

## Appendix 13

### **Procedures for processing actions, claims or demands under the State Indemnity that do not come within the ambit of the State Claims Agency**

1. There are several types of cases which do not come within the ambit of the State Claims Agency and which might fall within the State Indemnity, including but not limited to, the following: –
  - Workplace relations cases e.g. employment law, grievance/disciplinary procedures/cases, harassment cases, equality cases.
  - Child protection cases
2. In order to avail of the State indemnity, the Board of Management must firstly inform the ACCS in writing of their intention to do so within **10 working days** of becoming aware of the issue arising.

The ACCS must inform the Department in writing and preferably by electronic means of the Board's intention to avail of the State Indemnity within **5 working days** of having been informed by the Board of the issue arising and of any comments by the ACCS on same.

In relation to the above guidelines it is acknowledged that it may not be possible to adhere to these timelines where legal advice is being sought by the Board of Management in accordance with Child Protection procedures. In such scenarios the Notification Form for seeking to avail of the State Indemnity must be submitted at the earliest possible opportunity.

In all cases, the Schools Financial Section (Athlone) **ccfinancial@education.gov.ie** will be the first point of contact for ACCS in relation to applications seeking to avail of the State Indemnity.

3. The application seeking to avail of the State indemnity shall in all cases include the following information:
  - a. Information on the relevant policy/procedures/legislation at issue in the case
  - b. Details of the background to the specific issue arising (including the steps taken by the Board of Management to resolve the issue )
  - c. Copies of all relevant documentation in relation to the application to avail of the State Indemnity
  - d. Any other information which is considered to be relevant by the school to the application to avail of the State Indemnity.

4. The Board of Management of the school will be advised of the outcome of its application to avail of the State indemnity via the ACCS.
5. It is a condition of the indemnity that, should it be granted in any individual case;
  - (a) that the Department\* must be informed prior to any costs being incurred and
  - (b) the Board of Management commits to keep the Department\* informed in advance of key milestones within the process concerned and inform the Department\* of significant individual items of expenditure.

\*using e-mail address **ccfinancial@education.gov.ie** for Schools Financial Section in DES Offices, Athlone.