

Press Statement

Michael Spence v Angela Naveda (1) and Barking, Havering & Redbridge University Hospitals NHS Trust (2)

The Parties in this claim reached agreement on 12.08.10 with Mr Spence accepting £300,500 in full and final settlement of both his damages and costs from Ms Naveda and the NHS Trust.

Mr Spence was injured in a road traffic accident on 7 April 2005 while a front seat passenger in a car driven by his partner, Ms Naveda. Mr Spence was subsequently treated at two hospitals, which formed part of Barking, Havering & Redbridge University Hospitals NHS Trust. Mr Spence subsequently raised allegations of negligence alleging a failure to treat him as a spinal injury patient which he alleged exacerbated his injuries causing permanent and significant damage. His claim for compensation was passed to the NHS Litigation Authority which manages such claims for NHS bodies in England.

A trial on liability commenced in the High Court on 6 July 2009 where Mr Spence gave evidence under oath that he had significant residual disability. At the conclusion of the third day of trial, the claim for liability was settled with the Trust agreeing to pay 80% of the damages and the insurers of the First Defendant 17%. This settlement was approved by the Judge, Dr Braslavsky QC on 9 July 2009.

Following press publicity of this settlement, and reference to a seven figure settlement, the NHS Trust received various anonymous telephone calls claiming Mr Spence was not as disabled as he had stated in his evidence and had presented to his solicitors and the experts of all Parties.

The Authority acted upon this anonymous information from the general public, and conducted video surveillance of Mr Spence between October 2009 and February 2010. This evidence revealed that in contrast with the impression Mr Spence had given as having functional disability, he was in fact an active, mobile man who was able to walk, run and move easily without aids as well as play golf and lift a motorcycle into and out of a 4x4 vehicle.

On the strength of this evidence the NHS Litigation Authority agreed to apply to Court to set aside the Order made at the conclusion of the liability trial on 9 July 2009 by Dr Braslavsky QC. At the hearing of the Application on 14 June 2010, the Court accepted there should be a further trial on the issue of Mr Spence's alleged fraud and as to whether the Order made on 9 July 2009 should be set aside. The NHS Litigation Authority also authorised the obtaining of a Freezing Injunction against Mr Spence's assets which was secured on 28 June 2010.

Of the global settlement of £300,500, the NHS Trust's liability is limited to £141,250, inclusive of both damages and costs. All Parties also agreed the Order made on 9 July 2009 should be set aside. It is accepted the Claimant suffered some injury and was

entitled to some compensation. Mr Spence may have recovered damages up to £3m and legal costs up to £1m on the basis of his allegations if the surveillance evidence had not been obtained. This represents a significant saving to the NHS budget and ensures greater funds are available for patient care. The NHS Litigation Authority, working in partnership with NHS Trusts, is always committed to protecting public funds. The NHS Litigation Authority hopes that this claim will send a very strong message to all Claimants and their solicitors that exaggerated claims will be thoroughly investigated and not tolerated.

Both the Authority and the NHS Trust would like to thank those members of the public who had the courage to come forward and have directly contributed to protecting public funds.

23.08.10