

As a Local Authority, we often get asked for information on compensation claims in slightly different ways. Depending on the information requested, sometimes we can answer these queries and sometimes we can't. This isn't an attempt by us to prevent data from being made public, but we can only provide the information which is available.

Most enquiries relate to finding out how many requests for compensation were received for vehicle or pothole related damage, the number or total amount paid or refuted each year. The following questions and answers attempt to provide the information we have in the various formats requested.

Data in the following tables was provided in August and September 2023. Note that the data supplied will vary as claims are processed.

1. How many requests for compensation have you received in the last 5 years?

Calendar Year	¹ No. of claim form enquiries	No. of claim forms returned	No. of claim forms completed	No. of open claims	No. of paid claims	No. of refuted claims
2023	973	684	326	358	200	126
2022	621	539	489	50	373	116
2021	604	541	506	35	410	96
2020	348	279	253	26	140	113
² 2019	299	231	217	14	119	98
³ 2018	412	318	287	31	122	165

Table 1: Number of Claims per Application Stage and Calendar Year

Financial Year	No. of claim form enquiries	No. of claim forms returned	No. of claim forms completed	No. of open claims	No. of paid claims	No. of refuted claims
2023/24	582	377	77	300	28	49
2022/23	783	781	696	85	499	197
2021/22	694	698	645	53	512	133
2020/21	262	288	277	11	206	71
³ 2019/20	471	363	332	31	177	155
² 2018/19	423	313	284	29	119	165

Table 2: Number of Claims per Application Stage and Financial Year

¹ The number of claim form enquiries is different to the number of claim forms submitted as we do not always receive a return, or the enquiry is passed to another team after initial investigation.

² Compensation claim data for 2019 and the 2019/20 financial year is incomplete.

³ Compensation claim data for 2018 and the 2018/19 financial year is incomplete.

2. How many requests for compensation relating to pothole damage have you received in the last 5 years?

Calendar Year	No. of claim form enquiries	No. of claim forms returned	No. of claim forms completed	No. of open claims	No. of paid claims	No. of refuted claims
2023	899	653	318	335	199	119
2022	526	483	441	42	355	86
2021	505	487	461	26	394	67
2020	296	241	219	22	136	83
2019	221	181	173	8	107	66
2018	334	270	245	25	103	142

Table 3: Number of Claims Relating to Damage Caused by Potholes Per Application Stage and Calendar Year

Financial Year	No. of claim form enquiries	No. of claim forms returned	No. of claim forms completed	No. of open claims	No. of paid claims	No. of refuted claims
2023/24	550	352	70	282	27	43
2022/23	672	601	523	78	400	123
2021/22	591	554	515	39	423	92
2020/21	212	207	196	11	166	30
2019/20	379	299	277	22	163	114
2018/19	338	263	241	22	100	141

Table 4: Number of Claims Relating to Damage Caused by Potholes Per Application Stage and Financial Year

3. How much compensation has been paid over the last 5 years and how much of this was for damage caused by potholes?

Calendar Year	Payments for damage relating to potholes	Payments for damage related to other causes	Total Paid
2023	£56,716.29	£1,157.66	£57,873.95
2022	£94,012.68	£4,675.35	£98,688.03
2021	£112,108.15	£2,996.99	£115,105.14
2020	£26,798.93	£1,925.45	£28,724.38
2019	£28,222.72	£7,794.66	£36,017.38
2018	£16,218.33	£4,096.33	£20,314.66

Table 5: Total Compensation Amount Paid for Damage Caused by Potholes, Other Causes and Total Amount Paid Per Calendar Year

Financial Year	Payments for damage relating to potholes	Payments for damage related to other causes	Total Paid
2023/24	£19,339.21	£788.70	£20,127.91
2022/23	£103,877.16	£4,529.01	£108,406.17
2021/22	£116,001.43	£2,776.71	£118,778.14
2020/21	£37,445.98	£2,320.10	£39,766.08
2019/20	£37,266.29	£8,220.58	£45,486.87
2018/19	£17,212.69	£3,904.33	£21,117.02

Table 6: Total Compensation Amount Paid for Damage Caused by Potholes, Other Causes and Total Amount Paid Per Financial Year

4. How much compensation has been paid for vehicle damage in the last 5 years?

Calendar Year	Payments for damage to vehicles	Payments for damage (subject unknown)	Total Paid
2023	£56,389.79	£1,143.12	£57,532.91
2022	£97,334.86	£603.17	£97,938.03
2021	£115,008.56	£159.57	£115,168.13
2020	£27,453.94	£289.83	£27,743.77
2019	£35,458.26	£559.12	£36,017.38
2018	£18,708.83	£1,605.83	£20,314.66

Table 7: Total Compensation Amount Paid for Damage Affecting Vehicles (and for Damage where the Subject is Unknown) per Calendar Year

Financial Year	Payments for damage to vehicles	Payments for damage (subject unknown)	Total Paid
2023/24	£19,553.11	£233.76	£19,786.87
2022/23	£106,496.81	£1,159.36	£107,656.17
2021/22	£118,115.40	£512.74	£118,628.14
2020/21	£39,670.08	£96.00	£39,766.08
2019/20	£43,881.31	£624.95	£44,506.26
2018/19	£19,383.19	£1,733.83	£21,117.02

Table 8: Total Compensation Amount Paid for Damage Affecting Vehicles (and for Damage where the Subject is Unknown) per Financial Year

5. How many personal injury claims have been paid out per year?

Financial Year	No. of paid claims	Total Paid
2023/24	0	£0
2022/23	0	£0
2021/22	2	£16,000
2020/21	8	£58,000
2019/20	12	£114,000
2018/19	0	£0

Table 9: Number of Personal Injury Claims and Total Paid per Financial Year

- 6. How many personal injury claims were refuted?**
Details on the number of personal injury claims refuted is not available.
- 7. Where can I find a compensation claim form?**
Compensation claim forms can be obtained by phoning 01349 886601.
- 8. How does The Highland Council process a compensation claim?**
Initial claim enquiries are processed by one of our staff who will arrange for a compensation claim form to be sent to you by post or email. Once the Council has received a completed claim form, along with all the supporting evidence required, the claim is acknowledged and investigated. Once the evidence has been reviewed by an Area Road Operations Manager, a decision is made and the claimant is informed of the outcome by letter. If the resulting decision is to settle, a member of staff will arrange payment by issuing a BACS form to the claimant.
- 9. My car was damaged when I hit a pothole, why has my claim been rejected?**
It is not practical or affordable for The Highland Council to maintain all its roads and infrastructure in a defect free condition all the time nor, does the law require us to do so. Making a claim does not automatically entitle a claimant to compensation for loss or injury, it will depend on whether the Council has breached its 'duty of care'.
- 10. Who provides The Highland Council with their insurance?**
The Highland Council is self-insured, paying compensation from its own funds for claim amounts up to £1,000,000. Any compensation amounts over £1,000,000 are handled by The Highland Council's insurance provider Zurich Municipal.
- 11. What happens if The Highland Council discovers a claim to be fraudulent?**
In order to protect public funds, claims discovered to be fraudulently intimated, falsely stated or exaggerated will be passed to the relevant authority and may be subject to criminal prosecution.

Updates

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