



Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	20 January 2022	Agenda Item	2.2
Report Title	Personal Injury Review Report		
Report Author	Hannah Evans, Assistant Head of Legal Services		
Report Sponsor	Hazel Lloyd, Acting Director of Corporate Governance		
Presented by	Hazel Lloyd, Acting Director of Corporate Governance		
Freedom of Information	Open		
Purpose of the Report	The purpose of this report is provide information in relation to Personal Injury Claims in the Health Board.		
Key Issues	<p>The report highlights that there has been a reduction in Personal Injury Claims and the ongoing lessons learnt through the management of Personal Injury Claims. The report highlights recommendations/suggestions made by the Welsh Risk Pool.</p> <p>In relation to the Legal & Risk Services Personal Injury Review for April 2020 – March 2021 –</p> <ul style="list-style-type: none"> • Decrease in Personal Injury Claims • Decrease in Needlestick Injury Claims • Total payments in relation to Personal Injury Claims have increased for April 2020 – March 2021 • Pre-Action Disclosure Applications have decreased for the Health Board, which is a cost saving. 		
Specific Action Required (please choose one only)	Information	Discussion	Assurance
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendations	<p>Members are asked to:</p> <ul style="list-style-type: none"> • NOTE THE CONTENTS OF THE REPORT. 		

PERSONAL INJURY REVIEW REPORT

1. INTRODUCTION

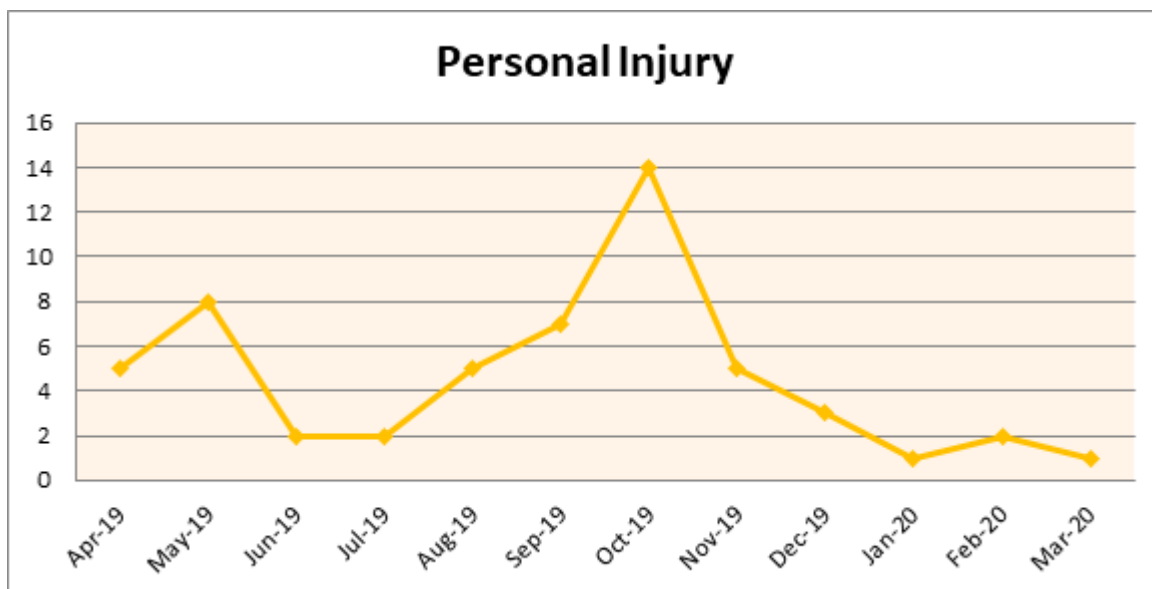
The purpose of this report is provide information in relation to Personal Injury Claims in the Health Board.

2. BACKGROUND

Legal & Risk Services have provided a Personal Injury file review for the period April 2020 to March 2021, attached as **Appendix 1**, to each Health Board. It contains important advice for Workforce & OD and Health and Safety. Legal & Risk Services have also produced a Personal Injury Newsletter, attached as Appendix 2. Legal & Risk Services are always adapting their advice and practice to make the best of a difficult environment in claims, and to ensure that decisions are made in the best interests of the Health Board.

3. GOVERNANCE AND RISK ISSUES

Personal Injury claims received from 1st April 2019 – 31st March 2020



During this financial year the Health Board received a total of 55 Personal Injury Claims, with October 2019 receiving the highest amount – 14 claims. 11 of these were in relation to Hydrogen Peroxide Vapour Machines (HPV). All these claims have settled.

In terms of lessons learnt in relation to these cases, the use of the equipment to complete the HPV process was ceased in 2016 however, the machine has now been reinstated. The Health Board no longer provides an HPV decontamination service internally, and when the service is required a specialist external provider has been used.

During this financial year, the Health Board settled 38 claims. The reoccurring themes from Personal Injury Claims were slips/trips/falls, violence and aggression and manual handling.

- Learning from slips/trips/falls

In relation to lessons learnt relating to slips/trips/falls, the failings can relate to a variety of different issues and case specific to each case. A trip claim was settled as the investigation identified that the Claimant fell as a result of a hazard caused by two missing floor tiles. This case was difficult to defend as the tiles in question were reported but had not been repaired before the incident took place. The floor tiles were repaired and a photograph provided as evidence to the Welsh Risk Pool.

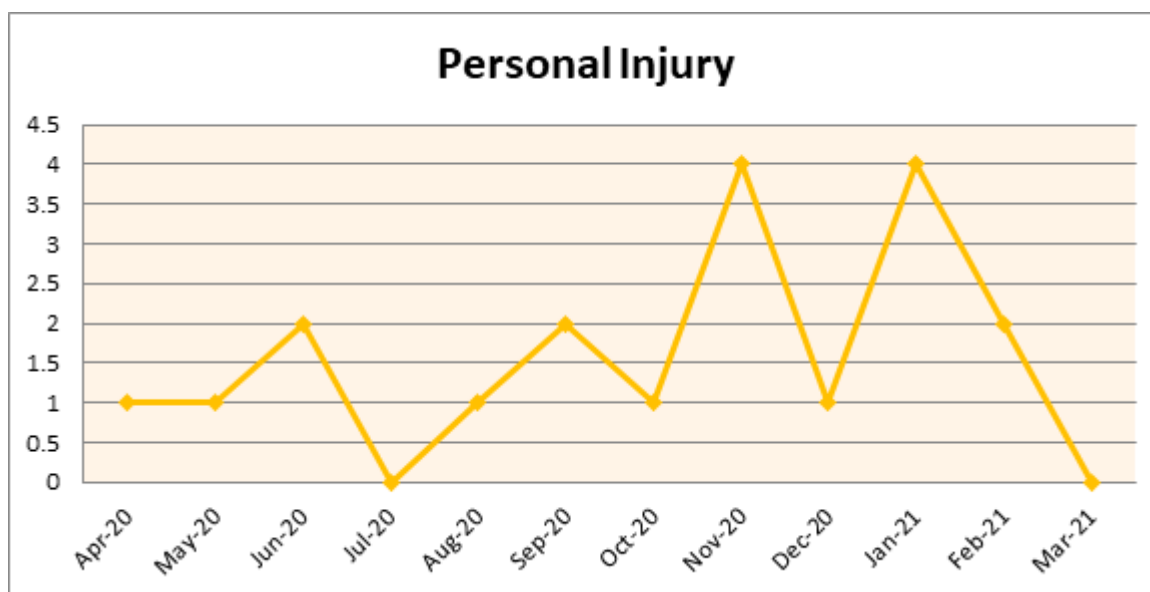
- Learning from Violence & Aggression cases

In relation to lessons learnt relating to Violence & Aggression cases, the failings can relate to a variety of different issues and case specific to each case. A V&A claim settled as the investigation identified that there was failure to carry out adequate risk assessments, implement appropriate care plans and properly manage the patient's behaviour. The Alcohol Detoxification Clinical Guidelines for the management of assisted withdrawal in Adult in-patients in acute medical and mental health hospitals and revised and updated in 2019. There was an increase to mental health support to ward areas 7 days per week and the development of enhanced nursing supervision guidelines. The V&A training compliance was had 80% and this had increased over the years, with the aim to get to 100% within 4 months.

- Learning from manual handling

In relation to lessons learnt relating to manual handling cases, the failings can relate to a variety of different issues and case specific to each case. A manual handling claim settled as the investigation identified that there was failure to inform the claimant to unload the trolley evenly and no risk assessment for the unloading of trolleys. All staff are informed how to unload trolley evenly at induction and a training booklet was developed to capture compliance. A risk assessment was in place and visible to all staff that enter the tray room. These are laminated and displayed in the tray room and changed when updated. The case was also discussed in a clinical governance meeting and audit meeting to make all staff aware.

Personal Injury claims received from 1st April 2020 – 31st March 2021



During this financial year, the Health Board settled 44 claims. The reoccurring themes from Personal Injury Claims are slips/trips/falls, needlestick & violence and aggression.

- **Learning from Slip/Trip/Falls**

In relation to lessons learnt relating to slips/trips/falls, the failings can relate to a variety of different issues and case specific to each case. A slip claim was settled as the investigation identified that the risk of staff slipping was increased due to the time of day in which the floor was cleaned. The cleaning of the hallway floor regularly took place during the daytime when staff and service users were around. The nature of the facility meant that emergency situations may arise and staff may be required to respond quickly to such incidents. This may involve staff attending the incident in haste. The cleaning times of the floor were arranged in line with the demand of the service. A change of practice was made and the corridor is now cleaned during the night to minimise the risk of reoccurrence.

A falls claims has been deferred by the Welsh Risk Pool, in relation to no routine system of inspection in place. On this particular case, there was a failure to repair the uneven road surface and the repairs have been completed, which no longer poses a risk to service users and members of staff on site. However, the Welsh Risk Pool has deferred the learning, as there is no routine system of inspection in place. This has been highlighted to the Estates Department. Total estimated costs for this case is £31,500 and the Health Board could be at risk of not receiving reimbursement on this case.

- **Learning from Needlestick injuries**

In relation to lessons learnt relating to needlestick cases, the Health Board has a Safer Medical Sharps Policy and Safe System of work – Safe Handling and disposal of needles and syringes, in place. The failings that re-occur, are failure to ensure the correct disposal of a needle into the sharps box provided and

failure to ensure annual Sharps Awareness Training had been undertaken. Staff have been reminded of the policy and safe system of work in place and refresher training provided. During IV study days, clinical staff also have training on the safe disposal of sharps.

- **Learning from Violence & Aggression cases**
In relation to lessons learnt relating to Violence & Aggression cases, the failings can relate to a variety of different issues and case specific to each case. A V&A claim settled as the investigation identified that the resident had a history of aggressive behaviour (making the incident foreseeable), however a care plan was not in place prior to the incident, and once the care plan was completed, the skill mix of night staff and shift times was changed due to the aggressor's behaviour in order to minimise and manage the incidents at night.

Legal & Risk Services have advised that a Personal Injury Session day is to be arranged, which the Legal Services Team will attend and will also be open for any of the Service Groups to attend. A date has yet to be arranged.

The Welsh Risk Pool have advised that they would like the Estates Department to consider setting up PPM (Planned, Preventative, Maintenance) inspections in relation to carparks, pathways and potholes. This would hopefully reduce the amount of Personal Injury claims in this area. The Welsh Risk Pool have advised that Cardiff & Vale Health Board have a template in relation to PPM inspections and would be happy to share with the Estates Department. The Welsh Risk Pool have advised that carpark notices/disclaimers are not an option, as the Health Board has a duty of care to visitors, staff and patients.

The Legal Services Team have also seen an area of concern in relation to faulty plug sockets and have linked with the Assistant Director of Operations to establish if any routine inspections are carried out, in order to try and mitigate the risk of future claims being received.

4. FINANCIAL IMPLICATIONS

In relation to total figures spent on Personal Injury claims - Figures are

- 2019/20 = £617,753.27 (Damages, Claimant's Costs, Defence payments) – including defence of £139,240.50
- 2020/21 = £910,347.27 (Damages, Claimant's Costs, Defence payments) – including defence of £137,537.27
- 2021/22 to end of December 2021 = £595,269.78 (Damages, Claimant's Costs, Defence payments) – including defence of £135,198.78

5. RECOMMENDATION

The Committee is recommended to:

- **NOTE** the contents of the report.

Governance and Assurance		
Link to Enabling Objectives <i>(please choose)</i>	Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities	
	Partnerships for Improving Health and Wellbeing	<input type="checkbox"/>
	Co-Production and Health Literacy	<input type="checkbox"/>
	Digitally Enabled Health and Wellbeing	<input type="checkbox"/>
	Deliver better care through excellent health and care services achieving the outcomes that matter most to people	
	Best Value Outcomes and High Quality Care	<input checked="" type="checkbox"/>
	Partnerships for Care	<input checked="" type="checkbox"/>
	Excellent Staff	<input checked="" type="checkbox"/>
	Digitally Enabled Care	<input checked="" type="checkbox"/>
	Outstanding Research, Innovation, Education and Learning	<input checked="" type="checkbox"/>
Health and Care Standards		
<i>(please choose)</i>	Staying Healthy	<input type="checkbox"/>
	Safe Care	<input checked="" type="checkbox"/>
	Effective Care	<input checked="" type="checkbox"/>
	Dignified Care	<input checked="" type="checkbox"/>
	Timely Care	<input checked="" type="checkbox"/>
	Individual Care	<input checked="" type="checkbox"/>
	Staff and Resources	<input checked="" type="checkbox"/>
Quality, Safety and Patient Experience		
Ensuring the organisation has robust risk management arrangements in place and taking action to learn from claims, in order to reduce the incidents/harm to patients/visitors/staff at our service.		
Financial Implications		
Please see section 4 in relation to the financial expenditure spent on Personal Injury Claims.		
Legal Implications (including equality and diversity assessment)		
It is essential that the Health Board has robust arrangements in place to assess, capture and mitigate risks faced by the organisation, as failure to do so could have legal implications for the UHB and an increase in personal injury claims being received.		
Staffing Implications		
All staff have a responsibility for promoting risk management, adhering to SBUHB policies and have a personal responsibility for patient's/visitors safety as well as their own and colleague's health and safety.		
Report History	N/A	
Appendices	Appendix 1 Personal Injury File Review April 2020 – March 2021 Appendix 2 Personal Injury Newsletter November 2021	