



**enable**  
north yorkshire

# Briefing Paper – Evolve Legal Services Case Statistics

Document Information	
Document Author:	Julie Shuttleworth
Document Location:	Evolve Legal NYP Hub
Date:	26 February 2024
Audience:	Joint Independent Audit Committee Risk and Assurance Board
Document Purpose:	Information

Version No.	Date Changed	Details of Change	Author
1.0	26/02/24	Initial Version	J Shuttleworth

## Document Purpose

- To provide statistics relating to civil claims and other legal proceedings against North Yorkshire Police (NYP) for the period 1 October 2023 to 31 December 2023.
- To provide details of the number of open cases with reserves as at 31 December 2023.

## Background Information

- Public liability claims arise out of allegations of wrongful arrest/false imprisonment, negligence, assault, malicious prosecution, personal injury and damage to property. Evolve Legal Services (ELS) act for the Chief Constable (CC) and the Police, Fire and Crime Commissioner (PFCC) in respect of such claims.
- Employers' liability and third party motor claims are handled by NYP's insurers who in turn instruct external solicitors if and as required. ELS investigate and co-ordinate the response to such claims.
- ELS also act for CC and PFCC in relation to other legal matters including, but not limited to:
  - Judicial Review
  - Employment Law
  - Inquests
  - Civil Orders, for example sexual risk, domestic violence, proceeds of crime and dangerous dogs
  - Licensing, for example firearms, gambling, liquor and sex establishments
  - Property/Commercial
  - Public Inquiries
  - Operations
  - Disclosure and information sharing

## Matters for Consideration

- **Public Liability Claims**

Numbers of public liability claims for both the Chief Constable and Police Fire and Crime Commissioner are set out below. These figures are for claims opened under the one main head of claim, however, please note that one claim may be brought under several heads of claim.

## Chief Constable

	01/10/22 – 31/12/22	01/01/23 – 31/03/23	01/04/23 – 30/06/23	01/07/23 – 30/09/23	01/10/23 – 31/12/23
Assault	2	3	0	0	0
Defamation	0	0	0	0	1
False Imprisonment	5	4	7	7	8
Harassment	0	0	0	0	1
Human Rights	0	3	0	0	0
Property (Buildings)	11	8	6	5	8
Property (Personal)	13	8	9	4	7
Other	5	6	1	1	2
<b>Total</b>	<b>36</b>	<b>32</b>	<b>23</b>	<b>17</b>	<b>27</b>

- The files opened in the period 1 October 2023 to 31 December 2023 are currently estimated to represent a potential liability in damages of £43,995. The potential liability in respect of claimant solicitor's costs is £35,000 and for NYP defence costs (Counsel, external solicitor's and disbursements) is nil. These figures consist of payments made and professional estimates based on the information received to date from the claimant.
- A claim form is the document used to commence proceedings in the Civil Courts. In the period 1 October 2023 to 31 December 2023 no claim forms were received in relation to this category.
- A claim is closed where either:
  - The matter is settled without proceedings being issued, or
  - The matter concludes following trial or other disposal hearing at court, or
  - Liability has been denied and no further correspondence has been received from the claimant for a period of at least six months.
- In the period 1 October 2023 to 31 December 2023, 32 claims were closed. Payments made for these claims in respect of claimant damages amounted to £6,397. £4,500 was paid in respect of claimant solicitor's costs and £2,655 was paid in respect of NYP defence costs.

## Police Fire and Crime Commissioner

	01/10/22 – 31/12/22	01/01/23 – 31/03/23	01/04/23 – 30/06/23	01/07/23 – 30/09/23	01/10/23 – 31/12/23
Property (Personal)	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

- No files were opened during the period 1 October 2023 to 31 December 2023.
- A claim form is the document used to commence proceedings in the Civil Courts. In the period 1 October 2023 to 31 December 2023 no claim forms were received in relation to this category.

- The file closure criteria described at paragraph 2.7 are also applied to these cases. During the period 1 October 2023 to 31 December 2023, one claim was closed with no payments made.
- **Employers Liability Claims**

The number of employer's liability claims opened for both the Chief Constable and Police Fire and Crime Commissioner are set out below.

	<b>01/10/22 – 31/12/22</b>	<b>01/01/23 – 31/03/23</b>	<b>01/04/23 – 30/06/23</b>	<b>01/07/23 – 30/09/23</b>	<b>01/10/23 – 31/12/23</b>
<b>Slip, Trip, Fall on Same Level</b>	0	0	0	1	0
<b>Other</b>	0	1	0	2	0
<b>Handling, Lifting or Carrying</b>	0	1	0	0	0
<b>Exposed to an explosion</b>	0	0	0	0	0
<b>Physically Assaulted</b>	1	0	0	0	0
<b>Hit by Moving Vehicle</b>	0	0	1	0	0
<b>Total</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>0</b>

- During the period 1 October 2023 to 31 December 2023 no files were opened.
- No claim forms were received in relation to this category during the period 1 October 2023 to 31 December 2023.
- The file closure criteria described at paragraph 2.7 are also applied to these cases. During the period 1 October 2023 to 31 December 2023, one claim was closed with a total paid of £3,719 in respect of NYP defence costs.

- **Third Party Motor Claims**

The number of third party motor claims opened are set out below.

	<b>01/10/22 - 31/12/22</b>	<b>01/01/23 - 31/03/23</b>	<b>01/04/23 - 30/06/23</b>	<b>01/07/23 - 30/09/23</b>	<b>01/10/23 - 31/12/23</b>
<b>Damage</b>	12	17	14	10	13
<b>Injury</b>	6	7	5	1	1
<b>Total</b>	<b>18</b>	<b>24</b>	<b>19</b>	<b>11</b>	<b>14</b>

- The files opened in the period 1 October 2023 to 31 December 2023 are currently estimated to represent a potential liability in damages of £50,319. The potential liability in respect of claimant solicitor's costs is £500 and for NYP defence costs (Counsel, external solicitor's and disbursements) is nil. These figures consist of payments made and professional estimates based on the information received to date from the claimant.

- Four claim forms were received for cases in this category during the period 1 October 2023 to 31 December 2023.
- The file closure criteria described at paragraph 2.7 are also applied to these cases. During the period 1 October 2023 to 31 December 2023, 12 claims were closed. Payments made for these claims in respect of claimant damages amounted to £35,172. £648 was paid for these claims in respect of claimant solicitor's costs and no payments were made for NYP defence costs. The figures provided in respect of payments include the full cost of the claim, i.e. including the amount paid by insurers.
- **Other Claims**

The number of other claims opened are set out below.

	01/10/22 - 31/12/22	01/01/23 - 31/03/23	01/04/23 - 30/06/23	01/07/23 - 30/09/23	01/10/23 - 31/12/23
<b>Employment Tribunal</b>	0	0	0	0	1
<b>Judicial Review</b>	0	1	0	1	0

- During the period 1 October 2023 to 31 December 2023 one file was closed in respect of employment tribunal and judicial review claims.
- **Open Cases**
- I detail below all open cases as at 31 December 2023 for NYP (so, not just those opened in the previous quarter) which are being handled by Evolve Legal Services, where a financial estimate has been allocated by the handler based on the information received to date. I have also specified whether the estimate would be met from the provision or revenue budget.

File Type	Number of Open Cases with Reserves	Estimate to be Paid from Provision £	Estimate to be Paid from Revenue £
Public Liability and Ex Gratia	75	288,222	25,508
Employers Liability	9	244,338	24,500
Third Party Motor	64	401,005	95,124
Motor Own Damage	15	0	165,663
Employment	24	527,650	58,263
Other	14	7,217	12,522
<b>Total</b>	<b>201</b>	<b>1,468,432</b>	<b>381,580</b>

- The other file type category includes Civil Orders, for example Dangerous Dogs, Domestic Violence Protection, Cash Seizure, Sexual Harm Prevention and Sexual Risk, Estates, Disclosure, Firearms Licensing, Inquests, Judicial Review, Operational Advice and Enquiries.
- Not all of these files will be settled in the current financial year and some claims may be successfully defended with no payments made.

- **Actuarial Review**

An actuarial review has been carried out by a company called Gallagher, to assess the appropriate insurance provisions and reserves for employers liability, public liability, motor own damage, motor third party and employment tribunal cases using claims data provided by NYP as at 30 September 2023. The results of the review are then used to assess the appropriateness of our funding arrangements for claims.

The review utilises actuarial techniques to forecast ultimate claims costs and fund size for the next five years. Gallagher's valuation and estimates are updated at the end of each financial year with known claims experience. This utilises Gallagher's estimates of ultimate and expected claims within the policy excess for each insurance year and deducting the known claims experience (payments and reserves).

The review highlighted that we have sufficient provisions in place to meet the projected calculation from the actuarial review.

## Decisions Required

- No decision is required as the paper is for information only.