the time of reporting the incident.</i>		
SECTION A: GENERAL INCIDENT DETAILS	SECTION B: PERSON AFFECTED DETAILS	
Date of incident DDMMYYYY Time of incident HHMM <i>Use 24 hour clock</i> Location <i>E.g. Hospital, Health Centre, Residential Centre etc.</i> Specific Location <i>E.g. Ward, Clients home etc.</i> Offsite? ☐	First name _____ Surname _____ Date of birth DDMMYYYY ☐ Female ☐ Male	
Description of incident: _____ _____ _____ _____ _____ _____ _____ _____		
Division (tick one only ✓) ☐ Acute Hospital ☐ Social Care ☐ Health and Wellbeing ☐ Primary Care ☐ Mental Health ☐ Ambulance Service ☐ National Corporate Services (staff only)	Who was involved...? (tick one only ✓) ☐ Service user – (Resident/Patient/Client) Go to section C ☐ Staff member – Go to section D ☐ Panel staff / Agency / Locum – Go to section D ☐ Member of the public–Proceed to section F ☐ Volunteer – Go to section D ☐ External Contractor – Go to section E ☐ Work Placement / Trainee – Go to section D	

NIMS is a national database developed and hosted by the SCA to record all incidents occurring in the state sector. It is a confidential, national, end-to-end, incident risk and claims management platform. NIMS provides a single incident management system and was developed by the SCA in consultation with state authorities. It is wholly managed by the SCA on an ongoing basis. The NIMS software allows for extensive data analysis and was designed with features that are easy to use, intuitive and reliable. The system facilitates:

- the reporting of incidents;
- the management of incident reviews and investigations;
- recording of incident reviews, investigations, conclusions and recommendations;
- tracking of recommendations to closure; and
- the analysis of incident and claims data.

A NIMS self-service reporting module enables user organisations to report on, interrogate and interpret their own incident and claim data. The software can also extract NIMS data into secondary data visualisation tools for advanced statistical analysis and reporting purposes by organisations.

In addition, this system operates as a risk management software interface and can record details about any claims or incidents received. As the SCA hosts the database, it is able to conduct a continual trend analysis on claims history and reported incidents. The SCA also engages with users of the database in order to improve reporting access and variables. For example, a recent addition to the database has included the ability to record vehicle ramming incidents reported by An Garda Síochána. In addition, individual client organisations can only access the database relevant to their organisation.

A recent innovation in terms of reporting incidents was the use of technology allowing on-site electronic access to the database. A new electronic point of entry (EPOE) facility now allows staff of particular organisations to report incidents or near misses directly onto the system removing the need for a paper NIRF. For example, using EPOE, a nurse on a hospital ward can electronically access the database to report any incident, for example, a needle stick occurrence to a member of staff without having to resort to filling in paperwork. Once entered through the EPOE portal, such incidents are firstly reviewed by the

organisations safety-related staff, including quality and patient safety managers, safety managers and senior accountable officers, before the NIMS database is updated. The SCA has noted an increase in numbers and the speed of incident reporting after this new functionality was introduced.

A further example of evidence for good practice from this database is the importance of investigating incidents. The SCA found that there was a notable increase in the cost of a slip, trip or fall claim, if the incident was reported six months after the incident occurred. The SCA is continually trying to improve frequency and speed of reporting and has seen a significant improvement since NIMS was introduced in 2014. This improvement has been especially noted when promotion campaigns to raise awareness on the need for incident reporting by the SCA are conducted.

The metrics for NIMS usage demonstrates its widespread use. As of 2024, it is estimated that 3 million incidents have been reported on NIMS to date. Over 4,500 staff have access to NIMS as direct users. A further 20,000 staff now have EPOE reporting at their workplaces that allows for digital submission of incident data.

5 Examples of collaboration by the SCA

The SCA has an extensive record of publishing NIMS-based research reports and joint guidance with the HSA as well other Irish state bodies and government departments, including:

- joint national initiatives with the HSA, including guidance on the managing of health, safety and welfare in post-primary schools (HSA/SCA, 2018) exposure to sensitive content (HSA/SCA, 2023), Work Positive,⁵ a psychosocial risk management process for managing work-related stress and critical incident stress nationally (HSA/SCA/CISM, 2024);
- guidance on indemnity and insurance issues to assist public bodies in identifying and reviewing their insurance requirements;
- government circulars on blended working, management and maintenance of accommodation, and procurement;
- guidance on machinery guarding, fleet management and statutory inspections;
- guidance for the management of radon, asbestos, mould and noise management across state buildings; and
- fire safety management reviews and guidance, including for example fire registers, emergency planning and risk assessment guidance.

A recent and well-received example of collaboration is the joint publication by the SCA and the HSA on exposure to sensitive content, marking the first EU Member State to develop such a guide (HSA/SCA, 2024). This included guidance on the risks to those workers who have to view graphic images or videos of, for example: violent deaths or child sexual abuse. These workers may have their psychological health and wellbeing affected by such images and this sensitive content document provides practical risk management guidance that includes a risk assessment template with recommended control measures. In addition, the SCA hosts a number of twice-yearly meetings for client organisations, including award ceremonies, seminars and collaborative meetings on specific workplace safety topics.

6 Examples of innovation by the SCA

This case study has already highlighted the use of its NIMS database as a robust method and unique method for risk-rating organisations to visit. A further example of innovation is the SCA's cross-border interjurisdictional engagement with the Northern Ireland and UK-based Visitor Safety Group.⁷ Since 2013, meetings and workshops to advise on safe public access to national recreational amenities and historic buildings is exemplified by the SCA recently attending a joint Irish and Great Britain meeting in Slieve Gullion, County Armagh, Northern Ireland. The SCA has a representative on the Visitor Safety Group Board and has also developed close links with fellow Irish Board members, in particular Coillte⁸

⁷ See: www.visitorsafety.group/

⁸ See: www.coillte.ie/

and Mountaineering Ireland.⁹ Under the Visitor Safety Group umbrella, the SCA also works with other national bodies such as Waterways Ireland, which is a 'North & South of Ireland' interjurisdictional authority.

In addition, the SCA is a state agency that regularly conducts and publishes its own OSH compliance research. Two recent examples include an investigation into 'Needlestick and Sharps Injuries' in the health and social care sector¹⁰ and work-related violence harassment and aggression.¹¹

7 Evidence that the SCA strategies work

The SCA reports that its interventions to reduce personal injury claims, and thereby improve OSH compliance as well as claims against the state, have been evidenced by NIMS. Examples include: knife injuries, tuberculosis, COVID-19, assaults on personnel in the Irish Prisons Service, seatbelt-wearing by Defence Forces personnel, road traffic collisions involving An Garda Síochána vehicles, and needlesstick injuries in hospitals.

A further intervention by the SCA was conducted to increase incident reporting. This consisted of publicising the beneficial role of NIMS and providing EPOE technology for selected hospitals. This also included the promotion of key performance indicators including claims previously reported as incidents only. The SCA again reported that this intervention increased incident reporting to NIMS. Given that the SCA does not hold any statutory sanction powers over its client organisations, persuasion in the form of guidance advice and training is the OSH compliance method of choice.

8 Transferability

The successful nature of the SCA approach in, for example, reducing claims against the state can be transferred to other EU Member States. However, governments will need to enact legislation to ensure incident reporting is mandatory.

9 Conclusion

The usefulness of the NIMS database is clear to see. This database offers very good quality data by which workplace safety performance can be quantitatively measured with a high degree of accuracy. These data also allow the continuous monitoring of organisations as well as quantifying the effects of any SCA interventions such as targeted visits or promotional campaigns.

There are issues with such data given their reactive status, and a certain amount of under-reporting for certain incident types in certain locations, but this trend is decreasing. In addition, there is also the question of how representative incident reporting becomes when assessing existing workplace safety conditions. Nevertheless, such data is now widely available to the SCA and, given its quantitative nature, facilitates a risk-based approach to selecting organisations to audit and monitoring their subsequent OSH compliance. In addition, given the absence of consensus as to how workplace safety should be measured, such incident data as collected by NIMS provide a readily available source of reliable and valid quantitatively based metrics.

The SCA has also established an incident reporting key performance indicator, the 'Claims Previously Reported as Incidents' (CPRI). Since the introduction of CPRI in 2016, the SCA has seen an improvement in overall incident reporting culture across its client state authorities.

The requirement placed on state bodies to statutorily report incidents to the SCA via the NIMS database generates high-quality OSH performance-related data. These data are used to prioritise visits to selected organisations by a team of risk management professionals as evidence of the effectiveness of

⁹ See: www.mountaineering.ie/

¹⁰ See: <https://stateclaims.ie/uploads/banner/State-Claims-Agency-Risk-Research-Series-Report-02-Needlesticks-and-Sharps.pdf>

¹¹ See: https://stateclaims.ie/uploads/banner/Risk-Research-Report-03-Work-Related-Violence-Harassment-Aggression_2022-11-03-135238_bekl.pdf

such interventions. Evidence for the successful nature of this SCA approach can be found in the reduction of claims against the state.

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This case study was commissioned by the European Agency for Safety and Health at Work (EU-OSHA). Its contents, including any opinions and/or conclusions expressed, are those of the authors alone and do not necessarily reflect the views of EU-OSHA.

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