

**Report of the Chief Constable to the Chair and Members  
of the Professional Standards Panel  
3<sup>rd</sup> November 2011**

**Executive & Presenting Officer: Mr. Sean White, Assistant Chief Constable  
(Crime & Operations)**

**Status: For information only**

**Civil Claims Statistics**

**1. Purpose**

1.1 This report covers the period 1<sup>st</sup> April 2011 to 30<sup>th</sup> September 2011 and 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 The number of claims received remains the same as the number of claims received in the same period last year (68). Public Liability is the leading category.
- 2.2 There has been a 9.09% decrease 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. 58.6% of finalised cases during the period were successfully defended, which is to be compared with 44.2% successfully defended during the same period last year.

2.4 There has been a significant decrease in the overall sum paid out. The 29 cases settled during the period cost the Force £250,993. This is to be compared with the 43 cases settled during the same period last year at a cost of £302,690.

2.5 Headquarters is the area with most claims.

### 3. Reasons

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

3.2 The slight decrease 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of cases finalised is largely out of the control of Legal Services as the Claimant will determine when a claim is withdrawn or when evidence in support of losses is provided.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 increase in the number of cases successfully defended is not significant as the figures will always fluctuate.

3.4 The increase in the average cost of a claim appears partially attributable to 3 large motor claims and 1 large public claim which were finalised during the period.

#### 3.5 Number & Types of Civil Claims Received

There were 68 claims received during the period remains the same as last year's figure of 68. 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.

1/4/11-30/9/11	Employer's Liability	Motor Liability	Public Liability	Total
<b>Middlesbrough</b>	0 (0)	5 (6)	12 (7)	<b>17 (13)</b>
<b>Stockton</b>	0 (0)	5 (6)	3 (4)	<b>8 (10)</b>
<b>Hartlepool</b>	0 (0)	3 (2)	4 (4)	<b>7 (6)</b>
<b>Redcar &amp; Cleveland</b>	0 (1)	4 (5)	5 (5)	<b>9 (11)</b>
<b>HQ<sup>1</sup></b>	6 (10)	7 (8)	14 (10)	<b>27 (28)</b>
<b>Total</b>	<b>6 (11)</b>	<b>24 (27)</b>	<b>38 (30)</b>	<b>68 (68)</b>

<sup>1</sup> Breakdown of claims from HQ umbrella: Specialist Operations & Communications (14), Criminal Justice (4), Human Resources (1), Commissioning (2), Crime (5), CBU (1)

- 3.6 Employer's Liability claims are those made by Force employees following injuries sustained at work. The claims received during this period relate to allegations of injuries attributed to training exercises, exposure to excessive noise and a tripping incident.
- 3.7 Public Liability claims are those made by arrested persons for false imprisonment, assault, malicious prosecution, unlawful search, trespass to property and damage to property. If a person is arrested but not charged or has proceedings against them discontinued or dismissed, it is common practice for them to make a claim in the (mistaken) belief that the lack of a criminal conviction automatically means their arrest was unlawful.
- 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 Finalised & Results  
There were 70 claims finalised during the period which is a decrease of 7 on last year's figure of 77. 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 70 cases finalised during the period, 41 were successfully defended and 29 were settled. This is to be compared with last year's figures when 34 were successfully defended and 43 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 overleaf summarises the numbers and results of claims finalised during the period. The figures for the same period last year are in brackets.

<b>1/4/11 – 30/9/11</b>	<b>Employer's Liability</b>	<b>Motor Liability</b>	<b>Public Liability</b>	<b>Total</b>
<b>Negotiated settlement</b>	4 (2)	20 (26)	5 (15)	<b>29 (43)</b>
<b>Claimant won trial</b>	0 (0)	0 (0)	0 (0)	<b>0 (0)</b>
<b>Chief won trial</b>	0 (1)	0 (1)	2 (2)	<b>2 (4)</b>
<b>Claim withdrawn</b>	1 (1)	3 (4)	35 (25)	<b>39 (30)</b>
<b>Total</b>	<b>5 (4)</b>	<b>23 (31)</b>	<b>42 (42)</b>	<b>70 (77)</b>

### 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.

<b>1/4/11 - 30/9/11</b>	<b>Employer's Liability</b>	<b>Motor Liability</b>	<b>Public Liability</b>	<b>Total</b>
<b>Middlesbrough</b>	£6521	£41,468	£71,226	<b>£119,215</b>
<b>Stockton</b>	£0	£13,921	£9,943	<b>£23,864</b>
<b>Hartlepool</b>	£0	£5,627	£0	<b>£5,627</b>
<b>Redcar &amp; Cleveland</b>	£0	£37,763	£1,100	<b>£38,863</b>
<b>HQ</b>	£23,386	£37,003	£3,035	<b>£63,424</b>
<b>Total</b>	<b>£29,907 (£36,566)</b>	<b>£135,782 (£195,909)</b>	<b>£85,304 (70,215)</b>	<b>£250,993 (£302,690)</b>

### 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 £9,616 from third parties in relation to police vehicle damage. During the same period last year, the amount recovered was £10,978. There are 9 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 either. There are 2 outstanding cases.

## **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 this report.

### **4.4 Human 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.

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