



cleveland police authority

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**Report of the Chief Constable to the Chair and Members
of the Professional Standards Panel
27th January 2012**

Executive & Presenting Officer: Mrs Jacqui Cheer, Temporary Chief Constable

Status: For information only

Civil Claims Statistics

1. Purpose

1.1 This is a report covering the period 1st April 2011 to 31st December 2011 and its purpose is to advise Members of the number and types of civil claims against the Force received during the period, the amount paid out for those claims finalised during the period and the amount recovered. There is also a comparison between the Basic Command Units.

2. Recommendations

Members should note that:

- 2.1 There has been a 7.22% increase in the number of claims received when compared with the same period last year. Public Liability is the leading category.
- 2.2 There has been a 3.77% increase in the number of claims finalised when compared with the same period last year.
- 2.3 There has been an increase in the number of successfully defended cases. 53.64% of cases finalised during the period were successfully defended, which is to be compared with 46.23% successfully defended during the same period last year.

2.4 There has been a decrease in the overall sum paid out. The 51 cases settled during the period cost the Force £386,456. This is to be compared with the 57 cases settled during the same period last year at a cost of £429,941.

2.5 Headquarters is the area with most claims.

3. Reasons

3.1 The slight increase in the number of claims received overall is not significant as the figures will always fluctuate.

3.2 The slight increase in the number of cases finalised is largely out of the control of Legal Services as the Claimant will determine when a claim is withdrawn or when evidence in support of losses is provided.

3.3 The slight increase in the number of cases successfully defended is not significant as the figures will always fluctuate.

3.4 The average cost of a claim has remained at a similar level as the same period last year.

3.5 Number & Types of Claims Received

There were 104 claims received during the period which is an increase of 7 on last year's figure of 97. Members should note that the claims received in the period may relate to incidents which occurred up to six years previously. Legal Services have no control over when claims are received. Legal Services do provide feedback to the districts when scope for improvement in practices is identified in order to reduce the risk of claims. The table below summarises the numbers and types of claims received during the period per district. The figures for the same period last year are in brackets.

1st April - 31st December	Employer's Liability	Motor Liability	Public Liability	Total
Middlesbrough	1 (0)	10 (9)	20 (10)	31 (19)
Stockton	0 (0)	9 (10)	4 (7)	13 (17)
Hartlepool	0 (0)	4 (4)	4 (4)	8 (8)
Redcar & Cleveland	0 (1)	5 (8)	10 (5)	15 (14)
HQ¹	7 (11)	10 (13)	20 (15)	37 (39)
Total	8 (12)	38 (44)	58 (41)	104 (97)

¹ Breakdown of claims from HQ umbrella: Specialist Operations (17), Criminal Justice (7), People and Diversity (1), Commissioning (2), Crime (8) CBU (1) Operational Performance Team (1).

- 3.6 Employers’ Liability claims are those made by Force employees and police officers following injuries sustained at work. The claims received during this period relate to allegations of injuries attributed to training exercises, exposure to excessive noise, lifting of equipment and a tripping incident.
- 3.7 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 for false imprisonment, assault, misfeasance and trespass to property. This is not an exhaustive list.
- 3.8 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.
- 3.9 Numbers of Claims Finalised & Results
There were 110 claims finalised during the period which is an increase of 4 on last year’s figure of 106. Legal Services have little control over the number of claims finalised. For those claims where liability is denied, Legal Services simply have to wait for the Claimant to either issue proceedings or formally withdraw the claim. For those claims where liability is admitted, Legal Services often have to wait for the Claimant to provide evidence in support of losses (such as a medical report to confirm injuries) before a settlement can be negotiated.
- 3.10 Of the 110 cases finalised during the period, 59 were successfully defended and 51 were settled. This is to be compared with last year’s figures when 49 were successfully defended and 57 were settled. Successfully defended claims are those that were withdrawn (whether formally or not) or judged in favour of the Chief Constable at trial. The reasons for the success or otherwise of a defence are as follows. In those claims taken to trial, account has to be taken of the performance of the witnesses for both the claimant and the Force, the strength of the evidence both before and following cross-examination and the attitude of the Judge/Jury. In those claims settled before trial, account has to be taken of the witness statements and evidence provided by the officers involved.
- 3.11 The table below summarises the numbers and results of claims finalised during the period. The figures for the same period last year are in brackets.

1st April – 31st December	Employer’s Liability	Motor Liability	Public Liability	Total
Negotiated settlement	7 (3)	34 (36)	9 (18)	50 (57)
Claimant won trial	0 (0)	0 (0)	1 (0)	1 (0)
Chief won trial	0 (1)	0 (1)	2 (2)	2 (4)
Claim withdrawn	1 (1)	4 (7)	52 (37)	57 (45)
Total	8 (5)	38 (44)	64 (57)	110 (106)

3.12 Sums Paid Out On Finalised Cases

The sums paid out depend upon the nature of the case and the figures will therefore fluctuate year on year. The table below summarises the payments made on claims finalised during the period. The figures for the same period last year are in brackets.

1st April – 31st December	Employer's Liability	Motor Liability	Public Liability	Total
Middlesbrough	£16,941	£64,364	£71,826	£153,131
Stockton	£0	£21,153	£9,943	£31,096
Hartlepool	£0	£10,286	£2,473	£12,759
Redcar & Cleveland	£0	£45,970	£33,645	£79,615
HQ	£47,117	£58,328	£4,410	£109,855
Total	£64,058 (£56,984)	£200,101 (£228,928)	£122,297 (144,029)	£386,456 (£429,941)

3.13 Uninsured Loss Recovery

Police vehicles are insured on a third party basis only. In the event of a collision, damage caused to the other party's property is covered by our insurance but damage caused to our police vehicle is not. Where the police driver is at fault for the collision, the Force bears the cost of the damage to the police vehicle. However, where the police driver is not at fault, Legal Services seek to recover the cost of the damage to the police vehicle from the blameworthy party or their insurers.

3.14 During the period, Legal Services recovered £13,052 from third parties in relation to police vehicle damage. During the same period last year, the amount recovered was £21,838. There are 7 outstanding cases.

3.15 Occupational Sick Pay Recovery

The conditions of service under which support staff are employed state that when an employee is absent from work due to injury caused by the negligence of a third party, any sick pay paid as a result of this absence is to be treated as a loan which is repayable upon the employee receiving compensation for this loss of earnings from the third party.

3.16 During the period, Legal Services recovered £3,406 losses from third parties in relation to sick pay. Legal Services did not recover any losses during the same period last year. There are 2 outstanding cases.

3.17 Boarding Up / Damage Payouts

During the period 1st October to 31st December the Force paid out £11,408 in boarding up and damage payments, as shown in the table below.

District	Number of Claims ⁽¹⁾	Number Finalised ⁽²⁾	Number Resulting in Payment	Sums Paid Out	Average Payment
H	45	44	7	£1,877	£268.11
R&C	42	42	24	£1,535	£63.96
M	84	84	66	£5,812	£88.05
S	50	51	20	£2,184	£109.18
Total	221	221	117	£11,408	£97.50

(1) Claims opened in the above period

(2) Claims closed within the above period, regardless of when they were opened

3.18 The table below shows the powers used in those claims that resulted in payments.

District	S.17 PACE ⁽¹⁾	S.18 PACE ⁽²⁾		S.23 MDA ⁽³⁾		Other ⁽⁴⁾	Misc. Payouts ⁽⁵⁾	Total
		+ive	-ive	+ive	-ive			
H	-	-	1	-	-	1	5	7
R&C	4	4	-	-	-	-	16	24
M	30	4	-	3	2	3	24	66
S	1	-	-	-	-	-	19	20
Total	35	8	1	3	2	4	64	117

(1) For purpose of arrest

(2) Entry and search after arrest

(3) Drugs warrant

(4) Section 32 (upon arrest), Section 8 (with warrant), Section 26, Section 2 (search of vehicle)

(5) Voluntary boarding up, fire, derelict property, welfare

4. Implications

4.1 Finance

In relation to insured risks, the "excess" per claim during the period was £125,000. None of the claims finalised within the period exceeded the "excess".

4.2 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.

4.3 Diversity & Equal Opportunities

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

4.4 Humans Rights Act

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

4.5 Sustainability

There are no sustainability implications arising from this report.

4.6 Risk

There are no risk implications arising from this report.

5. Conclusions

- 5.1 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 Basic Command Units in managing risks.

Jacqui Cheer
Temporary Chief Constable

Originator of report
Joanne Monkman