

Ref No: E109/30/09

8/4/2009 LP: - Extension of the remit of the State Claims Agency to encompass Bullying and Harassment litigation involving the State

8th April 2009.

Dear Personnel Officer

Currently personal injury claims which involve only physical injury are dealt with by the State Claims Agency (SCA). Bullying and Harassment litigation against the State is dealt with by the Chief State Solicitors Office (CSSO). The reason for this is because SI 503 of 2005 specifically excludes the delegation of a claim to the SCA if the claim is made against any Minister in relation to the "intentional infliction of mental suffering" (section 4(b) (iii) of SI 503 of 2005).

Following consultation with the Office of the Attorney General, the SCA and the CSSO, it has been decided to remove the exclusion on section 4(b) (iii) and to extend the remit to the SCA to encompass bullying and harassment involving the State - including cases where the cause of action is stress or other mental injuries. It should be noted that only claims that are exclusively personal injury claims would be delegated to the SCA. This is intended to bring a more co-ordinated and managed approach to the handling of such claims.

It should be noted that cases will not be dealt with by the SCA if,

- any other cause of action is pleaded in addition to personal injuries, or
- it is related to employment litigation (e.g. Employment Equality Acts 1998 - 2008).

Yours sincerely

Oonagh Buckley
Principal