

CHAPTER 55

PERSONAL INJURY LITIGATION CASEWORK

POINT OF CONTACT – PART 7

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CHAPTER 55

PERSONAL INJURY LITIGATION CASEWORK

5501. Background

a. The Navy Command Headquarters has a Personal Injury Litigation (PIL) Team¹ which acts as the primary interface between the Navy Command Headquarters – nominally, Branch Managers (as providers of career forecast witness statements) - and external customers (e.g. MOD Claims and Gallagher Bassett (MOD insurers), 3rd party solicitors and employment consultants). The PIL Team provides:

- (1) Non-medical information requested by insurers, solicitors and external customers needed to determine liability in Personal Injury (PI) cases subject to civil proceedings, drawing on advice, assistance and support from relevant Subject Matter Experts (SMEs) in the rest of the Navy Command Headquarters.
- (2) Non-medical career related information required to determine potential loss of earnings for current and former regular and reserve Service personnel in PI litigation compensation claims where the MOD had admitted some form of liability or 3rd party claims have been made. Over time, the PIL Team's role has developed to include both the calculation of potential pay and pension losses, for illustration purposes, based on the career forecast witness statements and the provision of advice to Navy Command Headquarters personnel on aspects of the litigation process.

5502. Role and Responsibilities

a. **Civil Personal Injury Litigation Compensation.** The PIL Team has NPT wide responsibility for the coordination and release of career and financial information required as part of the Naval Service's response to PI compensation claims brought by current and former Service personnel against the MOD or 3rd parties. These responsibilities include:

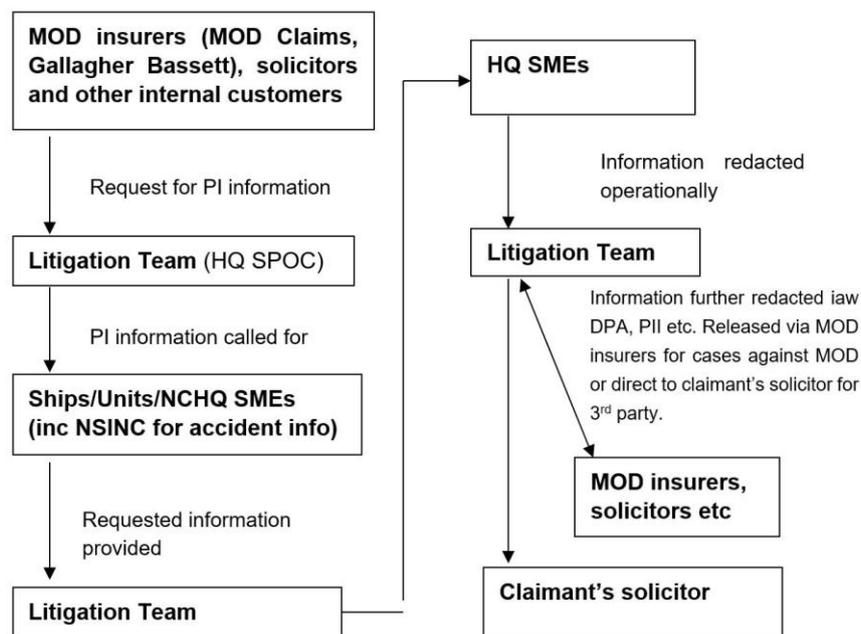
- (1) To act as an intermediary between the Navy Command Headquarters (notably Branch Managers) and insurers, solicitors etc.
- (2) To analyse information requests to determine what can be provided by the PIL team and what needs to be sought by other SMEs.
- (3) To seek clarification of requests that are not clear and ascertain in what format the information is required; to support Branch Managers in the production of information (including career forecasts and witness statements), checking outputs and advising on inaccuracies or suggesting improvements.

¹ Most of the career information provided in PI compensation cases relates to an officer, rating or other rank's anticipated career progression, based primarily on TOS rules shown in BR3 Parts 7 and 8.

- (4) To gather financial and non-financial information from DINs/JSPs/BRs or SMEs, especially regarding pay, pensions and allowances.
- (5) To utilise general terms of service knowledge and regulations spanning the length of an individual's career to provide accurate data and detailed individual pay projections based on the career forecasts, showing the impact of the PI on an individual's pay/salary.
- (6) To provide clear, concise written responses for use in court as evidence, giving detailed explanations of career/pay/pension information and putting into context all information regarding Naval Service life and its terminology for those unfamiliar with the environment.
- (7) To liaise with Terms of Service Team desk officers to provide terms of service policy information and to advise on how it relates to the individual.

b. **Liability Determination.** The PIL Team acts (as far as possible) as the NCHQ's single point of contact (SPOC) for the coordination and release of non-medical information required by insurers, solicitors and other authorities acting on behalf of the MOD to determine liability in PI cases and 3rd party claims. These groups approach the PIL Team in the first instance if requiring PI liability information governed by civil procedure rules. The PIL Team coordinates and releases requested PI information that is deemed relevant to the case. This material is redacted, where required, in accordance with Public Immunity Interest (PII) rules. With regard to information arising from accidents or health & safety incidents, the Naval Service Incident Notification Cell (NSINC) (part of the Navy Command Headquarters CAP(CESO) Team) acts as the interface with ships, units and establishments and will coordinate such information, where necessary, on the PIL Team's behalf. The process is as illustrated below (for actions to be taken by individuals and UPOs/ships/establishments etc, see Para 5502 sub para d):

Figure 55-1. Liability Determination



c. The process provides solicitors and external users with a single Navy Command Headquarters focus for most of the non-medical PI information needed in the pre and post liability determination phases; eliminating previous difficulties in establishing contacts and reducing vital time lost. It also provides a consistent approach to the redaction of material, ensuring that all information required by solicitors is subject to close scrutiny by the PIL Team and appropriate SMEs and that it passes the PII test.

d. **Actions to be Taken by Individuals and Ships/Establishments etc.**

(1) Individuals wishing to pursue a personal injury litigation case against the MOD should follow the rules given within BR2 (Queen's Regulations for the Royal Navy) Article J.5926.5.

(2) Individuals pursuing a claim against a 3rd party (typically a road traffic accident) should advise their solicitor to request any information required from the PIL Team – see contact details at Para 5503 sub para a. In accordance with DPA 98, the team will need a signed form of authority from you via your solicitor before any of your personal information can be released.

(3) Ships, establishments etc. should provide all the non-medical information requested by the PIL Team (note: health and safety information will be requested separately by NSINC (Para 5502 sub para b refers) and should be returned to the address at Para 5503 sub para b). If letters are received directly from solicitors, insurers, employment consultants etc. for non-medical information regarding a personal injury case, no contact must be made with the solicitor etc either verbally or in writing because the 'clock will start ticking' with regard to the MOD's allowed response time. If solicitors make contact by telephone, no information should be given; they should be directed to the PIL Team. **Under no circumstances should any information be provided directly to the solicitor.**

(4) For guidance on dealing with requests for medical information, see Para 5503 sub para c.

5503. Contact Details

a. As stated previously, MOD insurers, solicitors and other authorities have now been told to refrain from contacting ships, units or establishments directly if seeking non-medical information in relation to PI cases affecting current and former officers, ratings and other ranks and have been advised to approach the PIL Team (contact details below) in the first instance. Should non-medical information continue to be sought, please redirect the enquirers to the PIL Team. Likewise, if advice or clarification is required on any issue related to the release of information in PI liability cases, please contact:

Personal Injury Litigation Team
Navy Command Headquarters
Room 48
MP G-2, West Battery
Whale Island
PORTSMOUTH
Hampshire
PO2 8DX

Tel: 023 9262 8657/8780 (Civ) or 93832 8657/8780 (Mil)

Fax: 023 9262 8660 (Civ) or 93832 8660 (Mil)

b. **Health and Safety Papers.** These should be forwarded to:

NSINC
Navy Command Headquarters
MP 4-3, Leach Building
Whale Island
PORTSMOUTH
Hampshire
PO2 8BY

c. **Medical Papers.** Solicitors will continue to approach ships, units or establishments if medical papers are required in relation to PI cases affecting current Naval Service personnel, in order to ascertain where the medical papers are held. Further information can be found in BRd 1991 Chapter 9. For former officers, ratings and other ranks, medical information can be obtained from:

Medico-legal Department
Institute of Naval Medicine
Crescent Road
Alverstoke
GOSPORT
Hampshire
PO12 2DL

Fax: 023 9276 8137 (Civ) or 9380 68137 (Mil)