

Public Liability Insurance Claim Form

Balfour Beatty Living Places (BBLP) has been appointed by Herefordshire Council as its Highway Service Partner. The Partnership started on the 3rd September 2013 and will last for 10 years. During this time, BBLP is responsible for managing the highways activities and this includes highways related third party claims.

Guidance Notes

IT IS IMPORTANT THAT YOU READ AND UNDERSTAND THESE GUIDANCE NOTES BEFORE COMPLETING THE CLAIM FORM

If an incident occurs and you consider that it was caused as a result of Herefordshire Council, you may be able to claim compensation. It is important to note that there is no automatic entitlement to compensation, and just because an incident has happened it does not necessarily mean the Council will be held liable. To successfully claim it will need to be proven that Herefordshire Council has been at fault in law. Legally the onus is on you as the claimant to prove your claim. This includes providing full details of the incident (including accurate dates, location and details of the incident) so that we can investigate the claim thoroughly. You will also need to provide evidence of the loss sustained by providing us with defect photographs and invoices or estimates for the damaged items.

Highway Related Claims

Herefordshire Council has a duty under the Highways Act 1980 to maintain the highways and any Highways related claim will be assessed against that Act. The law sets out what is meant by maintenance, and some things are excluded, for example, it does not include keeping a road free of mud, debris or water.

If you think that we have in some way failed to maintain the highway, then you will have to prove this. You will have to show that the highway in question has not been maintained appropriately regarding its importance and use and was therefore dangerous.

If this can be proved you then have to show that this was the cause of the incident, and that you have suffered a loss as a result. Even if you can prove these things, the law gives a defence under the Highways Act to the Council if it can demonstrate that it has taken all reasonable steps to ensure the highway was safe. This means that if all inspections and repairs had been carried out as planned or reported, then no compensation will be paid.

Unfortunately, incidents do occur, however very few are attributable to negligence on the part of the Council and as such, the majority of Highways related claims brought against Herefordshire Council are successfully defended.

Please note, that if your claim involves a defect on the highway that results in subsequent repair, this does not imply an acceptance of liability by Herefordshire Council for the claim.

Damaged items

In the case of damage claims, if an urgent repair or replacement is required to an item to ensure that it is safe, you are responsible as the owner of that property to ensure that it is made safe and does not pose a threat to you or others. The Council, and/or its contractors, cannot arrange for any repairs to property that is not under our ownership and are unable to recommend contractors to carry out such work.

If liability is established, we will make an offer of settlement. When calculating this offer, we will consider the age of the damaged item along with other factors such as wear and tear. We cannot offer settlement on a “new for old” basis. Your insurance company may offer this on your motor/household policy, but this is over and above the legal position.

Should you wish for damaged item to be replaced on a “new for old” basis, then you may wish to make a claim via your relevant motor/household insurer in the first instance. Your insurers may then seek to recover their costs from the Council if they feel the Council has been at fault. A successful recovery by your insurers will mean that your premiums and any no claim discounts are unlikely to be affected.

What information must you provide when you make a claim?

1. A completed claims form (relevant sections), containing:
 - A clear summary of the facts on which the claim is based including the time and date of the incident.
 - An indication of the nature and extent of your injury(ies) and/or details of any property damage.
 - Details of any financial loss suffered.

2. Enough other information to enable formal investigations to start e.g. photographs.
 - Any photographs of the incident location should clearly show the defect and surrounding area.
 - Please mark the exact defect with an ‘X’ and show your direction of travel.
 - If photographs are unavailable, you may wish to use online map services to provide the precise location.
 - The nearest house number or streetlamp column would also be of assistance.

Without all the above information, it may not be possible to process your claim.

Once we have received your claims form

We will endeavour to acknowledge receipt of any property damage claims within ten working days. For injury claims, we endeavour to notify our insurer within seven days, and they will subsequently acknowledge your claim.

All claims will then be thoroughly investigated, and contact will be made if any further information is required. On completion of the investigation, a liability decision will be provided in writing. We will endeavour to communicate this decision within three months of our acknowledgement.

HIGHWAYS INCIDENT REPORT



Working for Herefordshire

This form is to allow an investigation to be undertaken and liability determined. It therefore cannot, and should not, be taken as an admission of liability on behalf of the Council for any injury and/or property damage that has occurred.

Any information provided should be based on fact and be as complete as possible.

The final decision on your claim is likely to be delayed if you do not answer all relevant questions fully and you do not provide the additional information/documents/photographs requested.

FORM TO BE COMPLETED BY CLAIMANT IN FULL (BLOCK CAPITALS)

Details of Claimant

Title	Name	
Address		
		Postcode
Date of birth	NI number (injury claims only)	
Email address		
Occupation		Are you registered for VAT? (YES / NO)
Primary telephone	Secondary telephone (Optional)	If YES please provide VAT registration number

If someone other than the claimant is completing this form please state their name, address and relationship to the claimant

Title	Name	
Address		
		Postcode
Relationship to you		

Witnesses

Name
Address
Telephone number

Name
Address
Telephone number

Relationship to you

--

Relationship to you

--

(Please use separate sheet for any additional witnesses)

Details of Incident

Date	Time
------	------

Exact Location

Road name, Village/Town, OS Grid Reference, GPS Co-ordinates or What3Words (if known) and sufficient description to identify the site (e.g. landmark, house number, distance from junction etc)

WITHOUT THIS INFORMATION WE MAY NOT BE ABLE TO PROGRESS YOUR CLAIM

Road name	Village / Town
OS Grid ref / GPS co-ordinates / What3Words	Landmark/House number
Other useful information	

Please provide a map of the accident site showing exact incident location (indicating direction of travel) and enclose photographs showing the defect in relation to the surrounding area.

--

A PRINTED MAP (GOOGLE MAP, BING MAP ETC) CAN BE USED INSTEAD OF DRAWING A MAP IF PREFERABLE

HIGHWAYS INCIDENT REPORT



Working for Herefordshire

Please give as much information as you can about the following

(a) Condition of highway surface? (Dry, Wet, Icy, etc)	(b) What was the visibility like? (Clear, Foggy, Raining, Snowing, etc)
---	--

How did the incident occur: (Please use a separate sheet if required)

Did you notify the police of the incident? YES / NO If yes;

Which station?	Name and/or Number of Officer to whom reported
Incident number	Date reported

Details of when and to whom the incident was reported to at Herefordshire Council or Balfour Beatty

Date reported	Enquiry or CAS reference number
Name	

Details of why you believe Herefordshire Council is responsible

PLEASE COMPLETE THE RELEVANT SECTION(S)

Damage to Vehicles

Type of vehicle	Make	Model
Vehicle registration	Year	Colour
Current mileage	Current market value	Insurance certificate number
Details of motor insurer		
Details of modifications made to vehicle		

Name and address of registered owner if different from claimant

Title	Name	
Address		
		Postcode

Damage to vehicle

Details of damage to vehicle	Replacement cost (£)	How old is this item

Please attach invoices/receipts in support of your financial loss.

Damage to Property / Personal items

What item(s) have been damaged?	Replacement cost (£)	How old is this item

Please attach invoices/receipts in support of your financial loss.

If relevant, please give details of insurer i.e. house insurers

HIGHWAYS INCIDENT REPORT



Working for Herefordshire

Personal Injury

Details of injury – Please state left or right where appropriate

Hospital attended? YES / NO If Yes please state name, address and date attended
Date Attended

Did your injury prevent you from attending your workplace? YES / NO If Yes please give details of the time you were incapacitated

Doctors surgery attended? YES / NO If Yes please state name, address and date attended
Date Attended

Please ensure that you have provided all the information relevant to your incident and read the notice below very carefully before signing and returning this form

ANTI-FRAUD AND DATA PROTECTION NOTICE

Herefordshire Council has a responsibility to its council taxpayers to ensure that all claims received are legitimate and is also under a duty to protect the public funds it administers. All legitimate claims are assessed individually and fairly and where liability is found; compensation is paid as quickly as possible. The council and its insurers have an anti-fraud system in place to assist them in detecting dishonest claimants and taking appropriate action.

To aid in this duty, we may use the information you have provided on this form for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information please see the Public Sector Audit Appointments web site (www.psaa.co.uk).

All information given by you, or otherwise obtained during the claims process, in connection with your claim, will be held by Herefordshire Council and/or Balfour Beatty in accordance with the Data Protection Act 2018 (the 'Act'). Herefordshire Council's nominated representative for the purposes of the Act is *Claire Ward, Solicitor to the Council, Herefordshire Council, The Shire Hall, St Peter's Square HR1 2HX.*

In order to deal with your claim, it may be necessary to share this information with other interested parties. These parties include (but are not limited to) our insurers and their representatives, our Sub-Contractors and their insurers and representatives. By signing the below declaration, you agree to this sharing of information, solely for the use of dealing with your claim.

INSURANCE FRAUD IS A CRIMINAL OFFENCE

Declaration

I agree that the provided information, to the best of my knowledge, is true, and that I agree to the Anti-Fraud and Data Protection statement above.

Signed	Date

Have you included (Please tick)

Marked map	<input type="checkbox"/>	Situational photos of incident location	<input type="checkbox"/>	Photos showing damaged item/items	<input type="checkbox"/>
Estimates/Invoices/Receipts	<input type="checkbox"/>	Photos of issue causing incident	<input type="checkbox"/>		<input type="checkbox"/>

Please return this completed form to:
 Herefordshire.Claims@bblivingplaces.com
 Or by post to Regional Claims Handler, Balfour Beatty Living Places, Unit 3 Thorn, Business Park, Rotherwas, Hereford, HR2 6JT