

Item 6

**Report of the Chief Constable to the Chair and Members of the Audit Committee**

**14 December 2017**

**Executive & Presenting Officer: Mr Iain Spittal, Chief Constable**

**Status: For information**

**Civil Claims Statistics**

**1 Purpose**

* 1. This is a report covering the period 1st March 2017 to 31st August 2017

(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 54 claims received during the period which is a 26% increase on last year’s 43.

3.2 Employer’s Liability claims are those made by Force employees and police officers following injuries sustained at work.

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.) More recently, this category has been used to record claims relating to overtime payments allegedly due under Police Regulations.

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 The following chart notes the incident dates of those claims received during the period. For those claims which span a number of years, the incident date has been recorded as the earliest date of matters complained of.

**Numbers of Claims Finalised & Results**

4.1 Of the 64 claims finalised during the period, 63% were successfully defended. Successfully defended means those claims that the Chief Constable successfully defended at trial or those claims that were withdrawn before trial. This is to be compared with last year’s figures when 60% were successfully defended. Claims finalised during the period were not necessarily received during the period and may have been received during a previous period.

4.2 In relation to the 24 claims which were settled, the reasons for settlement were as follows:

|  |  |
| --- | --- |
| **Reasons for settlement[[1]](#footnote-1)** | **No. of Cases** |
| Defective equipment causing personal injury to officer | 2 |
| RTC rear shunt causing personal injury | 1 |
| RTC rear shunt causing damage only | 2 |
| RTC reverse into 3rd party causing damage only | 6 |
| RTC reverse into 3rd party causing personal injury | 1 |
| RTC police vehicle hit traffic cone and caused it to strike 3rd party vehicle, causing damage | 1 |
| RTC fail to give way at traffic lights, causing personal injury | 1 |
| RTC fail to give way at traffic lights, damage only | 1 |
| RTC fail to give way at roundabout, causing personal injury | 1 |
| False imprisonment – arresting officer did not have the necessary grounds for suspicion | 1 |
| False Imprisonment/Assault – Force used in the course of  an arrest exacerbated pre-existing injury | 1 |
| Misfeasance/Malicious Prosecution/False Imprisonment –  see exception report at 7.3 below | 6 |

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 claims are integrated into operational and organisational planning and delivery.

**5. Sums Paid Out on Claims Finalised**

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 claims[[2]](#footnote-2)** | **Percentage of claims 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% |

**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.

7.3 During the period 1st March 2017 – 31st August 2017 1 Exception Report covering 6 related claims was submitted to the PCC.

**8. Implications**

8.1Finance

In relation to insured risks, the “excess” per claim during the period was £125,000. The 6 related claims finalised within the period (see exception report) 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 claims 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 claims are integrated into operational and organisational planning and delivery.

Ian Spittal

Chief Constable

Originator of report

J Monkman & K Reeve

**Report to the Police & Crime**

**Commissioner for Cleveland**

**Exception Reporting of Civil Claims Cases**

**Background**

This report is being presented to the Police and Crime Commissioner following the settlement of several related civil claims as the amount paid exceeded the insurance ‘excess’ of £125,000.

The Force has insurance in place to cover payments for civil claims cases with an ‘excess’ of £125,000. This means that where any claims are settled above this level the Force pays the first £125,000 of the claim. Any claims settled below this amount are funded from Force budgets.

**Summary of the Case**

13 related claims were settled following the discontinuance of criminal proceedings in 2011. These matters sat with an IPCC managed enquiry which concluded in 2013 (Operation Pomeroy). The outcomes of that enquiry and the lessons learned were taken forward at that time.

Due to the circumstances of the individual claims, 3 insurance excesses were applied. As a result the force paid a total sum of £304, 165 (£125,000 + £125,000 + £54,165). The last claim to be finalised was finalised in March 2017.

**Iain Spittal**

**Chief Constable**

1. 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. [↑](#footnote-ref-1)
2. 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 [↑](#footnote-ref-2)