

POLICE AND CRIME COMMISSIONER FOR NORTHUMBRIA

Key Decisions

Title and Reference – CIVIL CLAIMS PROCESS

Report of Deputy Chief Constable, Debbie Ford

(PCC/414/2020)

Summary

To determine the decision making authority for civil claims in line with the Governance Framework.

Delegations from the Chief Constable to the Head of Legal Services:

1. Subject to the restrictions and conditions set out in the table below, the Head of Legal Services can institute, defend, case manage and settle all or any claims brought against the Chief Constable (including Employment Tribunal Claims).
2. The Head of Legal Services shall have the power to instruct Counsel/ other agents/ experts within the allocated budget or otherwise approved by the Chief Constable or where costs of same are to be met by the insurance company.

Type of Claim	Against	Who Deals	Decision Making Authorities	Conditions
<i>1. Public Liability (Insured)</i>	<i>Chief Constable and PCC</i>	<i>Force Legal Department</i>	<i>To be determined by PCC</i>	<i>1. Exceptional claims to be determined in consultation with the PCC on case by case basis. 2. Head of service provides monthly report</i>
<i>2. Employers Liability (Insured)</i>	<i>Chief Constable or PCC</i>	<i>Force Legal Department</i>	<i>As above</i>	<i>As above</i>
<i>3. Road Traffic Collision (Insured)</i>	<i>Chief Constable and PCC</i>	<i>Force Legal Department</i>	<i>To be determined jointly by Chief Executive and PCC</i>	<i>As above</i>

Recommendations

- There be delegated authority to the Head of Civil Claims to settle claims up to a value of £50,000 and Claimant’s costs on settled claims up to a value of £50,000. Claims in excess of these values be referred to the Deputy Chief Constable (DCC) for instructions and authority.
- The Head of Civil Claims meet with the DCC each quarter to report on

current claims which have been made against the Force.

- The Head of Legal Services report to the Confidence and Standards Board the number and types of claims received and payments made, identifying any current trends in claims.
- The Head of Civil Claims reports to the DCC any risk management issues, lessons learnt or other issues arising from claims which affect operational matters for the Force.
- The following types of claim will be reported to the DCC whatever the value. Those that:
 - a) may result in serious reputational damage to the Force.
 - b) involve a well-known public figure.
 - c) allege defamation.
 - d) allege a deliberate act of violence or dishonesty.
 - e) involve allegations of a sexual nature.
 - f) allege misconduct by a named senior officer.
 - g) allege misconduct involving bullying, harassment or discrimination or any such similar conduct
 - h) are of high value, complex or sensitive.
- In line with the Conditions set out in the Governance Framework exceptional claims i.e. those listed a) – h) above, and those over £50,000 in value will be determined in consultation with the PCC on a case by case basis.
- A six-monthly update regarding the handling of civil claims brought against the Force will be provided to the PCC.
- In the absence of the Head of Civil Claims, this function will be carried out by the Head of Legal Services.

Northumbria Police and Crime Commissioner

I hereby approve the recommendations above.

Signature



Date 31.3.20

Business Meeting	24 March 2020
Civil Claims Process	
Report of: Deputy Chief Constable, Debbie Ford	
Author: Stephen Crute, Senior Solicitor	

I. PURPOSE

- 1.1 To determine the decision making authority for civil claims in line with the Governance Framework. The relevant extract is as follows:

Delegations from the Chief Constable to the Head of Legal Services

1. *Subject to the restrictions and conditions set out in the table below, the Head of Legal Services can institute, defend, case manage and settle all or any claims brought against the Chief Constable (including Employment Tribunal Claims).*
2. *The Head of Legal Services shall have the power to instruct Counsel/ other agents/ experts within the allocated budget or otherwise approved by the Chief Constable or where costs of same are to be met by the insurance company.*

Type of Claim	Against	Who Deals	Decision Making Authorities	Conditions
1. Public Liability (Insured)	Chief Constable and PCC	Force Legal Department	To be determined by PCC	1. Exceptional claims to be determined in consultation with the PCC on case by case basis. 2. Head of service provides monthly report
2. Employers Liability (Insured)	Chief Constable or PCC	Force Legal Department	As above	As above
3. Road Traffic Collision (Insured)	Chief Constable and PCC	Force Legal Department	To be determined jointly by Chief Executive and PCC	As Above

2. RECOMMENDATIONS

- 2.1 To approve the following:

- There be delegated authority to the Head of Civil Claims to settle claims up to a value of £50,000 and Claimant's costs on settled claims up to a value of £50,000. Claims in

excess of these values be referred to the Deputy Chief Constable (DCC) for instructions and authority.

- The Head of Civil Claims meet with the DCC each quarter to report on current claims which have been made against the Force.
- The Head of Legal Services report to the Confidence and Standards Board the number and types of claims received and payments made, identifying any current trends in claims.
- The Head of Civil Claims reports to the DCC any risk management issues, lessons learnt or other issues arising from claims which affect operational matters for the Force.
- The following types of claim will be reported to the DCC whatever the value. Those that:
 - i) may result in serious reputational damage to the Force.
 - j) involve a well-known public figure.
 - k) allege defamation.
 - l) allege a deliberate act of violence or dishonesty.
 - m) involve allegations of a sexual nature.
 - n) allege misconduct by a named senior officer.
 - o) allege misconduct involving bullying, harassment or discrimination or any such similar conduct
 - p) are of high value, complex or sensitive.
- In line with the Conditions set out in the Governance Framework exceptional claims i.e. those listed a) – h) above, and those over £50,000 in value will be determined in consultation with the PCC on a case by case basis.
- A six-monthly update regarding the handling of civil claims brought against the Force will be provided to the PCC.
- In the absence of the Head of Civil Claims, this function will be carried out by the Head of Legal Services.

3. BACKGROUND

Present Position

- 3.1 On receipt of each claim, Legal Services sends a report to the DCC and the Police and Crime Commissioner (PCC) to notify that a claim has been received, details of the claim and the reserve (for insurance purposes) that has been placed on it.
- 3.2 Following investigation, the Senior Solicitor, Head of Civil Claims, will make a decision on liability. Any sensitive, complicated or high value claims will be referred to the DCC for instructions.
- 3.3 If a claim is recommended for settlement, a further report is prepared and sent to the DCC and PCC with advice on quantum and settlement and for authority to make a settlement offer (whatever the value of the claim). Further reports may be required depending upon settlement negotiations.

Recommended Position

- 3.4 In line with common practice in most Police Forces and previous local arrangements, it is recommended the Head of Civil Claims has delegated authority to settle claims and costs as detailed (section 2. Recommendations).
- 3.5 The six-monthly update to the PCC will include a summary of organisational learning identified and action taken, in order to ensure improvement through experience, which might also result in a reduction in future claims over time.

4. KEY OUTCOMES

- 4.1 The revised arrangements will build upon the good governance and experience demonstrated by operating within the Governance Framework.

5. CONSIDERATIONS

Report Exemption	<i>Exempt</i>
Consultation	Yes
Deputy Chief Constable Chief of Staff, OPCC Corporate Governance Manager	
Resource	Yes
Please see report.	
Equality	
N/A	
Legal	Yes
Please see report.	
Risk	
N/A	
Communication	
N/A	
Evaluation	
N/A	