

Incident Report Form Guidance Notes for personal injury related incidents

It is important that you read these guidance notes before completing the attached 'Claims Notification Form (PL1)', and the Council's 'Accident Report Form – Personal Injury'.

1. INTRODUCTION

This note explains how you should complete the Claim Notification Form (PL1) and the council's own Accident Report Form. It also explains how we will deal with your claim.

2. OUR DUTY TO MAINTAIN

West Sussex County Council is the Highway Authority for the majority of roads in the County and has a duty under the Highways Act 1980 to maintain the highway. Generally speaking, this includes what most people would ordinarily think of as maintenance activities.

3. STATUTORY DEFENCE

Section 58 of the Highways Act 1980 provides the County Council with a statutory defence against claims where it can establish that reasonable care has been taken to secure that the relevant part of the highway was not dangerous. Your claim will be considered having regard to the defence that the Act provides.

4. PRE-ACTION PROTOCOL FOR LOW VALUE PERSONAL INJURY (EMPLOYERS AND PUBLIC LIABILITY) CLAIMS

Following Ministry of Justice Reforms, most claims for accidents involving personal injury occurring on or after the 31st July 2013 are subject to a Pre-Action Protocol. This sets out the procedure the courts expect parties to follow when making and responding to claims. The Protocol requires that claims are submitted on a standard Claims Notification Form (PL1), and that they are promptly acknowledged. It also requires that a substantive response be sent to you within 40 business days.

5. COMPLETING YOUR FORM

There is no automatic entitlement to compensation, however if you feel that the County Council has failed in this duty and you have suffered personal injury as a result of this failure, you should complete a PL1, and provide the additional information outlined in the Council's own Accident Report Form. This helps us consider your claim and make a decision as to whether or not the County Council is at fault.

- Where possible, you should include full details of your injuries and, wherever possible, a report from your doctor.
- You must provide sufficient supporting evidence, including copies of documentation and receipts where this is applicable.
- If you have suffered any loss of income, then a letter from your employer providing details should support this.
- If your property has been damaged as a result of the incident, you must provide copies of the original invoices for the repair, and also



ACCIDENT REPORT FORM GUIDANCE NOTES

WSH 8
EN3
v2.0

copies of any invoices for the original purchase of the damaged item (should you still have them).

Please complete the Claim Notification Form as fully as possible and supply copies of the documents requested. Without this information, processing the form may take longer. If you have any queries please contact us on: 01243 642105.

6. WHAT HAPPENS NEXT

Upon receipt of the fully completed documentation we will investigate the incident. The matter will be passed to our Legal Services team for consideration of liability. We aim to get back to you as soon as possible, but please allow us sufficient time for the claim to be thoroughly investigated.

7. REFERRED INCIDENT REPORT FORMS

Some roads are the responsibility of other organisations, such as the Highways Agency. Problems with road conditions may also be caused by contractors working on our behalf, or for one of the Utility Companies (Gas, Water, Electricity etc). In these cases we will refer your incident report on to these organisations and write to inform you. We will provide you with their details and the reasons why the incident report has been referred to them, together with any supporting documents.

8. REVIEWING THE DECISION

If you feel that the wrong decision has been made, then please write to us and ask for your claim to be reviewed. We will consider your reasons and reply to you.

9. APPEALING THE DECISION

If you are still unhappy you may refer your case to your Local Government Ombudsmen. Your Ombudsmen is there to investigate complaints of injustice caused by poor administration by local authorities and other bodies. The contact address is given below:

The Local Government Ombudsman
PO BOX 4771
Coventry
CV4 0EH
0300 061 0614
0845 602 1983

Website: www.lgo.org.uk

At all times you have the right to seek independent legal advice. We will correspond with your Solicitor if you appoint one. Advice can also be obtained from your local Citizens Advice Bureau. Advice on how to take legal action can be obtained from the County Courts.