

## PART 2 – CONFIDENTIAL FACTS AND ADVICE

**DMFD101**

### **Title: Authority to settle a personal injury claim**

*Information may have to be disclosed in the event of a request under the Freedom of Information Act 2000. In the event of a request for confidential facts and advice, please consult the Information Governance team for advice.*

#### **This information is not for publication until the stated date, because:**

Publication of the information included in this report relating to a personal injury claim would have an adverse impact the London Fire Commissioner's ability (LFC) to effectively obtain the best financial settlement possible in an ongoing litigation.

This Part 2 also contains legal professional privilege and personal information.

**Date** at which Part 2 will cease to be confidential or when confidentiality should be reviewed:  
1 February 2022.

#### **Legal recommendation on the grounds of keeping the information confidential:**

In the event the information contained in this Part 2 and/or its appendix is the subject of a request for information under section 1 of the Freedom of Information Act 2000 (the "Act"), it is considered that access can be denied on the basis that such information constitutes exempt information under:

1. section 40(2) on the basis that part of the information is personal information;
2. section 42 of the Act on the basis that part of the information is legally privileged; and
3. section 43(2) of the Act on the basis that part of the information includes recommended settlement levels in an ongoing personal injury claim and the disclosure of such information would or would be likely to have an adverse impact on the LFC's position and related commercial interest in obtaining the best financial settlement possible.

#### **Public Interest Assessment**

At present, on balance, it is considered that the public interest is best served if the information is not disclosed at this point. Disclosure by the LFC would be likely to have a detrimental effect on the LFC's position and related commercial interest in obtaining the best financial settlement possible in an ongoing litigation.

The eligibility of these exemptions should be reassessed in the event of an FOI request for this information as the level of sensitivity will change over time and different circumstances may alter the arguments in favour of non-disclosure.

**Legal Adviser** - I make the above recommendations that this information should be considered confidential at this time

**Name:** Robyn Lawrance

**Date:** 10 February 2021

**Confidential decision and/or advice:**

The London Fire Commissioner (LFC) seeks to commit expenditure of up to £710,000 for the settlement of a personal injury claim made by an ex fire fighter due to an accident at work. Authority for this expenditure is being sought from the Deputy Mayor for Fire & Resilience.

Based on Counsel's current advice, authority is sought from the Deputy Mayor for Fire and Resilience to the expenditure of up to £560,000 (Gross) damages plus costs up to £150,000 by the London Fire Commissioner to settle the claim.

**Finance comments**

This report requests that authority is given to commit expenditure of up to £710,000 to settle the personal injury claim. The costs to meet this claim will be charged to the provision set aside for compensation costs, following any adjustment to this for the final outcome of the claim.

Costs incurred on personal injury claims in 2020/21 has been high and significantly exceeded the budget provided, and required a full draw from the compensation reserve. After this draw there would remain an overspend on compensation costs of £696,000, as reported to Commissioner's Board based on the financial position at November 2020. This overspend at £696k will be funded by a transfer from reserves, and this will be reviewed and final decision made on reserves transfer as part of the outturn report 2020/21.

**Appendices and supporting papers:**

Appendix 1: LFC-0464 - Authority to settle a personal injury claim