

Our policy on **Compensation due to works in highways**



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 a report from our Project Manager or Supervising Engineer about the works that the claim relates to, our Property Department will review the claim and report and will consider whether we are liable to pay compensation.

We do not normally pay compensation if the only impact of our works is that potential customers had to follow a diverted route to get to a claimant's business or if customers are temporarily unable to park near a business on a street that normally has parking restrictions.

If liability is accepted, we will consider the claimant's supporting documentation detailing the amount claimed. We will normally require sight of three years audited trading accounts.

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 properly completed claim form and supporting details of the claim from the claimant, 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 6 weeks of receipt of the claim.

3. If we accept liability, we will also carry out a detailed loss assessment and inform the claimant of our assessment within 12 weeks of receipt of the claim.
4. We will arrange payment of any negotiated settlement within 4 weeks of agreement of the settlement sum.
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 that is being professionally advised) to provide us with the details of at least 3 potential arbitrators, their CVs, terms of business, basis of charging and proposed rules of arbitration. We will also offer 3 potential arbitrators that they may wish to consider.
7. We will respond to the claimant's proposals of arbitrators within 4 weeks of receipt. 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).

If you would like us to send you a claim form, please call on **0330 303 0368** or email the Property Team at propertyservices@southernwater.co.uk.