

Warwickshire County Council Claims Team

HIGHWAYS INSURANCE CLAIMS INFORMATION

INTRODUCTION	<p>Warwickshire County Council is responsible for managing a highway network of over 2,350 miles of road and 1,635 miles of footway. Our resources are limited but we try to keep defects to a minimum. We accept that we may not always meet everyone's expectations.</p> <p>Damage to vehicles or personal injury sustained on the highway is regrettable, as we endeavour to maintain our highways to a standard appropriate to their status and use.</p>
THE HIGHWAYS AGENCY AND OTHER PARTIES	<p>It may be that your accident has occurred at a location that Warwickshire County Council is not responsible for such as :</p> <ul style="list-style-type: none"> ▪ A Motorway or Trunk Road – The Highways Agency is responsible for these roads. ▪ On private property or an unadopted road. ▪ At a roadwork site i.e. National Grid, EON, BT or Severn Trent.
OUR DUTIES	<p>Section 41 of the Highways Act 1980 imposes a duty on us to maintain highways. To ensure our legal obligations are met we have in place a regular system of inspection and repair.</p> <p>Each road or footway is classified according to its importance and use. If a defect is identified on inspection or if someone reports it, necessary action or repairs will be carried out.</p>
IF YOU SUFFER AN ACCIDENT	<p>If you have had an accident you feel has resulted from a defect in the highway you may be able to claim. It will be necessary to prove that the defect in the highway caused your accident and that Warwickshire County Council has failed in its duties.</p>
THE LAW AND YOU	<p>For a claim to be successful in law it must be demonstrated that :</p> <ol style="list-style-type: none"> 1) the highway in question has not been maintained appropriately in accordance to the duties imposed upon us by law <p>AND</p> <ol style="list-style-type: none"> 2) that this was the direct cause of your accident. <p>If both components of this two stage test are satisfied you may be entitled to compensation for any losses arising out of the accident. However, if the County Council can demonstrate that it took all reasonable steps to ensure the highway was safe by showing that all necessary inspections and repairs have been carried out then the claim will be defended.</p>
IF YOU DECIDE TO CLAIM	<p>If you decide to claim you will need to complete the claim form.</p> <p>You must provide as much information as possible and include a marked google map or sketch plan, photographs of the defect, surrounding location and damage/injury.</p> <p>We will also need estimates/invoices for repair of the vehicle or property damaged and copies of your vehicle documents.</p>

	<p>If you are claiming for personal injury you will be required to attend a site meeting to correctly identify the accident location.</p> <p>We expect you to be able to provide evidence to prove your claim.</p> <p>Failure to provide all the relevant information will mean the investigation of your claim will be delayed.</p>
IF YOU MAKE A CLAIM WE WILL...	<p>Your claim will be handled by Warwickshire County Council Claims Team. Occasionally claims are handled by appointed claims handlers, our insurers or solicitors.</p> <p>Upon receipt of your claim form and all other relevant documentation we will confirm who will be dealing with your claim. It will be dealt with in accordance with the legal framework that governs these claims.</p> <p>Your claim will be acknowledged within 5 days of receipt. We will indicate if we have enough information to investigate your claim, if not we will advise you what else we require. Our investigation will not start until the further information has been received.</p> <p>Following investigation of your claim, we aim to advise you whether your claim is accepted or rejected within 30 days for simple damage claims and 90 days for personal injury and all other claims.</p> <p>Please note, if we are experiencing a high volume of claims we may not be able to adhere to these timeframes, but we will inform you if this is the case and deal with the matter as quickly as we can.</p>
SHOULD I CLAIM?	<p>Please think carefully before making a claim. Past records indicate that we have successfully defended a very large number of highway claims. We have a good record of defending claims to trial.</p> <p>The highway network must be managed and maintained as effectively as possible. The County Council's insurance policy excess is £250,000. Any successful claims are paid out of County funds and so there will be less money for front line services, including maintenance of highways.</p> <p>Your own insurers may be able to help, so you may want to contact them.</p>
FRAUD	<p>Unfortunately local authorities are increasingly becoming victims of fraudulent insurance claims.</p> <p>Fraud is not a victimless crime.</p> <p>Warwickshire County Council takes fraud very seriously and any suspected fraud will be thoroughly investigated. Penalties for those committing fraud can include imprisonment and fines.</p>

CONTACT DETAILS	<p>Please send your completed claim form and documents to:</p> <p>Warwickshire County Council Legal Services Claims Team The Post Room rear of Shire Hall Northgate Street Warwick CV34 4RL</p> <p>Alternatively you can email your claim to: claimsteam@warwickshire.gov.uk</p> <p>If you just want to report a pothole or defect you can do this online via the Warwickshire County Council Website or call 01926-412515</p>
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