

## REQUEST FOR DMPC DECISION – PCD 57

**Title:** Injury Settlement

### Executive Summary:

Approval is being sought to settle an injury claim within the financial parameters set out in the part 2 of this report.

### Recommendation:

The DMPC is asked to approve the settlement of this claim through mediation up to a maximum limit set out in part 2 of this report.

### Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

**Signature**

*Sybil Under*

**Date**

12/09/2016

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. MOPAC has received a report from the Directorate of Legal Services setting out the estimated full cost of settling a personal injury claim, and requesting approval to agree to settle via mediation up to a maximum value set out in part 2 of this report.
- 1.2. Full details are contained in part 2.

#### **2. Financial Comments**

- 2.1. The cost of any settlement will be met from within existing MPS budgets.
- 2.2. Full details are contained in part 2.

#### **3. Legal Comments**

- 3.1. MOPAC has the power to pay any sum required in connection with the settlement for any claim made against the Commissioner under Section 88 of the Police Act 1996.
- 3.2. Pursuant to the MOPAC Scheme of Consent and Delegation 2014, MOPAC must authorise the settlement because it fulfils the criteria set out in section 4.10 of the Scheme including the financial level.

#### **4. Equality Comments**

- 4.1. To continue policing with the consent of the population it serves, the police will always seek to treat everyone fairly and openly. Race or equality issues do not appear to have an impact in this matter.

#### **5. Background/Supporting Papers**

- 5.1. None

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

**Part 1 Deferral:**

Is the publication of Part 1 of this approval to be deferred? **YES**

If yes, for what reason: *Ongoing negotiations*

Until what date:

**Part 2 Confidentiality:** Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – YES

**ORIGINATING OFFICER DECLARATION:**

		Tick to confirm statement (✓)
<b>Head of Unit:</b> The Head of SFRM has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.		✓
<b>Legal Advice:</b> The MPS legal team has been consulted on the proposal.		✓
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.		✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.		✓

**OFFICER APPROVAL****Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature

*R. Lawrence*

Date

*7/9/12*

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**REPORT ON SETTLEMENT OF CLAIM  
OPEN REPORT – 1 September 2016**

**Report by Directorate of Legal Services on behalf of the Commissioner**

**EXECUTIVE SUMMARY**

The Directorate of Legal Services (DLS) is requesting MOPAC to agree settlement of a claim against the MPS. There is an open and exempt report as some of the information relates to data protection, is commercially sensitive and is legal professional privileged.

**A. RECOMMENDATIONS - That**

1. DLS be authorised to settle a personal injury claim identified in the exempt part of this report.

**B. SUPPORTING INFORMATION**

**Introduction and Background Facts**

1. An officer suffered a traumatic TFCC (triangular fibrocartilage complex) tear in his dominant wrist which has resulted in ulnar impaction (where the wrist impinges on the forearm bone) whilst carrying out an arrest. The Claimant underwent an arthroscopy and debridement in January 2016, but this was not successful and his symptoms remain the same. He is likely to require further surgery in 10 – 15 years. The officer is unable to carry out an operational police role.
2. The officer resigned in November 2013.
3. Judgement was given in his favour on 11 February 2015 following a liability only trial.

**C. OTHER ORGANISATIONAL & COMMUNITY IMPLICATIONS**

**Equality and Diversity Impact**

1. To continue policing with the consent of the population it serves, the police will always seek to treat everyone fairly and openly. Race or equality issues do not appear to have an impact in this matter.

**Financial Implications**

2. The cost of any settlement, if agreed, would be met from the centrally held third party claims provision budget.

**Legal Implications**

3. MOPAC has the power to pay any sum required in connection with the settlement for any claim made against the Commissioner under Section 88 of the Police Act 1996.
4. Pursuant to the MOPAC Scheme of Consent and Delegation 2014, MOPAC must authorise the settlement because it fulfils the criteria set out in section 4.10 of the Scheme including the financial level.

**Consultation undertaken**

5. N/A

**Risk (including Health and Safety) Implications**

6. N/A {only add information if it applies}

**Environmental Implications (if relevant to the subject)**

7. Nil

**Report author:** Sarah Heron - Director of Legal Services

**Background papers:** None provided