



Meeting	SPA Legal Committee
Date	13 March 2023
Location	Video Conference
Title of Paper	Police Scotland Legal Data
Presented By	James Douglas, Legal Services Manager
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The SPA Legal Committee, as part of its desire to enhance organisational learning, has asked for Management Information to be provided within the statistical reports provided to the Committee on litigation settlements. This report provides information on the data held by legal Services together with an overview of work being done to enhance Management Information that could be made available to the Committee in the future.

Members are invited to discuss the contents of the report.

1. BACKGROUND

- 1.1 Police Scotland Legal Services submits a Quarterly report to the SPA Legal Committee providing data on the number of cases settled and the amounts paid in settlement thereof within the previous Quarter. The report breaks settlements down into Public liability settlements, Employer Liability settlements and Motor liability settlements.
- 1.2 The reports further indicate the percentage of the liability each quarter represents within the financial year. This provides the Committee with an understanding of whether the previous Quarter saw an increase in settlements or a decrease in settlements relative to each of the three main liability categories.
- 1.3 The Committee has asked that further data be provided to them illustrating the number of cases settled that relate to specific types of case within the three main categories already provided. They have sought geographical information relative to settlements and information relative to the stage at which settlement is affected.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 Police Scotland's Legal Services record all claims made against Police Scotland on its Claims Register. The Claims Register is used by both internal finance colleagues and external auditors to ensure that there is an up to date record of legal liabilities, Reserve positions, and a free text description of the case and an up to date description of any matters that may materially impact on the progression or settlement of a case.

The Claims Register has an entry point for Public Liability cases, Employer Liability Cases and Motor Vehicle Liability cases.

The information captured on the Register is:

- The Defender. This will almost always be Police Scotland now. However, in the past Police Scotland was responsible for cases raised against legacy forces;
- Date file opened;
- File reference;
- Date of incident (where applicable);
- Name of Claimant;
- Financial Year of Incident (where applicable);
- Free Text entry for Division involved i.e. N, G, K etc.;

OFFICIAL

- Address of Incident (if applicable) (free text);
- Free Text description of case (There is no prescribed way of entry and can range from "Tripped on faulty paving stone" to "Lost property");
- Sum sued for (if applicable);
- Initial Reserve figure;
- Sums paid;
- Change to Reserve figure;
- Sums outstanding (normally fees following settlement);
- Probability of case succeeding (Free text High, Medium or low);
- Free Text entry of stage case is at, and any material information relative to case;
- Status of claim (open or closed);
- Date of last review.

2.2 The Claims register accordingly provides the raw data that ultimately ends up in the form of the Quarterly statistical report that the Committee is provided with at this time. The use of free text entry provides a useful tool to finance colleagues and Solicitors alike to immediately ascertain what a case is about, the stage the case is at, any change to the Reserve figure, the identity of the parties to the claim and the rough geographical area the case relates to. However, it does not lend itself to quickly providing management information such as that being sought by the Committee owing to the fact that entries are by way of free text and there is no control over the narrative that is entered there.

2.3 Police Scotland Legal Services, aided by Finance colleagues, have looked at ways in which the current iteration of the Claims Register could be updated so that more Management information can be gleaned.

It is of the utmost importance that the Claims Register continues to be a tool that internal finance colleagues can use to determine the current financial position of Legal Services and the current Claims landscape and also to provide the external Auditors with the necessary information it requires to fulfil the statutory functions it requires to undertake. Over the past ten years the current iteration of the Claims Register has successfully achieved that role and function.

Proposed changes to the Claims Register are embryonic and have not been agreed by Legal Services SMT or Finance colleagues. However, the proposals are to reduce the number of free text entries in the Register so that there are prescribed ways of entering data through

the use of drop down menus. That, accordingly, should provide a tool for providing easier collation of information.

It is proposed that each new entry have a drop down menu that requires selection of a Division/Business area. There is then a drop down menu that provides for a sub-division/business area to be selected where applicable. This should provide geographical information of claims to be easily collated.

It is proposed that within the Public Liability category that a drop down menu be introduced where a case requires to be categorised under one of the following sub-headings:

- Unlawful arrest/detention;
- Lost/destroyed property;
- Slip/Trip;
- Injury to person;
- Excessive force;
- Forced entry/damage to property;
- Data Breach;
- Dog bite;
- Failure to investigate;
- Loss of society;
- Other.

It is proposed that within the Employer Liability category, there is a further division into "Employment Tribunal Claims" and "Employer Liability claims".

Within Employer Liability Claims there will be a drop down menu that requires a claim to be categorised under one of the following sub-headings:

- Injury at work;
- Slip/Trip;
- Injury to person;
- Data breach;
- Other

Within Employment Tribunal Claims there will be a drop down menu that requires a claim to be categorised under one of the following sub-headings:

- Discrimination – Age;
- Discrimination – Disability;
- Discrimination – Sex;

OFFICIAL

- Discrimination – Race;
- Discrimination – Sexual orientation;
- Discrimination – Religious belief;
- Discrimination – Pregnancy/Maternity;
- Discrimination – Gender reassignment;
- Discrimination – Marriage/Civil Partnership;
- Unfair Dismissal;
- Breach of Contract;
- Holiday;
- Health & Safety;
- Working Time Directive;
- Time off work;
- Other

The current Quarterly Statistical reports represent an accurate summary of the types of cases settled, the amounts involved and an indication of whether settlements are rising or falling. Each and every settlement entered into by Police Scotland is contained within those reports and the aim is to provide such transparency as is possible.

The current Claims Register does not lend itself to providing further analysis of claims. It has, over the previous ten years, been able to provide such information the department requires to fulfil its functions and to provide the necessary information to internal and external finance colleagues.

The proposed changes outlined within this report have not been incorporated nor will they be incorporated prior to the important period surrounding the financial year end. However, there shall be on-going discussions with SMT and finance colleagues about the proposed changes with the ultimate aim of incorporating those changes into the Claims Register.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no further legal implications in this paper to those listed above.

6. REPUTATIONAL IMPLICATIONS

6.1 There are no reputational implications associated with this paper.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are invited to discuss the contents of the report.