

General guide on making claims – how to make an insurance liability claim against Southwark Council

The basis for claims is that there has been fault on the part of the council, and it is therefore necessary for you to prove that the council has been at fault in law. There is no automatic entitlement to compensation and just because something unfortunate has happened to you it does not necessarily mean that the council can legally be held to blame.

The Insurance claims web page sets out four claim types, with report form and contacts.

If you need any help with filling out the form, email the insurance section centralinsuranceservices@southwark.gov.uk

Should You Make a Claim?

Please think carefully before making a claim. Any claim will ultimately have to be paid for from council resources and the cost of processing unsuccessful claims is a drain on staff time and diverts resources from front line services.

In some cases you may have other insurances that cover the relevant damage or injury. Your own insurance company may be able to assist you in such cases. They would usually be able to do so more quickly and without any future premium penalty or, in the cases of property losses, without deduction for wear and tear, as would normally be applied to a liability property damage claim.

How the insurance claims procedure works

- You should complete the claim form, and return it stating the exact circumstances of your claim, the nature of any damage or injury and why you feel the council is responsible. Please give full details of your name, address, National Insurance number [if an injury] and the ages and values of any damaged items. We recommend that you enclose photographs of the damage or injury and of any alleged defect which caused an injury, details of any previous complaints and names of any council staff involved. Remember to keep a copy of all correspondence. This will be forwarded to our liability claims handling company, Gallagher Bassett.
- An acknowledgement of your received claim form will normally be sent to you within ten days, telling you the name and telephone number of the claims handling company (Gallagher Bassett *).
- Sometimes Gallagher Bassett will need further information, from you or the council. If a council contractor is involved then your claim may be forwarded to them and, if this is the case, you will be advised of this action.
- After you have received any communication from Gallagher Bassett then any further correspondence concerning your claim should be with them from then on, not the council. If you appoint solicitors to act on your behalf, all communications will be with them.

Property damage

If the claim is for damage to property, you will be asked for original receipts, and /or replacement estimates and confirmation of the age of the property involved. Please note that any offer will normally be on a "less wear and tear basis" and not "new for old".

Personal injury

If your claim is for injury, medical evidence will need to be gathered. A report will be requested from your GP/hospital [with your permission]. Please note that this can take some time, and is something over which we have no control other than to issue regular reminders. You may wish to contact your GP to try and speed up this process.

If your injuries are severe or the report mentioned above is not sufficient to assess the extent of your injuries then a consultant may be appointed to examine you to prepare a specialist report. This process can take several months.

Claim decision

Once all the evidence has been collated the claims handlers should be in a position to determine if the council has any legal liability.

If they consider that the council has no legal liability they will write to you explaining their decision. If they consider the council is at fault and agree your claim they will send you an acceptance letter with a formal offer reflecting the level of compensation.

The decision of our claims handlers is final and the council will not intervene at any stage in your claim after it has been forwarded to our claims handlers. All claims will be decided on their merits. We aim to pay any valid claims as soon as possible. Since claims costs come out of public funds, we are not able to pay claims if any accident or damage is not legally the council's fault.

Claim dispute

If you wish to dispute the decision of the claims handlers you should write to them giving your reasons and asking if they would reconsider. Please remember that any offer can be reduced as well as increased.

Complaints

If you have any complaints concerning the handling or conduct of your claim by the claims handlers you should contact them in writing giving your reasons. Please remember that a payment will only be made where there is proof of legal liability and that onus remains with you to prove that a legal liability exists.

You are entitled to seek legal advice at any stage during the process but we recommend that you check any costs, charges, insurance premiums, etc that may be payable.

If you are not satisfied with Gallagher Bassett's decision on any claim then you may take legal advice, from a solicitor or the Citizen's Advice Bureau or other agency as preferred.

* Please note that Gallagher Bassett is a liability claims handling company appointed by the council to settle liability claims made against it. In so doing they are acting for the council and aim to settle claims on an equitable basis as far as possible in all cases.

Contact

Postal address

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