

Guidance note for those who are affected by streetworks undertaken by South East Water

Introduction

South East Water is continually investing to maintain and improve the region's water networks. This often requires us to work in the highway to undertake works covered by the Water Industry Act 1991. We work hard to mitigate the impact of our works in the community. However, if you are directly affected by our works in the highway, you may be entitled to claim compensation for any loss caused or damage done in the exercise of our street works powers.

This guide sets out what you need to do, including the information we need in order to process any claim. Please note that your claim may be affected by any influential factors that are identified as being reasons for your loss.

To make a claim

In order to process your claim, we will need:

1. The completed 'Claiming for loss' form.
2. Trading figures (weekly or monthly) for the claim period.
3. Trading figures for at least three full years (i.e. figures for each of the 156 weeks or 36 months) immediately preceding the claim period. If you have been trading for less than three years, provide sales figures for the period that you have been trading. This will not prejudice your claim.
4. The latest two profit and loss accounts. At least one account should cover the period for which full trading figures have been provided. Accounts must either be audited or agreed with the Inland Revenue and certified by your accountant. Where accounts are not available, we may require further VAT returns.
5. VAT returns for at least one full year, which should also cover a period for which full trading figures have been provided.
6. Or any other documents that may support your Claim.

Please note:

If the claim is significant, we may also require copies of the accounts, including balance sheets, for the year in which the works occurred before any final compensation is paid.

If the claim is particularly difficult to assess, we may ask for further information (e.g. post-works sales figures, VAT returns and where accounts are not audited, the original figures submitted to the Inland Revenue).

If in doubt, please provide any other information to support your claim. Please remember that it is up to you to justify your claim. If the full information is not provided, this may affect the amount of any payment offered and/or paid.

We will treat any information provided by you as confidential. However, the Inland Revenue may ask for details of any compensation payments. Additionally, in certain circumstances, we may employ an external agent such as an accountant or loss adjuster to advise on the claim. Disclosure of information for these purposes is permitted under the governing legislation.

Your responsibilities

You have a duty to mitigate your losses as far as reasonably practicable. This includes remaining open for business during our works if so applicable.

If you think there are specific measures that need to be taken to help maintain trade, you should discuss these with us in advance of incurring any costs. Please note that we cannot consider any extra costs incurred without prior approval.

If any issues arise relating to the actual works, including damage to property or personal injury, please bring them to the attention of our Insurance Claims Coordinator, or site representative who will deal with these matters, wherever possible, while we are in area. Our Insurance Claims Coordinator is Claire Howe and she can be contacted at insurance@sew.south-eastwater.co.uk or by calling 0333 000 1100.

Settling your claim

Usually claims are assessed once the works are complete. However, in cases of genuine hardship we will consider the payment of interim sums. Please note we require exactly the same information in support of interim claims.

On receipt of your fully supported claim, we will endeavour to make a payment offer as soon as possible, and will respond with:

- a) Offer a sum in settlement of the claim, or
- b) Advise that the claim is rejected, giving reason, or
- c) Advise that the claim is being placed with loss adjusters and that a response will be provided within 14 working days of receipt of their report.

Before releasing any payment, we will need your written acceptance of the amount. Once this is received, payment by cheque will normally follow within 10 working days.

Professional agents

You may wish to employ an agent to submit the claim on your behalf. Your claim will be assessed in exactly the same way, whether submitted through agent or not.

We are not able to offer advice on the suitability of any particular agent. However, if you do employ an agent, all further contact should be made via them and not directly to South East Water. The information detailed in the section 'to make a claim' should be made available to your agent for forwarding to us.

If your claim is successful, the reasonable costs of an agent will be reimbursed by South East Water. Your agent will be able to give you more information about this process. We regret that we cannot pay for your own time in submitting the claim and we can only meet any accountancy charges if the claim is presented by your accountant as an agent.

Disputes

Where there are disputes regarding the amount of compensation it shall be referred to the arbitration of a single arbitrator, appointed by agreement between you or your business and South East Water. In default of an agreement this would be as appointed by Ofwat.

VAT

Please note that we do not pay VAT on any payments made under this scheme. If you are registered for VAT, your agent will ask you to pay the VAT (if any) on their fees, which you may then recover from HM Customs and Excise.

Contacting us

If you require further assistance, help or guidance on deciding whether to make a claim, please contact our Insurance Claims Coordinator, Claire Howe during normal office hours on 0333 000 1100

Next steps

If you believe that you have a valid claim, please fill in the 'Claiming for loss' form and send it to:

Claire Howe

Insurance Claims Coordinator

South East Water, Rocfort Road, Snodland, Kent, ME6 5AH