



Request for a Police, Fire & Crime Commissioner Decision

SECTION 1

Please identify who is requesting the decision:			
OPFCC Decision	YES	Decision Number:	PF 020/2025
CCFRA Decision	Y/N	Decision Number:	CF xxxx/yyyy
Constabulary Decision	Y/N	Decision Number:	CC xxxx/yyyy

(Please indicate whether this is a PART 1 or PART 2 decision (For Part 2 decisions, only the Section 1 is to be published))

PART 1 Decision:		PART 2 Decision:	✓
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DECISION TITLE: To make an offer to settle a personal injury claim

Executive Summary:

A Firefighter was injured as a result of attendance at a rescue.

Proceedings were issued subject to medical evidence and have now been served.

This is an insured claim and solicitors instructed by the Insurers have advised that an offer of settlement of claim be made

Recommendation:

The Chief Executive agrees that an offer is made of a sum as advised by solicitors engaged by the Insurers.

<p>Police, Fire & Crime Commissioner</p> <p>I confirm that I have considered whether or not I have any personal or prejudicial in this matter and take the proposed decision in compliance with the Code of Conduct for Cumbria Police, Fire & Crime Commissioner. Any such interests are recorded below.</p> <p>N/A – decision by Chief Executive under delegation.</p>		
I hereby:	Approve	the recommendations as set out above.
	do not approve	
Delete as appropriate:		
<p>Chief Executive</p> <p style="text-align: center;"><i>G. Hoare</i></p> <p>Signature: Date: 16/02/2026</p>		

For OPFCC Office Use only:

Date of publication of decision:	
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PART 1 – NON CONFIDENTIAL FACTS AND ADVICE TO THE PCC

1. Introduction & Background

A Firefighter was injured as a result of attendance at a rescue.

Proceedings were issued subject to medical evidence and have now been served.

This is an insured claim and solicitors instructed by the Insurers have advised that an offer of settlement of claim be made.

2. Issues for Consideration

An offer is considered urgent to protect the position in the face of mounting costs.

3. Financial Implications

This is an Insured claim and the advice of the solicitor instructed by the insurance company is noted and is being acted upon.

4. Summary and Recommendation

The Chief Executive is recommended to approve.

5. Further Implications

Legal

The Fire and Rescue Service's insurers have taken external legal advice which confirms that an offer should be made.

The Chief Executive of the Office of the Police Fire and Crime Commissioner has the delegation (under the corporate governance framework) to take decisions to commence those proceedings on behalf of the Commissioner and in consultation with the Commissioner and the Chief Fire Officer.

Risk

An offer is made to avoid the claim significantly increasing in value and to provide cost protection going forward.

HR / Equality

No implications.

ICT

No implications.

Procurement

No implications.

Victims

No implications.

6. Backgrounds / supporting papers

None.

CHIEF OFFICER APPROVAL

Chief Fire Officer

I have been consulted about the proposal and confirm that I am satisfied that this is an appropriate request to be submitted to the Police, Fire and Crime Commissioner.

Signature:



Date: 3 February 2026

Media Strategy The decision taken may require a press announcement or media strategy.	
Will a press release be required following the decision being considered?	Not at present
If yes, has a media strategy been formulated?	
Is the media strategy attached?	
What is the proposed date of the press release:	

Public Access to Information Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the PFCC website within 5 working days of approval. Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead in the Part 2 section of the form. Deferment is only applicable where release before that date would not compromise the implementation of the decision being approved.	
Is the publication of this form to be deferred?	NO
Until what date (if known):	
If yes, for what reason:	
If this is a Part 2 Decision , has the Part 2 element of this form been completed	YES

SECTION 2 BELOW IS ONLY TO BE PUBLISHED IF THE DECISION IS PART 1

SECTION 2

PLEASE COMPLETE ALL SECTIONS BELOW WITH FACTS AND ADVICE FOR THE PFCC

1. Introduction & Background

On 2nd April 2022 the claimant, Cheryl Wilson, a Firefighter at Whitehaven Fire Station, was injured at a horse rescue from a stream. She was instructed by the Incident Commander, with a colleague, to hold a rope tied to the prone horse's legs. The horse kicked out knocking her colleague over and, in turn, the claimant, who fell into the stream and allegedly sustained injuries to her leg and back.

Proceedings were issued subject to medical evidence and have now been served.

Liability and breach of duty was admitted on the 24 August 2022 subject to causation and contributory negligence. On the Insurer's advice this was due to the inadequate risk assessment of the Incident Commander, poor decision making and not following procedural guidance for animal rescues where veterinary advice should be first sought.

2. Issues for Consideration

The claimant was an experienced member of staff and the post-accident investigation indicated that, whilst it is true the claimant was holding the rope, she was not required to be positioned near to the horse at the time. There was sufficient rope that she could have removed herself from the streambed and in doing so removed herself from a foreseeable risk of harm. These considerations raise significant concerns in relation to causation and contributory negligence.

There is considerable medical evidence regarding the injuries and subsequent problems that have resulted in her being dismissed on grounds of capability due to ill health resulting in an ill health pension award.

Weightmans have been instructed by the Insurers. The solicitors recommended reserve at this stage is £137 902.

Weightmans recommendations are:

- A defence is filed conceding breach of duty subject to causation and pleading contributory negligence
- An early offer of £35,000 be made to buy off the risk of the claim significantly increasing in value and to provide cost protection going forward. This figure takes account of my valuation of general damages on the basis of the present evidence plus an element of special damages.
- Obtain the claimant's medical and occupational health records
- Obtain further information from the insured regarding the ill health retirement.
- Consider Part 35 questions and whether our own medical evidence is required.

An offer is considered urgent as costs will now mount with the claimant seeking further expert medical opinion.

2. Implications

Financial & Legal

This is an Insured claim and the advice of the solicitor instructed by the insurance company is noted and is being acted upon.

Confidential legal advice is attached to the decision below.

Risk

If an offer is not made/accepted, then there is the risk of the claim significantly increasing in value and to provide cost protection going forward.

HR / Equality

No implications

I.C.T

No implications

Procurement

No implications.

Other (e.g. Victims, 3rd parties etc)

No implications

Backgrounds / supporting papers



LTR Zurich Non
Delegated Initial Repo

SECTION 3 BELOW MUST BE COMPLETED FOR ALL PART 2 DECISIONS AND WILL NOT BE PUBLISHED.

SECTION 3

PART 2 DECISIONS ONLY – CONFIDENTIAL DECISION, FACTS AND ADVICE

Information may have to be disclosed in the event of a request under the Freedom of Information Act 2000. In the event of a request for confidential facts and advice, please consult your Information Advisor for advice.

Please indicate under which section the decision is to be taken in Part 2:

Not for publication by virtue of paragraph 1 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended):

- Information relating to any individual.
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Please provide a full explanation as to why the exemption should apply

The Part 2 information contains information relating to an individual and confidential legal advice and financial information and risk analysis which are confidential and if disclosed would have an impact on the OPFCC's ability to defend the claim. It is not in the public interest for this information to be disclosed.

This information is not for publication until the stated date because:

Information will cease to be confidential or when the confidentiality should be reviewed:
(insert date and reasons)

Name:

Date:

Part 2 Decision:

Confirmation by the Office of the Police, Fire & Crime Commissioner that they accept the reasons for the decision to be made in Part 2 for the reasons stated.



Name:

Date: 16/02/2026