

**Report of the Chief Constable to the Chair and Members of the Audit Committee
22nd September 2016**

Executive & Presenting Officer: Mr Simon Nickless, Temporary Deputy Chief Constable

Status: For information

Civil Claims Statistics**1 Purpose**

- 1.1 This is a report covering the period 1st March 2016 to 31st August 2016 (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

- 2.1 It is recommended that Members note the content of the report.

3. Number & Types of Claims Received

- 3.1 There were 43 claims received during the period which is a 23% decrease compared to last year's 56. Last year's figures are in red.

Claims Received – 1st March 2016 – 31st August 2016				
Employers' Liability	Motor Liability	Public Liability	Total	
3 (3)	16 (16)	24 (37)	43	(56)

- 3.2 Employers' Liability claims are those made by Force employees and police officers following injuries sustained at work. There were 3 claims received during the period, 2 alleging defective equipment, 1 noise induced damage to hearing.
- 3.3 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).
- 3.4 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.

- 3.5 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.
- 3.6 Of the 3 Employers' Liability claims received this period, 1 had an incident date in 2015, 1 had an incident date in 2014 and 1 had an incident date in 2013.
- 3.7 The incident dates of the 24 Public Liability claims received this period can be broken down as follows:
- 4 had an incident date in 2016
 - 5 had incident dates in 2015
 - 6 had incident dates in 2014
 - 5 had incident dates in 2013
 - 2 had incident date in 2012
 - 1 had incident date in 2010
 - 1 had incident date spanning a number of years.
- 3.8 Of the 16 Motor Liability Claims received this period, 15 had incident dates in 2016 and 1 had an incident date in 2011.

4. Numbers of Claims Finalised & Results

- 4.1 Of the 72 cases finalised during the period, 60% were successfully defended. This is to be compared with last year's figures (in red) when 52% were successfully defended.

Claims Finalised – 1 st March 2016 – 31 st August 2016					
	Employers' Liability	Motor Liability	Public Liability	Total	
Negotiated Settlement	1 (3)	20 (12)	8 (7)	29	(22)
Claimant won trial	0 (0)	0 (0)	0 (0)	0	(0)
Chief won trial	0 (0)	0 (0)	2 (1)	2	(1)
Claim withdrawn¹	1 (3)	16 (6)	24 (14)	41	(23)
Total	2 (6)	36 (18)	34 (22)	72	(46)

- 4.2 In relation to the 29 cases which were settled, the reasons for settlement were as follows:

Reasons for settlement ²	No. of Cases
RTC Impact with parked car (handbrake not applied)	1
RTC Impact with parked car (door blown against car)	1
RTC reversed into vehicle	3
RTC failed to give way at traffic lights (red for police)	1
RTC collision with parked car whilst parking	2

¹ Includes any claims struck out

² It is important to note no findings were made by 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.

RTC Claimant's fingers caught in door as vehicle moved away	1
RTC Impact with parked car whilst emerging from parking space	2
RTC Collision with parked car whilst overtaking	2
RTC Collision with cars whilst changing lanes	2
RTC Collision on roundabout whilst officer attempted to turn left and collided with car travelling straight ahead	1
RTC Collision as a result of officer turning right into the path of an overtaking motor cycle	1
RTC – Emerged from a side road to turn right into the path of an oncoming car	1
RTC – Office failed to give way causing claimant who was travelling at speed to take evasive action and collide with the front steps of two houses	1
RTC Impact with pedestrian who ran into path of police van	1
Personal injuries arising out of exposure to noxious fumes at work – Electrical wiring to extraction fans had been incorrectly fitted	1
Trespass to Goods – Unlawful destruction – Disposal of property following lawful arrest	1
Unlawful arrest/Detention, inaccurate information on PNC. Claimant was wanted for a distraction burglary. No attempts to contact the Claimant prior to this arrest. Vehicle was entered onto PNC with wrong information	1
Assault, unlawful arrest, unlawful seizure of motor vehicle, excessive period of detention. Claimant was stopped as vehicle was showing no insurance. Claimant had a business policy which had appropriate cover	1
False Imprisonment – Failed to present Claimant to court within 24 hours - Falsely detained for 17 hours	1
False Imprisonment – Geoamy unable to supply transport to transfer Claimant to Newcastle Court on date of arrest – Unlawfully detained for 24 hours	1
Unlawful arrest and detention, excessive force. Claimant was arrested within his own home for a Breach of the Peace. No power to arrest. Claimant was forcibly removed from his home and from his wheelchair (having been involved in an RTA some weeks previous)	1
Unlawful arrest and detention, Claimant's home was searched under Section 23 Misuse of Drugs Act. Claimant is elderly and suffers from lung cancer, COPD and other ailments. He is very poorly. Son and Daughter arrested. Claimant arranged to attend as voluntary attender. Immediately arrested and detained. Claimant had agreed to provide interview and fingerprints voluntarily no necessity to arrest.	1
Unlawful strip search. Claimant lawfully arrested. Strip search conducted as is normal for the Claimant however the procedure was flawed.	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.

- 4.4 During the period, feedback is to be given in respect of two cases.

5. Sums Paid Out on Finalised Cases

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

Cost of Finalised Cases - 1st March 2016 to 31st August 2016			
Employers' Liability	Motor Liability	Public Liability	Total
£19,680	£239,203	£61,787	£320,670 ³

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 cases⁴	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%

7. Exception Reports

- 7.1 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.
- 7.2 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.

³ This figure may increase in the future as occasionally cases are re-opened and additional payments made. Re-opened cases are not reported as the trigger for inclusion in the report is the initial finalised date

⁴ See footnote above

- 7.3 During the period 1st March 2016 – 31st August 2016 one Exception Report was submitted to the PCC which is attached to this report.

8. Implications

8.1 Finance

In relation to insured risks, the “excess” per claim during the period was £125,000. One of the claims finalised within the period 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.

8.3 Diversity & Equal Opportunities

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

8.4 Humans Rights Act

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

8.5 Sustainability

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

8.6 Risk

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 inherent 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 with 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 'lessons learnt' from finalised cases are integrated into operational and organisational planning and delivery.

Simon Nickless
Temporary Deputy Chief Constable

Originator of report
J Chaffey & J Monkman