

Item 4

**Report to the Chair and Members of the Audit Committee  
14th November 2019**

**Executive & Presenting Officer: DCC Arundale**

**Status: For information**

**Civil Claim Statistics**

1. **Purpose**
   1. This is a report covering the period of 28th February 2019 – 31st August 2019 (6 months) and its purpose is to advise members of the number and types of civil claims against the Force received during the period and the amount paid out for those claims finalised during the period together with reasons for settlement.
2. **Recommendations**
   1. It is recommended that Members note the content of the report.
3. **Number & Types of Claims Received**
   1. There were 35 claims received during the period. This is compared to the previous period, in which there were 47 claims received.
   2. Employers Liability claims are those made by Force employees and police officers following injuries sustained at work.
   3. Public Liability claims include those made by members of the public who are accidentally injured or whose property is accidentally damaged / lost as a result of police activities. They also include those made by arrested persons alleging false imprisonment, assault, malicious prosecution, misfeasance and trespass to property. (This is not an exhaustive list.)
   4. Motor Liability claims are those made by members of the public and police officers following damage and injuries sustained in road accidents involving a police vehicle.
   5. Non tribunal employment matters are those claims made by police officers for pay, overtime and other allowances which they believe should have been paid during their service.
   6. The time limit for bringing claims involving injury is three years and, for those not involving injury, it is six years. The Court can sometimes extend the time limit.
   7. The following Chart notes how many claims have been received during the period and the incident date for each claim. Please note that where claims for long term injuries such as post-traumatic stress disorder or noise-induced hearing loss, the date of diagnosis has been recorded as the incident date.

**4. Numbers of Claims Finalised & Results**

4.1 Of the 12 cases finalised during the period, 6 were successfully defended/withdrawn (50%). This is to be compared with the last period where 25 cases were finalised and 18 were successfully defended/withdrawn (72%).

4.2 In relation to the 6 cases which were settled, the reasons for settlement were as follows:

|  |  |
| --- | --- |
| **Reasons for settlement [[1]](#footnote-1)** |  |
| Misfeasance in the public office | 1 |
| Property damage | 1 |
| Assault/ battery | 1 |
| Breach of Human Rights | 2 |
| Failure to pay overtime allowance | 1 |

4.3 Feedback is provided on a case by case basis to ensure assistance is given in managing risks. At the strategic level the Force takes its ‘risk’ around civil litigation very seriously and works tirelessly to ensure that ‘liability’ is reduced wherever possible and that the ‘lessons learnt’ from finalised cases are integrated into operational and organisational planning and delivery. For example, lessons learnt from motor claims are taken to the Driver Standards Gold Group.

**5. Sums paid out on Finalised Cases**

5.1 The Chart below summarises the payments made on claims finalised during the period.

**6. Trends by Financial Years**

6.1 The table below summarises the fluctuations over recent years.

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Year** | **Claims received** | **Total sum paid on finalised cases[[2]](#footnote-2)** | **Percentage of cases successfully defended** |
| 01/04/09 – 31/03/10 | 136 | £386,797 | 38% |
| 01/04/10 – 31/03/11 | 129 | £635,125 | 47% |
| 01/04/11 – 31/03/12 | 134 | £471,901 | 51% |
| 01/04/12 – 31/03/13 | 99 | £558,123 | 65% |
| 01/04/13 – 31/03/14 | 122 | £567,983 | 58% |
| 01/04/14 – 31/03/15 | 105 | £562,551 | 61% |
| 01/04/15 – 31/03/16 | 115 | £473,966 | 58% |
| 01/04/16 – 31/03/17 | 90 | £468,690 | 61% |
| 01/04/17 – 31/03/18 | 92 | £659,684 | 83% |
| 01/04/18 – 31/03/19 | 89 | £309,686 | 76% |
| 01/04/19 – Date | 37 | £116,944 | 46% |

**7. Exception Reports**

The Chief Constable has agreed to provide the Police and Crime Commissioner (PCC) with an exception report following the settlement of a civil claim case which meets either of the following criteria:

* The case has been defended by the Force but has been lost at trial
* The amount payable in finalising the case is above the insurance ‘excess’ for that claim.

In addition, it was agreed that the exception reports submitted to the PCC would be appended to the Civil Claims report presented to the Audit Committee for their information. There are no Exception Reports for this period.

**8. Implications**

Finance

8.1 In relation to insured risks, none of the claims finalised exceeded the ‘excess’.

8.2 Although the sums paid out for insured risks outweigh the sums recovered, savings (in terms of potential damages) have been made in those cases successfully defended and savings (in terms of solicitor’s costs) have been made by dealing with claims in-house.

Diversity & Equal Opportunities

8.3 There are no diversity or equal opportunities implications arising from the content of this report.

Human Rights Act

8.4 There are no Human Rights Act implications arising from the content of this report.

Sustainability

8.5 There are no sustainability implications arising from the content of this report.

Risk

8.6 There are reputational and financial risk implications arising from this report as clearly enforcing the law, i.e. exercising statutory powers to arrest, search, detain and prosecute, has inherit risks that should be mitigated against through effective training, review, risk management, ‘lessons learned’ activities and peer review/inspection.

8.7 The Force has detailed policy and procedures that govern and direct the activities of individuals in areas of risk i.e. police use of motor vehicles, detention in custody, the police use of force and our operational firearms response. In all these areas the regular review of litigation cases and other high profile operations takes place within policy forums to improve professional practice, led by respective chief officers.

8.8 Finally, our responsibility as an employer is also an area of litigation and cost where we seek to minimise risk and discharge our duties as a lawful, responsible and diligent employer.

**9. Conclusions**

9.1 Whilst Legal Services have no control over the number of claims received, feedback is provided on a case by case basis to ensure assistance is given to Service Units in managing risks. At the strategic level the Force takes its ‘risk’ around civil litigation very seriously and works tirelessly to ensure that ‘liability’ is reduced wherever possible and that the ‘lesson learnt’ from finalised cases are integrated into operational and organisational planning and delivery.

Originator of report

H Langham & S Rumins

1. It is important to note that no findings were made by a Judge/Jury in these cases as they were settled before any trial based upon legal advice on the prospects of a successful defence. Furthermore, in some cases liability/compensation may have been split with the claimant or a partner agency. [↑](#footnote-ref-1)
2. See footnote above [↑](#footnote-ref-2)