

## Making a claim for compensation against Renfrewshire Council

### Information and Claim Pack

#### You must read these terms before completing the Public Liability Claim Form

1. If you make a claim through your own insurer, it is likely that your claim will be dealt with more quickly than a claim against the council since legal liability does not have to be established. Your insurer will most likely cover your loss on a 'new for old basis' and if your insurer believes that the council may be legally liable for your loss or harm, they may pursue a claim against the council. If the council is proven to have been legally liable, then your insurer can recover both their own costs and any excess payment you have made to them. Your premium payments should not be affected if the council is found to be legally liable for your loss/ harm.
2. If you wish to make a claim for compensation directly to the council you must complete the attached 'Public Liability Claim Form.' The form is to be completed in full and be signed and dated by you as being a true representation of the circumstances of your claim. For claims to be successful, claimants have to be able to prove that the council has been negligent, i.e. has not followed its statutory duties or, based on the evidence available, has not acted reasonably in the circumstances of the claim.

#### **Note:**

- a. Any incomplete or unsigned form will be returned to you and any form that arrives with insufficient postage paid will not be accepted.
  - b. Making a claim does not automatically entitle you to compensation for loss or injury – it will depend on whether the council has been negligent in any way.
  - c. It is your responsibility to put a value on your loss and if the claim is for damage or loss of property, we require original receipts (if available) and/ or two repair/ replacement estimates along with confirmation of the age of the items.
  - d. It is your duty to take reasonable steps to reduce the value/ extent of any loss and to ensure as far as possible that your property does not become damaged
  - e. If you proceed with repairs or replacement or disposal of any damaged property before the council or its insurers have had the opportunity to carry out its investigations, your claim may be prejudiced.
  - f. Since the council must protect the public funds that we handle, the information you provide in relation to your claim may be used to detect and prevent fraud and consequently we may also share this information for this purpose, with other organisations handling and protecting public funds
  - g. Any alleged loss that is found to have been fraudulently, falsely stated or exaggerated will be passed to the Police and may be subject to criminal prosecution.
3. When completing the claim form, the more information that can be given, the easier it will be for the council and its insurers to investigate. For example, maps, sketches and photos can be very helpful in showing where an incident has happened. The more information we have, the quicker any investigation will be.
  4. For claims involving injury and where the sum claimed is up to £25,000 the process should take no more than 90 days for a decision to be made on whether compensation is to be offered or not. For injury claims above £25,000 the process may take longer. For claims not involving any injuries, the process should be shorter than 90 days however it should be noted that all claims are assessed on a case-by-case basis and timescales may vary if for example the claim is very complex or is received at a time of the year where there are higher volumes of weather-related claims to be processed.

5. When we receive your claim form, it is logged, assigned a council claim reference number and is then passed to our insurers or appointed claims handlers. The insurer or claims handler reviews the claim and makes a decision as to whether the council is legally liable for the loss or not. You will therefore receive a letter either from Zurich Municipal (our insurer) or from a claims handling company, Gallagher Bassett International (GBI), firstly acknowledging receipt of your claim and later telling you the outcome of your claim.
6. While your claim is in progress, we will ensure that all relevant documentation and reports required from the council are made available to our claims handlers in order that they reach their decision as soon as possible on whether or not the claim is to be accepted or rejected.

**Note:**

- a. Only Zurich Municipal or GBI can make a decision for the council on your claim; council employees are not authorised to either admit or deny negligence.
7. You will receive written confirmation from Zurich Municipal or GBI on the outcome of your claim.

**Note:**

- a. If it is decided that your claim is to be accepted and settled by us, the offer will not be made on a 'new for old' basis as the council's liability is legally limited to the value of the loss immediately prior to your incident.
  - b. If you claim benefits, any payment made to settle your claim might affect benefits payments and any settlement that is paid to you must be declared and you should contact your benefit provider for further advice.
  - c. The council may exercise an option to offset the payment of a claim against any current debt that you may owe to Renfrewshire Council (such as any council tax arrears).
8. You may elect a representative to handle your claim on your behalf if you feel this would be appropriate. Your representative can be a solicitor, a family member or another personal acting on your behalf. If you exercise this option, all correspondence relating to your claim will be sent to your representative. You are entitled to seek legal advice at any stage of your claim. Before appointing a solicitor however, you should check how much any legal services will cost and how they will be funded. The Citizens Advice Bureau can also provide guidance on making a public liability claim and you can visit their local office or their website for these details: <https://www.renfrewshirecab.org.uk/>
  9. The council insures its homes against structural damage but not for the contents that belong to tenants. We strongly advise that council tenants take out their own contents insurance which is available from a variety of insurance companies or can be arranged through the council's 'Domestic Tenants Contents Insurance Scheme.' Council tenants who wish to take part in this scheme should contact their local customer service point for details on how to join the scheme or how make any claim relating to their contents if they are already part of the scheme.
  10. If you need to have this information pack (or a copy of the council's privacy policy), supplied in an alternative format or language, please call the customer contact centre on 0300 300 0300 and ask to speak to the Finance & Business Services team for Insurance, or email [insurance@renfrewshire.gov.uk](mailto:insurance@renfrewshire.gov.uk)

## Renfrewshire Council Public Liability Claim Form

Please return the **completed** form to:

Renfrewshire Council  
Finance & Business Services (Insurance Claims)  
Renfrewshire House  
Cotton Street  
PAISLEY  
PA1 1LQ

Or email to: [insurance@renfrewshire.gov.uk](mailto:insurance@renfrewshire.gov.uk)

Use the 'checklist' (Section 10.) to **make sure you have completed all relevant sections** before submitting your claim, or it will not be processed and will be returned to you.

**Before completing the form you must ensure you have read terms 1 to 10 in the information pack**

Section 1: Claimant Details					(MANDATORY SECTION)
Title:	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Other:	
First Name/s:				Last Name:	
Address:				Post Code:	
Telephone No:					
Email address:					
Date of Birth:				Occupation:	

Section 2: Legal Representative or Agent					(Only if relevant)
Name:					
Address:				Post Code:	
Telephone No:					
Email address:					
Relation to claimant: such as, solicitor, insurer etc.					

Section 3: Details of the Incident		(MANDATORY SECTION)		
<p><b>When</b> did the incident happen?</p>	<p>Date:</p> <p>(The <b>Exact date</b> is needed for us to know if your claim is to be forwarded to Zurich Municipal or GBI).</p>	<p>Time:</p>		
<p><b>Where</b> did it happen?</p> <p><u>Note:</u> Please use Appendix 1 to provide a sketch (or, e.g. photo of defect and area around it if it's safe to stop to photograph).</p>	<p><b>Exact location:</b> e.g. House no, street name, lamp post number, street view image</p>			
<p><b>How</b> did it happen?</p> <p><u>Note:</u> Please use Appendix 2 to give more information if required.</p>				
<p>Please tell us <b>why</b> you believe the council is legally liable for this incident (see para 2 of guidance)</p>	<p>(Please also attach with your claim any documents or records that you have/ have accessed to support this)</p>			
<p>Did anyone witness your incident?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>If yes, please provide names and contact details:</p>	
<p>Did you involve the police?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>If yes, please tell us the police station you reported the incident to and the police incident number</p>	<p>Station:</p>
				<p>Police Incident number:</p>



Section 6: Decoration		(MANDATORY – if claiming for damage to decoration)	
What area is damaged?	When was the area last decorated and how much did it cost?	If you did not do the work yourself, who did it for you?	Estimated cost to redecorate the damages area

**Please remember to attach at least two estimates with this form**

Section 7: Your Insurer's Details		MANDATORY – If claiming for vehicle damage or damage to property or redecoration	
Insurer:			
Address:			
		Post Code:	
Policy and/ or Claim no:			

If your claim is for motor vehicle damage, please record your vehicle registration here: \_\_\_\_\_

**Note:** section 7 should be completed for the purpose of insurance fraud checks – the council will not pass your claim onto your insurer.

<b>Section 8: Injury</b>		<b>(MANDATORY – if claiming for injury)</b>	
<p>Note: If you suffered an injury as a result of the incident the council and its claims and legal agents have a duty to advise the Department of Work and Pensions (Compensation Recovery Unit) you have submitted a claim for compensation. To ensure we only pass on the correct information, you must provide all the relevant information requested below.</p>			
National Insurance Number:			
Description of injuries resulting from the incident:			
Name of your Doctor:			
Doctor's Address:			Post Code:
Did you consult your doctor about these injuries or attend hospital after the incident?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, to either of these questions please tell us where you attended and the name of the doctor/clinician who treated you:
Are you still receiving treatment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, please provide details:
Employer:			
Address:			Post Code:
Employee/ works no:			
Dates of absence resulting from incident:			

### Section 9: DECLARATION – MANDATORY FOR ALL CLAIMS

I certify that to the best of my knowledge and belief, the information supplied by me in this claim form is true.

I understand that any alleged loss that is found to have been fraudulent, falsely stated or exaggerated will be passed to the Police and may be subject to criminal prosecution.

I certify that I have read, understand and accept the terms contained within the attached information pack “Making a claim for compensation against Renfrewshire Council.”

I understand that the personal information collected on this form will be used by Renfrewshire Council, its insurers and appointed claims handlers to process this claim and be retained securely. I understand that this information may also be disclosed to agencies in connection with identifying potential cases of fraud. This includes periodic data matching exercises such as the National Fraud Initiative where relevant agencies will be similarly subject to the requirements of data protection law. Further information on how the Council handles your personal information can be found online at: <http://www.renfrewshire.gov.uk/article/2201/Privacy-policy>

**Claimant's  
Signature:**

**Date of Signing:**

### Section 10: Checklist

- Read the guidance and terms on pages a and b
- Completed all mandatory fields
- Attached any relevant receipts, photographs, quotes or additional information
- Signed and dated the declaration (Section 9)



## APPENDIX 1: SKETCH

## APPENDIX 2: ADDITIONAL INFORMATION