

Public Liability Insurance Claims

Foreword

The purpose of this leaflet is to explain what to do if you have suffered injury, loss or damage and feel that the City of Edinburgh Council is responsible for it. In these circumstances you may have a claim against the Council. This is called a public liability claim and the Council insures this risk.

This leaflet aims to:

- help you understand when you may have a claim against the Council for its negligence
- provide information on how to make your claim
- help you to resolve any issues if you feel your claim has not been dealt with satisfactorily.

When does a public liability claim arise?

A Public Liability claim may arise where a person has suffered an injury or loss or damage to property and they feel that the City of Edinburgh Council is responsible for that injury, loss or damage.

When will a claim against the Council be successful?

A claim will only be paid if the Council has a legal duty to do so. The person claiming must be able to prove that the injury, loss or damage results directly from the fault of the Council.

How do you make a claim?

You should make your claim to the relevant Department of the Council, such as Clarence or Edinburgh Building Services.

The claim must include the date, exact location, description of the incident and why you feel the Council is responsible. You should also include any estimates or receipts for damage that you are claiming for.

How are claims dealt with?

Once you have made a claim, it goes to the Council's insurers. They nominate a firm of specialist claims handlers to assess whether or not the Council is legally liable for any injury or damage. The claims handlers are:

Gallagher Bassett International Ltd
P O Box 21522
Stirling
FK7 7ZG
Tel: 01786 455800

The claims handlers assess whether the Council is legally liable based on information supplied by you, a report from the relevant Council department and any other relevant information. The Council has no input into the decision and cannot influence it. This is to ensure that all claims are dealt with in a fair and reasonable way.

You will be notified in writing of the outcome by the claims handlers. If the claim is refused for any reason, they will provide an explanation.

If you are not satisfied with the decision reached and are sure that all relevant information has been sent you may decide to seek independent legal advice.

Understanding the various stages of your claim

The basic process of a claim is shown below. But claims may not go through all of the following steps or there could be some extra ones.

1. You should make your claim in writing to the appropriate Council department with all documents, for example estimates.
2. The Council department will prepare a report and send it to the Council's Insurance Services who will record and monitor progress.
3. The Council's Insurance Services will forward the claim to the Council's claims handlers who will deal with your claim, although Insurance Services will be able to check on progress.
4. The claims handlers will write to you with their decision, for example:
 - The Council is legally liable and an offer in settlement is included.
 - They need more information from witnesses.
 - They need more information from a Council department.
 - The Council is not legally liable and the reason will be included.

If you appoint a solicitor the claims handlers will only deal with you through them.

5. If your claim has been accepted you may be asked for more information, for example:
 - Estimates or invoices
 - A medical mandate allowing for medical information to be obtained if you have suffered injury.
 - Wages details if you have suffered a loss due to the accident.
6. A decision on liability can be reached quickly once stages 1 to 4 have been completed.

What to do if you are not satisfied with the outcome of your claim

If you are not satisfied with the outcome of your claim, and you are sure that all the relevant information has been submitted to the claims handlers, you can complain.

- If your complaint is about the service provided by the claims handlers it should be addressed to the Branch Manager of Gallagher Bassett International Ltd.
- If you disagree with the decision you may ask Gallagher Bassett to explain it or seek your own independent legal advice.
- If you are not satisfied with the way your claim has been handled you may contact the Insurance Manager of the City of Edinburgh Council.

The Council cannot comment on or reverse any decision on liability. This is a matter for the claims handlers.

- If your complaint is about maladministration you should contact the Scottish Public Services Ombudsman.

Contacts

Clarence

Tel 0800 23 23 23

Edinburgh Building Services

Customer Services
33 Murrayburn Road
Edinburgh EH14 2TF
Tel 0131 529 5409

Gallagher Bassett International Ltd

PO Box 21522
Stirling FK7 7ZG
Tel 01786 455800
Fax 01786 455801

Insurance Services

Director of Finance
Level 3/1
Waverley Court
4 East Market Street
Edinburgh EH8 8BG
Tel 0131 529 4750
Fax 0131 529 6227
insurance@edinburgh.gov.uk

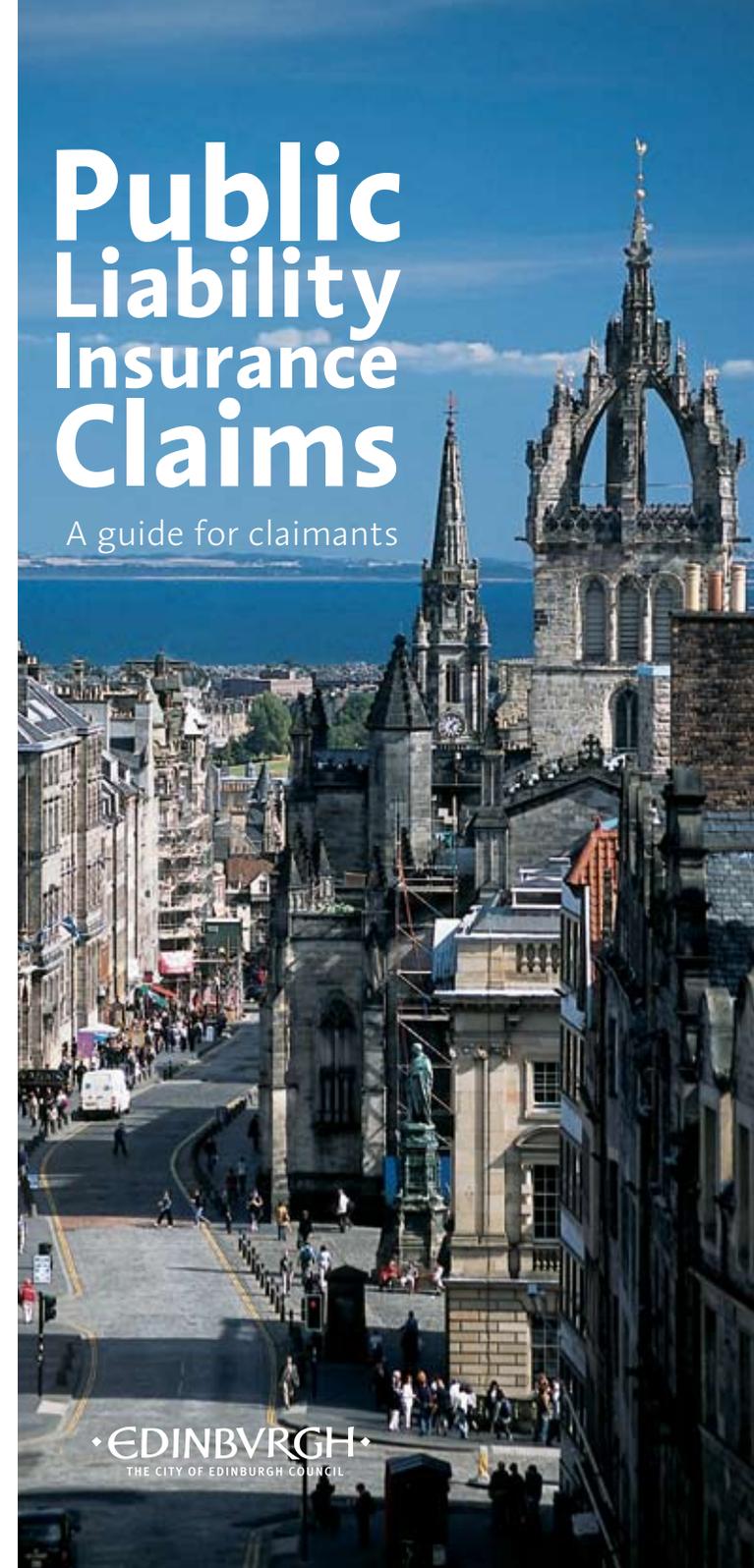
Scottish Public Services Ombudsman

4 Melville Street
Edinburgh EH3 7NS
Tel 0800 377 7330
Text 0790 049 4372
Fax 0800 377 7331
ask@spo.org.uk

If you would like this leaflet in a community language, Braille, large print or on audio tape, please contact the Interpretation and Translation Service on 0131 242 8181

Public Liability Insurance Claims

A guide for claimants



• EDINBURGH •
THE CITY OF EDINBURGH COUNCIL