

Liability Claim Form

Guidance



WHEN CAN A CLAIM BE MADE AGAINST WELSH WATER?

We are sorry to hear that you feel the need to make a claim for damages against Welsh Water. For claims to be successful, you will need to demonstrate that Welsh Water has a legal liability. There is no automatic entitlement to compensation on this basis, and just because an incident has happened, it does not necessarily mean Welsh Water will be held to blame and will pay the claim. However, this process is separate to our Guaranteed Standards of Service (GSS) compensation scheme, where there are automatic entitlements to payments for certain circumstances, further details of this scheme can be found on our website.

YOUR OWN INSURANCE COVER

If you have Home Contents, Buildings or Motor Insurance that would cover your loss/damage, you may first want to make a claim on the appropriate policy. This is because your insurance may provide cover on a 'new for old' basis and not require you to prove that anyone is at fault for the loss, so it is likely that your claim will be dealt with more quickly.

Your insurers may then seek to recover their costs from Welsh Water if they feel we have been at fault.

WHAT INFORMATION MUST YOU PROVIDE WHEN YOU MAKE A CLAIM?

The following information must be provided:

- A clear summary of the facts on which the claim is based including the time and date of the incident.
- An indication of the nature and extent of your injury(ies) and/or details of any property damage.
- Sufficient other information to enable formal investigations to start e.g. photographs. Any photographs of the incident location should clearly show the defect and surrounding area. Please mark the exact defect with an 'X' and show your direction of travel. If photographs are unavailable, you may wish to use online map services to provide the precise location. The nearest house number or street lamp column would also be of assistance. If the incident occurred at your property, please state this.

Without this information the claim cannot be processed.

WHAT HAPPENS ONCE YOU HAVE SUBMITTED A CLAIM?

- We will acknowledge receipt of your claim within 5 working days and may forward your claim to Welsh Water's external insurance claims handlers. The claims handlers will acknowledge receipt within 10 working days. Welsh Water's claims handlers are Willis Towers Watson.
- Welsh Water and/or our external insurance claim handlers will undertake a full investigation into the allegations.

- Claims are always processed as quickly as possible. However, the Civil Procedure Rules Pre-Action Protocol for Personal Injury Claims allows a prospective defendant up to 3 months to investigate personal injury claims and to respond to a claim. Accordingly, you will receive a response within 3 months of submitting your claim.
- If the claim is for damage to your property, the claims handlers will require original receipts and/or replacement estimates, confirmation of the age of the items and photos of the damaged items. Please be aware that any offer of settlement will not be on a new for old basis and as such will be adjusted for wear and tear and age of the damaged items.
- As well as the information outlined above, if the claim relates to personal injury, the claims handlers may also ask you to provide your full name, date of birth and National Insurance number, if not already supplied.
- If your claim is for personal injury, medical evidence will need to be gathered. The claims handlers will forward a form for completion to allow them to approach your GP/hospital for a report. Please be aware that the amount of time it takes to receive the report can vary widely and is something over which they have no control other than to issue regular reminders. You can of course chase the GP/hospital yourself in this instance.
- If the GP/hospital report is not sufficient to accurately assess the value of your claim the claims handlers may have to appoint a consultant who will need to examine you to prepare a comprehensive report. This process can be lengthy and may take a number of months.

THE FINAL OUTCOME

Once all of the evidence has been collated and assessed the claims handlers will write to you setting out the decision reached on legal liability:

- If it is concluded that there is no liability and that a payment will not be made, you will receive a letter setting out the reason(s) for the decision. If you dispute the decision, you will need to outline your dispute in writing to our claims handlers and provide evidence to support your position.
- If liability is accepted an offer to pay a sum of compensation in settlement of your claim will be made to you in writing. The offer will constitute what is considered to accurately reflect an appropriate level of compensation in the circumstances and based on the evidence you have provided.

FRAUD

Where we consider a claim to be fraudulent, we may refer the matter to the police.

You are entitled to seek independent legal advice at any stage during the processing of your claim. Please retain these guidance notes for future reference. This form is also available in Welsh.

Please read the 'Liability Claims Form - Guidance' before completing this form.



For Personal Injury claims - Complete Section 1, Section 2 and Section 4

For all Other Damage claims (vehicle, clothing, property etc) -
Complete Section 1, Section 3 and Section 4

SECTION 1: CLAIMANT AND INCIDENT DETAILS

Full Name: (Please include title e.g. Mr/Mrs/Miss etc)

Address including full postcode

Preferred Method of Contact

Email

Post

Date and Time of Incident:

Telephone Number:

Location of incident*:

Email address

Please provide a clear summary of the incident:

On what date(s) was the issue reported
to Welsh Water?

To which Welsh Water employee was the
damage reported to?

Please provide names and addresses of all parties who witnessed this incident:

Please provide details and references of any previous contact with Welsh Water relating to this claim

*Please provide sufficient other information in relation to the incident to enable formal investigations to start e.g. photographs. Any photographs of the incident location should clearly show the defect and surrounding area. Please mark the exact defect with an 'X' and show your direction of travel. If photographs are unavailable, you may wish to use online map services to provide the precise location. The nearest house number or street lamp column would also be of assistance. If the incident occurred at your property, please state this.

SECTION 2: PERSONAL INJURY

Date of Birth:

National Insurance Number:

Please describe injuries suffered in the accident / incident?

Have you consulted a doctor about these injuries?

Yes

No

Name of any hospital attended
after the accident/incident:

Name of Doctor/Consultant who treated you?

Were you taken to hospital by ambulance?

Address: (Including full post code)

SECTION 3: OTHER DAMAGE

Do you have insurance to cover the loss?

Yes

No

Are your progressing a claim via your insurers?

Yes

No

Please complete a row for each damaged item being claimed for.

Description of property damaged or loss suffered	Name of owner (if different to claimant)	Address owner (if different to claimant)	Date acquired	Price Paid	Replacement or repair cost	Allowance for depreciation	Amount claimed

SECTION 4: LIABILITY AND DECLARATIONS

4.1: LIABILITY

In what way / why do you say that Welsh Water is at fault?

4.2 DATA PROTECTION DECLARATION

The information you have provided will be processed by Welsh Water in line with the Data Protection legislation including the Data Protection Act 2018 and UK GDPR, for the purpose of considering, validating and processing your liability claim. Your information will be treated as confidential, but it may be shared with Welsh Water's insurers and third parties including external claims handlers, loss adjusters, solicitors and experts that may form part of the claims process. Under our duty to protect customer funds, Welsh Water and its representatives may also use and share the information provided for the prevention and detection of fraud and to help verify your claim. For more information on how Welsh Water process your personal information in line with Data Protection legislation, see our full Privacy Policy on Welsh Water's website: corporate.dwrcymru.com/en/legal-privacy/privacy-policy

4.3 DECLARATION

I confirm that I am the subject of the information above and declare that the information given in this form to be true and complete. I have read and understood the details of how my personal data will be processed and the guidance documents that have been provided for my attention. In signing the below, I understand the information I have provided will be processed by Welsh Water as outlined above.

To be signed by the Applicant (mandatory)

Print Name:

Date:

Customer Signature:

Please keep a copy of this completed form and return the original together with all supporting information, including any photographs, to:
wastewaternetworksclaims@dwrcymru.com for any Waste/Sewerage related claims
water.operationsenquiries@dwrcymru.com for any Water related claims

Or by post to:

Welsh Water, Linea, Fortran Road, St Mellons, Cardiff, CF3 0LT