

Our policy on Compensation due to works in highways



Updated Jan 2020

We work hard to ensure that all our customers receive the best service we can provide.

This means that, from time to time, it is necessary to carry out works in the public highway to maintain, repair and renew our water mains and sewers.

Sometimes, for health and safety reasons, it is necessary to close the road that we are working in and to divert traffic.

We recognise that our works may cause disruption to businesses in the area concerned and that loss may be suffered. We will do all we can to minimise this.

Our policy statement outlines our approach to claims for loss caused or damage done when we undertake works to our water mains and sewers in the public highway using our statutory powers.

This statement does not deal with the provisions relating to the payment of compensation that apply when water supplies or wastewater services are interrupted.

We will consider claims for compensation for loss of profit from businesses directly affected by works that we carry out in the public highway.

Whether a business is able to claim compensation will depend on the circumstances of each case and the applicable provisions for the assessment of compensation.

The factors used to determine whether such compensation is payable include the nature and impact of the works being carried out, their duration and their proximity to the particular business claiming compensation.

When a claim is received, and following our investigation of the circumstances, our Enabling team will review the claim and consider whether we are liable to pay compensation. Please note, we do not normally pay compensation if customers are temporarily unable to park near a business on a street that normally has parking restrictions.

We will consider the claimant's supporting documentation detailing the amount claimed. For example, we normally require sight of at least two years' audited trading accounts, along with weekly trading figures over particular periods.

Subject to provision of all relevant information by the claimant or their representatives to enable us to assess the claim, we will endeavour to meet the following timescales and process:

1. Upon receipt of a claim with supporting information, we will investigate the claim and inform the claimant of our decision on liability.
2. If we conclude that we do not accept liability, we will notify the claimant within six weeks from receipt of the claim.
3. If we do accept liability, we will also carry out a detailed loss assessment and inform the claimant of the outcome within 12 weeks of receipt of the claim.
4. We will arrange payment of any negotiated settlement within a period of four weeks.
5. If we are unable to resolve any dispute as to whether we are liable to pay compensation or as to the amount of to be paid, there is a procedure under the Water Industry Act 1991 for the parties to refer the dispute to an independent arbitrator.
6. If such a reference is sought, we will invite the claimant (particularly, a claimant who is being professionally advised) to provide us with the details of at least three potential arbitrators, their relevant experience, terms of business, and basis of charging.
7. We will respond to the claimant's proposals of arbitrators within four weeks of receipt. We may put forward a proposed arbitrator (or arbitrators) for consideration. Any conflict of interests that the selected arbitrator(s) may have must be brought to the parties' attention and addressed in a timely manner.
8. Either party may ask Ofwat to appoint an arbitrator if the parties have made reasonable but unsuccessful attempts to agree the appointment of an arbitrator (as described in the process above). To find out more about the process and potentially submitting a claim, please call our 24-hour Customer Centre on: **0330 303 0368** or email: streetworksclaims@southernwater.co.uk

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