DOLMANS INSURANCE BULLETIN

Welcome to the February 2022 edition of the Dolmans Insurance Bulletin

in this issue we cover:

REPORT ON

- The assistance of historical land documents when dealing with defects bordering different owners' land - *SV v Bridgend County Borough Council*

FOCUS ON

- 'Failure to remove' - HRA claims - *AB v Worcestershire County Council and Birmingham City Council*

RECENT CASE UPDATES

- Part 36 - mistake
- RTA protocol - disclosure of medical evidence - admissibility
- Vicarious liability - handling of sensitive data

If there are any items you would like us to examine, or if you would like to include a comment on these pages, please e-mail the editor,
Justin Harris, Partner, at **justinh@dolmans.co.uk**

DOLMANS
SOLICITORS

REPORT ON

The Assistance of Historical Land Documents when Dealing with Defects Bordering Different Owners' Land

SV v Bridgend County Borough Council

All Local Authorities will have faced allegations by Claimants who have tripped or slipped on a surface causing injuries. In most cases the location of the alleged accident is easily identified and can be attributed to the Local Authority's land, where the Occupiers' Liability Act 1957 might apply, and/or the adopted highway, where the Highways Act 1980 could apply.

Where ownership of land at the location of a Claimant's alleged accident is disputed, an appropriate Land Registry search will usually clarify the relevant owner. However, cases sometimes arise where the location of the alleged defect borders land between the Local Authority and a third party. In these cases a deeper investigation into various historical land documents becomes necessary, as was the case in *SV v Bridgend County Borough Council*, in which Dolmans represented the Defendant Local Authority.

Background and Allegations

The Claimant alleged that she was walking along a footpath, when she fell over the remains of a concrete fence post, causing personal injuries. The original fence post had marked the boundary between the Defendant Local Authority's adopted footway and adjacent land that was owned and controlled by a third party organisation.

Court proceedings were initially brought against the Defendant Local Authority and the third party organisation. Following service of Defences, where both Defendants denied that the alleged defect was on their respective land, the Claimant discontinued her claim against the third party organisation. Hence, the claim was then pursued solely against the Defendant Local Authority.

The Claimant alleged that the Defendant Local Authority had been negligent and/or in breach of the Occupiers' Liability Act 1957 and/or the Highways Act 1980.

REPORT ON

Defence

The Claimant provided a sketch plan and photograph showing the exact location of the alleged defect, so it was relatively easy for the Defendant Local Authority to identify the remains of the concrete fence post, which was located just off the edge of the tarmacadam footpath that, according to the Defendant Local Authority, formed the extent of the adopted footpath.

The Defendant Local Authority admitted that it was the relevant Highway Authority for the footway, as identified by the tarmacadam footpath, but not for the remains of the concrete post that was not on its land, nor indeed part of the adopted highway.

The adopted footway was inspected on a regular basis. However, the Defendant Local Authority considered this to be irrelevant, as the alleged defect was not on the footway and was not its responsibility anyway. The relevant Highways Inspector would have been interested only in defects within the adopted highway, a point made by the Defendant Local Authority's witness at Trial.

The Defendant Local Authority, therefore, denied, in its Defence, that it was negligent and/or in breach of the Highways Act 1980 and/or the Occupiers' Liability Act 1957.

A New Fence and Other Issues

It was, of course, for the Claimant to prove her case. It was accepted, however, that any Section 58 Defence was likely to fail if the Claimant could prove that the alleged defect was part of the adopted highway, given that the Defendant Local Authority would not have picked up the alleged defect for repair, as the said defect was not on the adopted highway and not on land owned by the Defendant Local Authority.

Notwithstanding this, the Defendant Local Authority was able to confirm that it had received no complaints relating to the alleged defect during the 12 month period prior to the Claimant's alleged accident and had no record of any other accidents at the said location during this period. Any such complaints involving the alleged defect would have been forwarded to the third party owner of the adjacent land in any event.

Assuming that the Claimant could prove that her alleged accident occurred in the circumstances alleged and as a result of the alleged defect, it was evident that success or otherwise of the whole case would, therefore, depend upon the ownership issue.

A new fence had been erected at the location following the Claimant's alleged accident. Although this new fence did not follow exactly the line of the previous fence and did not interfere with the remnants of the old fence, including the alleged defect, the new fence was clearly located on the third party organisation's land. Following additional enquiries, the said organisation confirmed that it had, indeed, erected the new fence following the Claimant's alleged accident.

Notwithstanding this development, the Claimant continued to argue that the alleged defect, being part of the original fence, was the responsibility of the Defendant Local Authority. It should be remembered that the Claimant had already discontinued her claim against the third party organisation in any event, at a much earlier stage in the proceedings.

Defendant Local Authority's Evidence

The Defendant Local Authority provided a copy of its Adopted Extents Record illustrating the extent of the adopted highway. However, as the alleged defect was located so close to the edge of the adopted highway, it was argued that the said record was not entirely indicative of the real position. Again, ownership of the land, therefore, appeared to be the vital element in this particular matter.

Extensive enquiries were made on behalf of the Defendant Local Authority into the historical ownership and various transfers of the relevant land, including erection of the original fence, all of which was later skilfully adduced by the Defendant Highway Authority's witness at Trial. This involved the collation and interpretation of a number of historical conveyances and other land documents.

Notwithstanding that it transpired from these documents that some of the land did not appear to have been transferred into the Defendant Local Authority's ownership anyway, it was argued that an earlier transfer of land to the Defendant Local Authority's predecessors in title several decades earlier did not include the land where the original fence post was located.

Accommodation Works

It was a condition of a previous sale to the Defendant Local Authority's predecessors in title that the predecessors in title would undertake 'accommodation works' to set back the boundary for the adjacent landowner by erecting a new chain link type fence "at the back of the footpath", but not on the footpath. It was reiterated from this that the alleged defect (being the remains of a concrete post) was not located on the adopted highway and/or land owned or occupied by the Defendant Local Authority, but was located instead on land owned and controlled by the adjacent land owner.

REPORT ON

The land referred to was purchased to allow the Highway Authority to construct a footway and a footbridge over a river at the location. The fence, which the Defendant Local Authority's predecessors in title had erected by way of the said 'accommodation works' for the benefit of the adjoining landowner only, was subsequently removed, as referred to above, and the Defendant Local Authority had no record of any such removal works having been undertaken by/on behalf of the Defendant Local Authority and/or its predecessors in title. It was noted that removal of the said fence had allowed access to various structures on the adjoining third party organisation's land.

It was argued by the Defendant Highway Authority's witness that the fact that the original fence was erected as 'accommodation works' by way of the earlier conveyance also illustrated that the fence was not on land owned or controlled by the Defendant Local Authority or its predecessors in title. If it had been, it was argued that there would have been no need for the clause relating to such 'accommodation works' to have been included, as this would not have been necessary if the fence was being erected on the Defendant Local Authority's own land or that of its predecessors in title.

The 'accommodation works' referred to had become apparent during early enquiries and were specifically referred to in the Defendant Local Authority's Defence.

Judgment

The Claimant stated, under cross-examination, that she did not know at the time of her alleged accident what had caused her to trip, although she felt her foot trip on something. After visiting the relevant location sometime later, she identified the alleged defect and advised that there was nothing else in the vicinity that could have caused her to trip. She was adamant that she had tripped and not slipped, and that she had landed on a hard surface.

The Trial Judge referred to Lord Justice Lloyd in *James v Preseli (1992) PIQR 114*, who stated that *"The question in each case is whether the particular spot where the (Claimant) tripped or fell was dangerous. If it was, then the Defendant Authority concedes that there was a failure to maintain the highway and the (Claimant) would be entitled to recover. But if the particular spot was not dangerous, then it is irrelevant that there were other spots nearby that were dangerous"*.

In going back to reconstruct the alleged accident, the Judge was satisfied that the Claimant had not done enough in this particular matter to prove that the alleged defect had caused her accident.

The Judge went on to decide ownership of the land upon which the alleged defect was located and whether the alleged defect was part of the adopted highway. The Trial Judge referred to the various photographs, which did not show the alleged defect in the tarmacadam surface of the footpath and found that the said defect was not, therefore, part of the adopted highway. However, the Judge also considered ownership of the land and, referencing the various conveyances, land documents and evidence of 'accommodation works' adduced on behalf of the Defendant Local Authority, was satisfied that the alleged defect was not on land owned by the Defendant Local Authority.

The Trial Judge, therefore, dismissed the Claimant's claim, finding that the Claimant had given her evidence honestly, but had not proved her case and the alleged defect was not on the Defendant Local Authority's land anyway.

Comment

Although the Claimant failed to prove her case in the above matter, it was useful that the Judge went beyond this and was prepared to also make a finding that the alleged defect was not on the adopted highway nor on the Defendant Local Authority's land.

The time taken to investigate the various historical land documents paid dividends and the detailed presentation of these documents within the Defendant Local Authority's witness evidence obviously assisted the Judge in making his finding in this particular matter.

Tom Danter
Associate
Dolmans Solicitors

For further information regarding this article, please contact
Tom Danter at **tomd@dolmans.co.uk**
or visit our website at **www.dolmans.co.uk**

FOCUS ON

'Failure to Remove' - HRA Claims

AB v Worcestershire County Council and Birmingham City Council [2022] EWHC 115 (QB)

Following the Judgment of the Supreme Court in *CN v Poole Borough Council [2019]* and the decisions that have followed, most notably *DFX v Coventry City Council [2021]*, *HXA v Surrey County Council* and *YXA v Wolverhampton City Council [2021]*, Claimants in 'failure to remove' type claims have switched their focus to claims under the Human Rights Act 1998. The Judgment in *AB v Worcestershire County Council [2022]* is the first that has considered such claims in any detail.

The Facts

AB lived in the Local Authority areas of Birmingham City Council (BCC) between July 2005 and November 2011, and Worcestershire County Council (WCC) between November 2011 and January 2016. AB alleged that he was abused and neglected whilst in the care of his mother.

AB relied on 7 reports to BCC between July 2005 and November 2009, involving AB being dirty and smelly, with bleached hair which had left chemical burns to his scalp and neck, bruising to his legs caused by his mother's partner, being locked in his room and often hungry, struck by a third party with his mother's consent, dressed up in women's clothes by his mother for her friends' amusement, pushed to the ground by his mother and slapped by a babysitter.

AB also relied on 4 reports to WCC between April 2012 and June 2014 that he was walking unaccompanied at night and accommodation was squalid, his mother pushed and scratched him, dragged him up the stairs with her hands around his throat and was emotionally and physically abusive.

AB was accommodated by WCC on several occasions in 2013. On 20 August 2014, AB was accommodated by WCC, with his mother's agreement, following allegations that AB had sexually abused a friend of his younger sibling. AB did not return to his mother's care. He was made the subject an Interim Care Order in May 2015 and a Final Care Order in January 2016.

AB initially brought a claim in negligence and for breach of his Article 3, 6 and 8 ECHR rights. The claim went through numerous amendments. The Defendants applied to strike out the claims and/or for Summary Judgment. By the time of the hearing, the negligence claims and the claims under Article 8 had been abandoned.

The issues for consideration were as follows:

(1) Was AB's Article 6 claim recognised in law?

(2) Did AB's claim, on the facts pleaded, meet the threshold for treatment or punishment which falls within the scope of Article 3?

(3) Does a Local Authority owe an operational duty under Article 3 to children in the community?

(4) Does a Local Authority's Social Services Department exercising child protection functions owe an Article 3 investigative duty?

(5) Was there otherwise a good reason to dispose of the claim at Trial?

(6) Should AB be given an opportunity to re-amend his claim?

Article 6

Issue 1

Article 6 enshrines an individual's right to '*the determination of … civil rights and obligations*'. The applicability of Article 6 in civil matters firstly depends on the existence of a genuine and serious '*dispute*' which must relate to a '*civil right'* which can be said, at least on arguable grounds, to be recognised under domestic law.

The Judge rejected AB's assertion that he had a civil right to be taken into care. A child has no '*right*' to seek a Care Order or to have one made in respect of their care. A Local Authority is empowered to make an Application to the Court for a Care Order, but in doing so the Local Authority is not acting on behalf of the child. The child is a Respondent to the Application and is separately represented by a Guardian ad Litem. The interests of the Local Authority and the child will not necessarily align. Further, there was no relevant dispute in this case. The Defendants had not done anything to interfere with AB's rights or taken any action in relation to which such a dispute could have arisen. In any event, it was not arguable that a Care Order would have been made on the basis of any of the incidents relied upon by AB.

During the hearing, AB's Counsel sought to assert that AB had a civil right to determination of his right to protection (under Article 3) within a reasonable time. The Judge considered this formulation was misconceived for the same reasons as above. In any event, since the alleged breach lay in not applying for a Care Order at an earlier stage, the claim under Article 6 added nothing to the claim under Article 3.

Accordingly, the claim under Article 6 was struck out as disclosing no reasonable cause of action.

Article 3

Article 3 provides that '*no one shall be subjected to torture or to inhuman or degrading treatment or punishment'*. It imposes positive duties on the State to take adequate steps to prevent individuals from suffering Article 3 treatment at the hands of private individuals. This involves two positive duties – (i) a duty to take reasonable steps to protect individuals from ill treatment falling within Article 3 (the '*operational duty'*) and (ii) a duty to investigate an arguable breach of Article 3 in order to increase the likelihood of future compliance (the '*investigative duty'*).

To fall within the scope of Article 3, treatment must attain a minimum level of severity. Further, the threshold test laid down in *Osman v UK [1998]* in respect of Article 2 claims applies equally to alleged breaches of the operational duty under Article 3, requiring a Claimant to establish that the Authorities knew, or ought to have known, of the existence of a '*real and immediate'* risk of Article 3 treatment and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk.

Issue 2 – Threshold for Treatment or Punishment Falling within the Scope of Article 3

It was not pleaded that the particular incidents relied upon were the '*tip of the iceberg'* in the sense that other forms of ill treatment were taking place which would have been discovered if the Defendants had responded appropriately to the reports made. As drafted, taking AB's case at its highest, it was the 11 incidents, either individually or cumulatively, which had to meet the Article 3 threshold.

The Judge analysed each of the reports to the Defendants. The Judge concluded that none of the reported incidents, taken either individually or cumulatively, involved actual bodily injury, intense physical or mental suffering or humiliation of the severity required to meet the Article 3 threshold. There was no realistic prospect of AB establishing there was a '*real and immediate'* risk of treatment falling within the scope of Article 3, nor was there a realistic prospect of establishing that the Defendants knew, or ought to have known, of the existence of a '*real and immediate'* risk of Article 3 treatment or that there was anything that should have led Social Services to conclude that a Care Order was required.

Whilst the Judge's findings in this respect were determinative of the Article 3 claim, the Judge went on to consider the remaining issues.

Issue 3 – 'Care and Control'

BCC asserted that a Local Authority does not owe an Article 3 operational duty to children living within the community who are not under its 'care and control'. AB submitted that there was no authority for the proposition that the Article 3 duty requires 'care and control' and that the authorities relied upon by Counsel for BCC related to Article 2.

The Judge considered the authorities. The issue was expressly considered in relation to Article 2 in *R on the Application of Kent County Council v HM Coroner for the County of Kent (North West District) [2012]*, in which the Court held that there was no Article 2 operational duty as the child was not 'in care' and was not living within the control or under the direct responsibility of the Local Authority. The measure of responsibility arising from the provision of services under s.17 of the Children Act 1989 was insufficient as it would impose an impossible or disproportionate burden on Local Authorities. In *Osman*, it was observed that the operational duty should be interpreted in a way that did not impose an impossible or disproportionate burden on Local Authorities, particularly in terms of priorities and resources. In *Bedford v Bedfordshire County Council [2013]*, Jay J stated that there was no reason in principle why the test for Article 2 should be any different for the purposes of a claim under Article 3. Having considered the authorities, the Judge accepted BCC's submission that 'care and control' or an assumption of responsibility and the capacity to control the immediate risk, for example by arresting or detaining or otherwise removing the source of the risk, was required, otherwise the duty would be too burdensome.

BCC did not have 'care and control' of AB whilst he was living in their area and the operational duty was, therefore, not engaged. Accordingly, the Judge stated that had she not already found that the treatment did not meet the threshold for Article 3, she would have found that the claim in respect of BCC had no realistic prospect of success based on the absence of 'care and control'.

Issue 4 – Investigative Duty

The Judge concluded that the claim in this respect was misconceived. The investigative duty refers to a criminal investigation discharged by the Police and prosecuting Authorities after the fact to recognise, apprehend and punish the wrongdoer. It is not an investigation for which the primary purpose is to establish the existence of future potential harm and protect the victim against it. Accordingly, the investigate duty did not apply in the present case.

The Judge indicated that in the event that she was wrong and the investigative duty was owed, it can only be breached by very significant operational failures, and there was clear evidence that suitable enquiries and investigations were made.

Issues 5 and 6

There was no good reason to dispose of this claim at Trial. Aspects of the claim were misconceived and, overall, the claim was weak. There was no indication that if given the opportunity to re-amend (which would be the 6th time of pleading), the claim would establish reasonable grounds for bringing either an Article 3 or 6 claim.

Accordingly, Summary Judgment was granted to both Defendants in relation to the claims under Article 3 as they had no realistic prospect of success.

The Judgment in *AB* is of considerable assistance. It provides a helpful analysis of relevant case law in relation to the high threshold which has to be met to establish that treatment falls within the scope of Article 3. The Judgment should bring a conclusion to attempts to bring claims under Article 6 or for breach of the investigative duty under Article 3. The Judge's findings on 'care and control' are of particular significance and would enable many 'failure to remove' claims under Article 3 to be defended on the basis that no operational duty was owed.

The Claimant has applied for permission to appeal certain aspects of the decision in relation to Article 3, so watch this space …

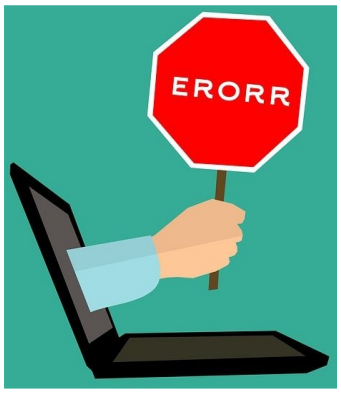
Amanda Evans
Partner
Dolmans Solicitors

For further information regarding this article, please contact
Amanda Evans at **amandae@dolmans.co.uk**
or visit our website at **www.dolmans.co.uk**

RECENT CASE UPDATES

Part 36 - Mistake

O'Grady v B15 Group Limited
[2022] EWHC 67 (QB)



In April 2020, in a claim for damages under the Fatal Accidents Act, the Defendant's Solicitors made a pre-action Part 36 offer to apportion liability on the basis of a 60/40 split in favour of the Claimant. The offer was not accepted. In February 2021, primary liability was admitted. Proceedings were issued in February 2021 and the Claimant made a Part 36 offer to resolve the issue of liability on an 80/20 basis, stating *"for the avoidance of doubt, if the Defendant accepts this offer, it will only be required to pay 20% of the Claimant's damages".* The Defendant accepted the offer at 10:02am on 24 February 2021. At 10:12am, the Claimant replied clarifying that the offer he intended to make was 80/20 in the Claimant's favour. The Claimant issued an Application for permission to withdraw the offer or change its terms.

The Defendant conceded that the mistake relied upon was of a kind that would render any agreement void if the common law doctrine of mistake was relevant when considering Part 36 offers. The Defendant submitted, however, that Part 36 is a self-contained code and there was no basis for importing the doctrine of mistake. Whilst there were no cases directly on point, the Judge noted that the broader point shared by relevant cases was an acceptance that contractual principles still underpin Part 36 and from which a particular methodology can be drawn, providing that is still consistent and compatible with the drafting of Part 36.

The Judge was satisfied that the doctrine of common law mistake can apply to a Part 36 offer in circumstances where a clear and obvious mistake has been made and this is appreciated by the Part 36 offeree at the point of acceptance. Nothing about Part 36 being a self-contained code excludes it. On the facts of this case, it was entirely compatible with a procedural code that is intended to have clear and binding effect, but not at the expense of obvious injustice and the Overriding Objective. Accordingly, there was no binding agreement.

RTA Protocol - Disclosure of Medical Evidence - Admissibility

Greyson v Fuller
[2022] EWHC 211 (QB)

A dispute arose over medical reports disclosed to the Defendant in a claim under the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents ("the RTA Protocol") in relation to claims arising on or after 31 July 2013 and before 31 May 2021.

RECENT CASE UPDATES

The Claimant's first and subsequent reports were disclosed together with the Stage 2 Settlement Pack and after unsuccessful settlement negotiations took place (no point was taken at that stage as to the simultaneous disclosure of the medical reports), the matter proceeded to a Stage 3 hearing. The day before the hearing, the Defendant took objection to the simultaneous, rather than sequential, disclosure of the medical reports. The Stage 3 hearing was adjourned and re-listed before a Circuit Judge.

The Defendant submitted that the later medical reports were not 'justified' under the RTA Protocol because the initial report was not disclosed to the Defendant first, in accordance with paragraph 7.8B(2)(b) of the RTA Protocol. The Defendant argued that the Judge was obliged to rule that the Claimant could not rely upon the reports. That analysis had been accepted by another County Court in the case of *Mason v Laing [20.01.20]*, upon which the Defendant relied.

The Claimant submitted that the reference to sanctions in the relevant part of the RTA Protocol applied to costs and not admissibility.

At first instance, HHJ Petts held that the failure to comply with the requirement to file medical reports consecutively did represent a breach of the rules. However, he granted the Claimant relief from sanctions. The Defendant appealed.

In the High Court, Mrs Justice Foster held:

(i) The sanction for simultaneous, rather than sequential, disclosure of medical reports gives rise to the risk of sanction in costs at the end of the process, not the exclusion of the evidence.

(ii) There was no failure properly to serve the Defendant under 8PD 6 by reason of the simultaneous service of the reports.

(iii) It was not necessary to invoke 9BPD(1)(3) in order to rely upon the Claimant's extra reports.

Whilst the RTA Protocol is a particular and stringent process, Foster J held that nothing in it or in its context compelled a different outcome. The Defendant's appeal was dismissed.

It is to be noted that this claim dealt with the pre-31 May 2021 wording of the RTA Protocol. Amendments have been made since May 2021, with the insertion of paragraph 7.8C in relation to soft tissue/whiplash injuries, which effectively replaces 7.8B(2) and which supports the conclusions reached by Foster J.

RECENT CASE UPDATES

Vicarious Liability - Handling of Sensitive Data

Ali v Luton Borough Council
[2022] EWHC 132 (QB)

An employee, RB, worked for the Local Authority's Social Services Department as a Contact Assessment Worker. Her role was to supervise and assess contact sessions between children and adults.

The Claimant made a complaint to Bedfordshire Police about incidents of domestic violence by her then husband. The complaint was shared by the Police with the Local Authority (as a Multi-Agency Referral) because of potential child safeguarding concerns.

As part of her work as a Contact Assessment Worker, RB had access to the Social Services' records held on the Defendant's computer system. Whilst she was at work, she accessed a number of records relating to the Claimant's Police complaint about her ex-husband. It would appear that she did so at the behest of the husband, with whom RB was in a relationship. It appeared she took photographs of the documents and printed a document containing the information and showed them to the Claimant's husband.

RB was arrested and charged with the offence of unauthorised access to computer material. She pleaded guilty.

The Claimant brought proceedings against the Local Authority alleging that it was vicariously liable for RB's actions. It was not disputed that RB had breached the Claimant's rights by accessing and disclosing to her former husband information about her and her children. The question before the Court was whether the Local Authority should be liable for the conduct of RB and her admitted wrongful acts.

The test for vicarious liability arising out of an employment relationship is whether the wrongful conduct was so closely connected with acts that the employee was authorised to do that, for the purposes of the liability of his employer, it may fairly and properly be regarded as done by the employee while acting in the ordinary course of their employment. Applying that test, the critical distinction is between cases where, on the one hand, the employee was engaged, however misguidedly, in furthering their employer's business, and cases where the employee is engaged solely in pursuing their own interests, on a 'frolic on their own'.

The Court held that, in doing what she did, RB had in no way been engaged, whether misguidedly or not, in furthering the Local Authority's business and was engaged solely in pursuing her own agenda, namely divulging information to the Claimant's husband with whom she had some form of relationship. Although RB gained the opportunity to access and process data relating to the Claimant by reason of her unrestricted access to the Local Authority's IT systems to perform her role as a Contact Worker, it formed no part of any work which she was engaged by the Defendant to do to access or process those particular records (RB was not working on any files relating to the Claimant or her children at any time). In terms of comparison with the facts of *WM Morrison Supermarkets Plc v Various Claimants [2020] UKSC 12, [2020] A.C. 989, [2020] 3 WLUK 454*, it did not matter that her particular frolic took the form that it did.

The fact that there was an element of safeguarding to RB's job only served to underline how plainly she was not engaged in furthering her employer's business. The disclosure of the data to the husband was to the detriment of the Claimant and her children, whose safety and interests as users of the Local Authority's services it formed part of her core duties to further and protect. She was, on any analysis, on a frolic of her own.

Accordingly, the Claimant's claim against the Local Authority was dismissed.

For further information on any of the above cases, please contact:

Amanda Evans at **amandae@dolmans.co.uk** or
Judith Blades at **judithb@dolmans.co.uk**

DOLMANS
SOLICITORS

DOLMANS

TRAINING OPPORTUNITIES

At Dolmans, we want to ensure that you are kept informed and up-to-date about any changes and developments in the law.

To assist you in this, we can offer a whole range of training seminars which are aimed at Local Authorities, their Brokers, Claims Handlers and Insurers.

All seminars will be tailored to make sure that they cover the points relevant to your needs.

Seminars we can offer include:

- Apportionment in HAVS cases
- Bullying, harassment, intimidation and victimisation in the workplace – personal injury claims
- Conditional Fee Agreements and costs issues
- Corporate manslaughter
- Data Protection
- Defending claims – the approach to risk management
- Display Screen Regulations – duties on employers
- Employers' liability update
- Employers' liability claims – investigation for managers and supervisors
- Flooding and drainage – duties and powers of landowners and Local Authorities for drainage under the Land Drainage Act 1991. Common law rights and duties of landowners in respect of drainage
- Flooding and drainage – duties and powers of Highway Authorities for drainage and flooding under the Highways Act 1980. Consideration of case law relating to the civil liabilities of the Highway Authority in respect of highway waters
- Highways training
- Housing disrepair claims
- Industrial disease for Defendants
- The Jackson Reforms (to include : costs budgeting; disclosure of funding arrangements; disclosure of medical records; non party costs orders; part 36/Calderbank offers; qualified one way costs shifting (QWOCS); strikeout/fundamental dishonesty/fraud; 10% increase in General Damages)
- Liability of Local Education Authority for accidents involving children
- Ministry of Justice reforms
- Pre-action protocol in relation to occupational disease claims – overview and tactics
- Public liability claims update

If you would like any further information in relation to any of our training seminars, or wish to have an informal chat regarding any of the above, please contact our Training Partner, **Melanie Standley** at **melanies@dolmans.co.uk**