

Compensation Claims

A Guide for Tenants and Leaseholders

This guide is published without prejudice and does not mean that the Council or its Agents admit to any liability. It is intended to provide details of what you should do if you feel you have a justified claim for compensation against the Housing Service.

If you want to claim compensation for loss or damage arising from a repair which has been carried out or is still awaited you should fill in Part Two of the attached form and send it to us at the address shown below.

Damage arising as a result of a repair we have carried out **must be notified to us in writing within 28 days** of when the damage occurred or from the time you first became aware of the damage. We may not accept liability for any alleged losses if you do not notify us as specified – Clause 7.22.6 of your Conditions of Tenancy.

Non repair related claims – if your claim does not refer to a repair you should still send the completed form to us and we will notify your local housing office.

Please send your completed form (Part Two only) to:

Repairs Service Improvement Team
Place Directorate
PO Box 15514
Birmingham
B2 2PJ

Useful Information

To support any claim, it is always useful where practical to take photographs.

You should also keep any damaged items you are claiming for as evidence of your claim until your claim has been settled.

The Housing Service will only consider compensation payments where there is proven neglect.

Tenants and leaseholders are required to take out contents insurance and to pursue claims in the first instance through your own insurers.

What Happens Next?

If your claim is for a personal injury or likely to be over £750, we will refer your claim to the Council's insurance office who will take over dealing with your claim and keep you informed of progress. The Housing Service will not have any further involvement in your claim. The Council's insurance office will notify you of contact details.

If your claim is **not** for personal injury or not likely to exceed £750 – once we have received the completed claim form we will send you an acknowledgement within 10 working days to confirm receipt and that we are dealing with your claim.

We will investigate your claim. This may include a visit to your home to ask you about your claim and inspect any damage you have mentioned in your claim. We will aim to do this within a week of receiving your claim.

When we have completed our investigation a senior manager will make a decision. We will keep you informed of progress and inform you of the decision. We aim to inform you of a decision within 30 working days of receiving your claim.

If the decision is in your favour we will award compensation in settlement of your claim and will endeavour to arrange payment within 28 days of notifying you of the settlement amount.

Note: In accordance with Clause 5.13 of your Conditions of Tenancy – we may deduct any money you owe the Housing Service from any money that is owed to you by the City Council.

The Housing Service and its agents shall deal with all claims in a fair and reasonable manner.

If you are not happy with our decision you can appeal. It is also possible to challenge an appeal outcome but only where you provide new evidence or information. At that point you can refer your claim to the Housing Ombudsman.

Birmingham City Council has a duty to protect Public Funds. Fraudulent or dishonest claims where discovered will be regarded very seriously and appropriate agencies informed.

The Housing Service has arranged a very competitive home contents insurance package especially for tenants – if you are interested ask about the tenants contents insurance scheme at your local housing office or by emailing insurance@birmingham.gov.uk.

Claim for Compensation

Please note that the issue of this form does not constitute acceptance of liability.

Please complete **ALL** questions as accurately as possible.

Full name of claimant:

Address:

Daytime Telephone
Number:

Date of Birth:

Are you a Council tenant? Yes No Leaseholder: Yes No

Do you have any contents insurance? Yes No

If Yes, supply name and address of the insurance company and supply the policy number:

Do you have any ongoing claims against the Council? Yes No

If Yes, please provide details and contact officer details for that claim:

Have you made a previous claim against the Council? Yes No

If Yes, please provide date and amount of each and every claim:

Personal Injury Claims Only

Full name of injured person:
(if different from claimant)

Date of accident:

Place of accident:

Who has accident been reported to?

Did you attend a GP surgery or hospital? Yes No

If Yes, please state date and name of
surgery/hospital attended

Names and addresses of any witnesses:

Details of injury and how the injury occurred: (continue on a separate sheet if necessary)

Personal Belongings Claims Only

Full name of owner (if different from claimant):

Date of damage:

List of items damaged: (continue on a separate sheet if necessary)

Item	Date of Purchase	Serial No (if applicable)	Cost when Purchased	Condition of Item

Send copies of receipts (not originals) if available

You should keep any damaged items you are claiming for until your claim is settled.

Where can the items be inspected?

Details of damage and why you consider the Housing Service or its agents to be responsible:
(continue on a separate sheet if necessary)

Declaration

I/We declare that the details above are true and complete.

The City Council reserves the right to offset any outstanding debt you may have at the time of settlement and deduct this from any compensation payment.

Signed:

Date:

Detach Part Two of this form and return it to us at the address shown on page one. Keep Part One for your information.

The information you provide is confidential and subject to the requirements of the Data protection Act 1998. This personal data will be held and processed by Birmingham City Council for the purposes of assessing your claim and processing any payment thereof subject to liability being accepted.

The personal details you provide may also be shared with our repairs partners, our insurers and their loss adjusters, our legal representatives and their agents who assist in the assessment and defence of compensation claims requiring such disclosure and to protect the public funds the City Council collects and administers.

Any data may be used to prevent fraud or the misuse of resources. For further information of our privacy notice, please visit www.birmingham.gov.uk/privacy

A copy of your personal information can be obtained by writing to Repairs Service Improvement Team, Place Directorate, PO Box 15514, Birmingham, B2 2PJ.