

Insurance claims against the council

Advice before making a claim

Before entering a claim for compensation (public liability claim) it is important to be aware of the following points:

- All claims are assessed on the basis of whether the council has been legally at fault for the incident. Often events occur that are unfortunate but not due to any parties' negligence. There is no guarantee that entering a public liability claim will automatically result in compensation and in many cases it does not.
- In law the Council and its insurers having responded to a claim are allowed three months to investigate the claim and reach any decision. Any decision on the claim will therefore not be immediate.
- Letter of claims can be entered by the claimant in person or by a solicitor acting on their behalf. We treat all claimants equally regardless of how they are represented.
- Fraudulent claims will be prosecuted.

How to make a claim

To make a public liability claim you will need to send a formal letter of claim to the council. Information contained within a letter of claim is defined by law but basically it should contain enough information for the council to begin investigations.

Letters of claims should contain the following:

1. Claimants name and address
2. Date of birth
3. National insurance number
4. Details of the incident
5. Details of any injuries or damage to property
6. Details of how or why the claimant feels the council have acted negligently

Letter of claims should be sent to:

The Insurance Officer, Finance
Ashford Borough Council
Civic Centre
Ashford
Kent TN23 1PL

When preparing a letter of claim the more information that can be given, the easier it will be for the council and its insurers to investigate. A map showing where an accident happened and photos are helpful.

The more information we have the quicker any investigation will be.

When can a response be expected

Having received a letter of claim the council will forward details to its insurance company. The council will respond to you within 21 days of receipt of the letter of claim advising its insurance details.

All claims will be processed as quickly as possible but legally the insurers are allowed three months to investigate the claim before responding either accepting or repudiating liability on behalf of the council.

If the letter of claim does not contain sufficient information the council will respond within 21 days acknowledging the letter of claim but requesting further information. Until we receive this information the 3 months response time limit will not have started.

Legal advice

A public liability claim is a legal claim and can be complicated. You may wish to seek legal advice either before making a claim or if you disagree about the decision reached. Before appointing a solicitor check how much any legal services provided will cost and how they will be funded. The [Citizens Advice Bureau](#) can give guidance on making a public liability claim.