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CYMRU
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WALES

Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



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| Meeting Date | 03 June 2019 | Agenda Item | 2.7 |
| Report Title | Personal Injury file review - Oct 2018 to March 2019 | | |
| Report Author | Jacqui Maunder, Interim Head of Compliance | | |
| Report Sponsor | Gareth Howells, Director of Nursing & Patient Experience Pam Wenger, Director of Corporate Governance | | |
| Presented by | Jacqui Maunder, Interim Head of Compliance | | |
| Freedom of Information | Closed | | |
| Purpose of the Report | The purpose of this report is to update the Committee on Personal Injury file review for October 2018 to March 2019. | | |
| Key Issues | <ul style="list-style-type: none"> Organisational learning is a key aspect of health and safety management and the personal injury team within the Legal and Risk Services (LARS) in the NHS Wales Shared Services Partnership (NWSSP) publish a 6 monthly summary report of successful personal injury defences, lessons learned from incidents, a summary of case results and file reviews which is shared with NHS Wales. a summary of case results and file reviews which is shared with NHS Wales are presented at Appendices 1 & 2 for information. A specific breakdown of PI claim reviews for SBUHB is presented at Appendix 3 for information. | | |
| Specific Action Required <i>(please choose one only)</i> | Information | Discussion | Assurance |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Recommendations | Members are asked to : <ul style="list-style-type: none"> NOTE the report | | |

PERSONAL INJURY FILE REVIEW - OCT 2018 TO MARCH 2019

1. INTRODUCTION

The purpose of this report is to update the Committee on Personal Injury (PI) file review for October 2018 to March 2019.

2. BACKGROUND

The personal injury team within the Legal and Risk Services (LARS) in the NHS Wales Shared Services Partnership (NWSSP) was established in the late 1990s, and provide legal advice and support to the claims team at Swansea Bay University Health Board (SBUHB).

The LARS PI department's mission statement succinctly sums up the ethos of the team.

This strictly not for profit team provides advice to Trusts and Boards throughout Wales in the following fields:

- Employers and Public liability
- Work related stress
- Bullying and harassment
- Violence & Aggression
- Industrial disease, including
 - Asbestos
 - Hearing loss
- Object and person manual handling
- Repetitive strain injury
- Defective equipment
- Infection Control
- Slip and trip cases

The Department is unique in the fact that it has an intimate knowledge of the NHS, having a deep understanding of Board Policies as well as a strong network of connections with key personnel at all levels. Strong client relationships are built.

The team issue six monthly reports to keep NHS clients informed on issues and to provide valuable analysis of trends in all areas of the litigation process for Health Boards as well as focusing upon learning lessons and giving practical risk management advice in areas that have been identified as vulnerable. Prevention is better than cure.

3. GOVERNANCE AND RISK ISSUES

Organisational learning is a key aspect of health and safety management and the personal injury team within the Legal and Risk Services (LARS) in the NHS Wales Shared Services Partnership (NWSSP) publish a 6 monthly summary report of successful personal injury defences, lessons learned from incidents, a summary of case results and file reviews which is shared with NHS Wales. The reports are presented at **Appendices 1 & 2** for information.

A specific breakdown of PI claim reviews for SBUHB is presented at **Appendix 3** for information. The graphs and figures are illustrative and are not auditable.

The LARS PI team have advised that the effect of one way cost shifting on the tactics of Claimant Solicitors has really begun to bite. Claimant’s solicitors are now emboldened to take on complex matters which are expensive for Health Board Defendants to oppose. Claimant’s solicitors can do this almost with impunity because of absent fundamental dishonesty and legal services are unable to recover costs even if successful at trial.

The LARS PI team are always adapting their advice and practice to make the best of a difficult environment in claims, and ensure that decisions are made in the best interests of the organisation

The LARS PI team meet with the claims team at SBUHB on a regular basis to discuss case management issues.

The LARS PI team also run regular training events for staff and the next free Personal Injury Day will take place at the Life Sciences Hub in Cardiff Bay on Friday 25 October 2019.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

5. RECOMMENDATION

Members are asked to:

- **NOTE** the report

| Governance and Assurance | | |
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| 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 checked="" 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 type="checkbox"/> |
| | Excellent Staff | <input type="checkbox"/> |
| | Digitally Enabled Care | <input type="checkbox"/> |
| | Outstanding Research, Innovation, Education and Learning | <input type="checkbox"/> |
| Health and Care Standards | | |
| <i>(please choose)</i> | Staying Healthy | <input checked="" 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"/> |

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| Quality, Safety and Patient Experience | |
| Organisational learning is a key aspect of health and safety management to ensure effective quality, safety and patient experience. This report provides an assurance that lessons learned are being shared to strengthen service provision and to safeguard staff and patients. | |
| Financial Implications | |
| There are no direct financial implications arising from this report. | |
| Legal Implications (including equality and diversity assessment) | |
| SBUHB is committed to providing and maintaining a safe and healthy work place and to provide suitable resources, information, training and supervision on health and safety to all members of staff, patients Contractors and visitors to comply with the legislative and regulatory framework on health and safety. Organisational learning from claims and incidents is a key aspect of health and safety management. | |
| Staffing Implications | |
| There are no direct staffing implications as a consequence of this report. | |
| Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015) | |
| The Act requires the Health Board to think more about the long term, how we work better with people and communities and each other, look to prevent problems and take a more joined up approach with partners. There will be long term risks that will affect both the delivery of services, therefore, it is important that you use these five ways of working (Long Term Thinking, Prevention, Integration, Collaboration and Involvement) and the wellbeing goals identified in the Act in order to frame what risks the Health Board may be subject to in the short, medium and long term. This will enable The Health Board to take the necessary steps to ensure risks are well managed now and in the future. | |
| Report History | - |
| Appendices | - |

