

###### Making a claim against North Lanarkshire Council

###### Guidance Notes - Liability Claim Form

***It is important that you read these guidance notes before completing your claim form***

***These are the terms and conditions referred to in the claim form***

1. In order to be successful with a claim against North Lanarkshire Council, it must be proven that the Council or its employees have been negligent in carrying out their duties. There is no time limit in dealing with this type of claim, since the council must fully investigate your claim to find out whether the Council has been legally liable/negligent.
2. If you have Home Contents, Buildings or Motor insurance that would cover this loss, we recommend that you make a claim on this policy first. This is because settlement will be on a “new for old” basis and you will not need to prove that anyone is at fault for the loss. It is also likely that your claim will be dealt with quickly. Your insurers may look to recover their costs from the council if they feel the council has been at fault. A successful recovery by your insurers will not affect your premiums.
3. The council is not responsible for the actions or activities of any contractor or public utility company even if they are acting on our behalf. You must make these claims directly against the contractor or Public Utility Company. Any claims received by North Lanarkshire Council in this respect will be forwarded to the relevant contractor.
4. The council will not meet any claim where damage arises as an unavoidable consequence of the council undertaking services that it is obliged to carry out e.g. damage to interior decoration caused while replacing a faulty fire or heating appliance.
5. The council will not meet any claim where the circumstances of the loss involve the criminal act(s) of an unidentified third party. You must refer this type of incident to your own insurer.
6. Any claim that is found to be fraudulent or exaggerated may be passed to the Procurator Fiscal and may be subject to criminal prosecution.
7. The claim form must be completed in full, signed and dated by you as being a true statement of the circumstances surrounding your loss, injury or damage.
8. Any successful claim payment will be offset against any current debt owed to North Lanarkshire Council in whatsoever capacity, including, but not restricted to Council Tax and Rent Arrears.
9. Data Protection Act 2018: The information that you provide on this form will be used for the purposes of processing your claim against the council and as we are required to protect public funds, may use the information to prevent and detect fraud. In addition information may also be shared with other public organisations for the same purpose. The information will be held on a computer database for the purposes of prevention and detection of fraud. Further information can be found by searching for “National Fraud Initiative” on the Council’s website. In addition information may also be shared with other public organisations for the same purpose. Where necessary we may share this information with the council's Revenue and Housing Services for the purposes of identifying any debts overdue and to recover such sums. We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties. Or give information to them to check the accuracy of the information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments, Local Authorities & Credit Reference Agencies.
10. When we receive your completed claim form, it will be handled by the council's Risk & Insurance Team, who will carry out an investigation into the incident. This may include a visit from a representative of the Risk & Insurance Team or a Loss Adjuster, as well as obtaining information from the relevant council service. When all information has been considered, a decision will be made on your claim and you will receive a letter advising you of the outcome.
11. You need to tell us the value of your loss and provide written estimates for the repair or replacement of damaged property. You must also include the original purchase price and date of purchase, providing receipts where possible.
12. You have a duty to take all reasonable steps to minimise the value or extent of any loss, and to make sure, as far as possible, that your property does not suffer further damage.
13. It is important that you do not replace items or carry out repairs before the Risk & Insurance team has had the chance to fully investigate the claim and give their agreement. You should however carry out any emergency repairs necessary to secure your property or prevent further damage. Your claim may be affected if there is not enough evidence for us to assess the extent of your loss.
14. Do not dispose of any damaged property without the agreement of the Risk & Insurance Team as this may affect your claim. If your claim is successful, the council or its insurers will have the right to recover any salvage value for the damaged items.
15. You are entitled to seek legal advice at any time. If you feel that this is appropriate, any subsequent communication will only be undertaken with your legal adviser.

**Liability Claim Form**

Please return the completed claims form to: North Lanarkshire Council

 Risk & Insurance Team

 The Civic Centre

 Motherwell

 ML1 1AB



***Before completing this form you must ensure you have read the attached guidance notes***

|  |
| --- |
| **Section A: Personal Details** |
| Full Name: |  |
|  |
| Address: |  |
| Postcode: |  |
| Telephone No:  |
| Mobile No: |
| E-mail Address: |
| Are you an owner-occupier or council tenant? (Please delete as necessary) |

|  |
| --- |
| **Section B: Incident Details** |
| Date of Incident: | Time of Incident: am/pm |
| How did the incident happen? *(Please provide full details on the circumstances surrounding the incident. Please use a separate sheet if necessary)* |
| Was the damage caused as a direct result of work being carried out by a Contractor or Person acting on behalf of the council? YES/NO If "Yes" please provide details:*(Please note that claims involving a Contractor will be passed to them to deal with you directly under their own liability insurance.)* |
| Where did the incident happen? *(If this did not happen within your home you must provide a detailed sketch (see Section C) or attach photographs showing the exact location. Please include as many identifying features as possible e.g. street names, house numbers and street light numbers. Please also indicate the direction of travel)* |

|  |
| --- |
| **Section C: Sketch** |
| Please note that if you do not provide a sketch this may delay processing your claim.  |
|  |
| **Section D: Liability** |
| Please advise why you consider the Council to be legally responsible for your loss: |
|

|  |
| --- |
| **Section E: Vehicle Damage** |
| Make and Model: |  |
| Registration: | Mileage:  |
| MOT Expiry Date if applicable: |
| Damage to the vehicle (Please enclose costs, estimates and photographs) |  |

|  |  |
| --- | --- |
| **Section F: Property Damage/Loss** |  |
| Description of Item(s) | Date Purchased | Where Purchased | Original Cost of Item | Estimated Cost to Repair/Clean/Replace |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| Please remember to attach any receipts and/or repair estimates |
|

|  |  |
| --- | --- |
| **Section G: Personal Injury** |  |

|  |
| --- |
| Please describe the injuries suffered from the incident: |
| Date of Birth: | National Insurance No: |
| Did you attend hospital? YES/NO | Did you attend your Doctor (G.P)? YES/NO |
| If Yes, please provide full details including the name and address of your doctor and/or hospital and the date and time you attended: |

 |

 |

|  |
| --- |
| **Section H: Witnesses** |
| Give name(s) and address(es) of witnesses if appropriate: |

|  |
| --- |
| **Section I: Other Information**  |
| Did you notify the Council of the incident? Yes/No |  |
| If Yes, who did you contact and when? |  |
| If the incident involved a defect did you complain about this before the incident? Yes/No |  |
| If Yes, please provide any reference number you were given: |  |
| Do you have separate Home Contents Insurance, Building Insurance or Motor Insurance that would cover this claim? |  |
| If yes, please provide Insurers name and policy number: |
| If Yes to any of the above, have you made this claim on your own Insurance policy? |  |
| Have you made a claim to any other party for the same loss, damage or injury? |  |
| If Yes, please provide details: |  |
| **Filling in and sending us this form does not mean that North Lanarkshire Council is legally responsible for the claim or will have to pay compensation.** |

|  |
| --- |
| **Section J: Declaration** |
| **Please note any claim, which is found to have been made fraudulently or exaggerated, may be passed to the Procurator Fiscal and may be subject to Criminal Prosecution.**I certify that, to the best of my knowledge and belief, the above details are true. I authorise the Council to make any necessary enquiries to check the information I have provided. I will tell the Council immediately if there are any changes to the above information.I confirm that I have read, understood and accept the terms and conditions contained within the guidance note.Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**Please complete and return this form to:**

**North Lanarkshire Council,**

**Risk & Insurance Team**

**The Civic Centre, Motherwell, ML1 1AB**

**Email: FinanceInsurance@northlan.gov.uk Telephone: 01698 403908**