

Title:	Claims and Litigation Annual Report 2021/22		
Report to:	Trust Board		
Meeting:	28th September 2022	Agenda item:	
Purpose of the report:	For Noting: <input checked="" type="checkbox"/>	For Decision: <input type="checkbox"/>	For Assurance: <input type="checkbox"/>

Executive Summary:

To provide an update to the Board on Claims and Litigation involving the Trust in the period between 1 April 2021 to 31 March 2022. The report includes:

1. Claims
2. Inquests
3. Employment Tribunals

Recommendation:

The Board is asked to note the update on Claims and Litigation and the improvement actions identified.

	Name		Title	
Report author:	Mercy Kusotera		Trust Secretary and Freedom to Speak Up Guardian	
Executive sponsor:	Rachel Hawkins		Director of Governance and Service Redesign	
Assurance level:	Substantial <input type="checkbox"/>	Reasonable <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No assurance <input type="checkbox"/>

How the report supports achievement of the Trust objectives

Trust Objective	
Provide outstanding care	This paper includes an analysis of trends relating to clinical claims against the Trust.
Collaborate with others	
Be an excellent employer	This paper includes an update on employment law cases.
Be a sustainable organisation	Not specifically covered in this report.
Equality and Diversity Objective	
To fully implement the actions identified following our review of the No More Tick Boxes review of potential bias in Recruitment practices	Not specifically covered in this report
The Trust Board will role model behaviours that support the Trust ambition to be an anti-racist organisation including actively implementing the Trust's and their personal anti racism pledges, to instil a sense of belonging for all our staff.	Not specifically covered in this report
To commence collection of demographic data for people who give feedback.	Not specifically covered in this report
To work with the data team and clinical services to target the collection of demographic data.	Not specifically covered in this report

Links to BAF risks / Trust risk register

Risk 3163 - There is a risk that the delivery of high quality care will be adversely affected if levels of staff morale reduce.

Risk 3164- There is a risk that the Trust is unable to maintain high quality care due to the number of services/teams facing workforce challenges.

Risk 3166 - There is a risk that patients and service users do not receive outstanding care if services fail to remain compliant with CQC Fundamentals of Care standards.
The risks described are only related to certain KLOE's and elements within the KLOE's.

Legal and Regulatory requirements:

N/A

Previous Papers (last meeting only):

Title:	Date Presented:
Claims and Litigation Annual Report 2020/21	24 th November 2021

1. Claims

1.1 The Trust handled 9 claims between 1 April 2021 and 31 March 2022. The claims can be broken down as follows:

- Three (3) Clinical Negligence
- Four (4) liability to Third Party
- Two (2) Property Expenses Scheme

1.2 The Trust received four new claims between 1st April 2022 – 31st March 2022 comprising:

- One new Clinical Negligence Claim
- One new employer liability claim
- One new public liability claim
- One new Property expenses claim

1.3 There were no claims re-opened between 1st April 2021 – 31st March 2022.

1.4 Five claims were closed between 1st April 2021 – 31st March 2022:

Claim Type	Date Closed	Reason for Closure
CNST	14 December 2021	Closed -Nil Damages
CNST	18 June 2021	Settled - Damages Paid
CNST	16 November 2021	Settled - Damages Paid
LTPS	01 March 2022	Settled - Damages Paid
PES	28 March 2022	Settled - Damages Paid

1.5 No new Inquest notifications were received during the reporting period.

2. Employment Tribunals

2.1 In the period April 2021 to March 2022, the Trust had one cases that went to the Employment Appeal Tribunal.

2.2 The Trust had no case out of court settlement.

2.3 The Trust is committed to continuous improvement through trend analysis and learning lessons from all employment cases resolved.

3. NHS Resolution

3.1 The Trust is a member of the following schemes provided by NHS Resolution (previously NHS Litigation Authority):

a) The Clinical Negligence Scheme for Trusts (CNST)

The scheme handles all clinical negligence claims against member NHS bodies. The costs of the scheme are met by membership contributions.

b) The Risk Pooling Scheme

This covers non-clinical claims and includes two separate schemes i.e. the liabilities to Third Parties Scheme (LTPS) and the Property Expenses Scheme (PES).

c) Liabilities to Third Parties Scheme (LTPS)

The scheme covers employers' and public liability claims from NHS staff, patients and members of the public. Member Trusts contribute to LTPS annually.

d) The Property Expenses Scheme (PES) - covers "first party" losses for material damage to buildings and contents from a variety of causes, including fire, theft and

water damage. PES also offers business interruption expense cover arising from property damage.

- 3.2 The costs of schemes are met by membership contributions. Individual members contribution levels are calculated on a range of factors, including:
- The Type of the Trust,
 - The specialties it provides
 - The number of 'whole time equivalent' clinical staff it employs, and
 - The Trust's claim history.

4. Learning and Continuous Improvement

- 4.1 In the last year, the Associate Director of Legal Services (CPFT) & Director of Governance have worked to ensure resourcing to provide support to staff going through legal proceedings related to their role in the organisation.