

Freedom of Information Request – Response – 27741

I write to request information under the Freedom of Information Act 2000.

I am conducting research into the management of highway defect compensation claims by local authorities and the associated use of public funds in administering and defending such claims.

*I would be grateful if you would provide the following information for each financial year from **2021/22 to 2025/26 inclusive**.*

Highway Defect Compensation Claims

1. The total number of compensation claims received relating to alleged highway defects, including (but not limited to) potholes, carriageway defects, footway defects and other highway maintenance issues.

See table below detailing the number of highway claims processed during the indicated years 1 April to 31 March each year, irrelevant of the dates of incident or settlement.

Year	Number received
2021/22	383
2022/23	405
2023/24	726
2024/25	702
2025/26	281

2. Of those claims, please state how many:

- *were accepted;*
- *were rejected;*
- *resulted in the payment of compensation;*
- *proceeded to County Court proceedings;*
- *settled after legal proceedings had commenced.*

*See table below derived from the claims received in 1. above. The number paid is determined by a third-party settlement made which may include any of - compensation, claimant legal costs and other costs associated with claims and their representation. Due to the manner the system has recorded historic data, also claims which are settled inclusive of costs, it is not possible to disaggregate costs. The number repudiated is determined by a claim closed with no third-party costs. Neither County Court nor legal proceedings issued are specifically recorded. * 1*

Year	Number paid	Number repudiated
2021/22	37	345
2022/23	29	371
2023/24	113	605
2024/25	77	591
2025/26	17	192

3. The total amount paid in compensation relating to highway defect claims in each financial year.

Year	Third party compensation
2021/22	£110,325
2022/23	£193,767
2023/24	£96,517
2024/25	£47,275
2025/26	£3,494

Legal Expenditure

4. The total amount paid by the Council to external solicitors or legal advisers in connection with highway defect compensation claims for each financial year.

See table below detailing the costs of external claim handling directly associated to highway claims processed within the specified periods Own costs could include claim handlers, loss adjusters, legal representation and counsel.

Year	Own costs
2021/22	£14,557
2022/23	£35,325
2023/24	£5,239
2024/25	£3,455
2025/26	£0

5. Please identify each external legal firm instructed during that period together with the total amount paid to each firm in each financial year.

	Year			
Company	2021/22	2022/23	2023/24	2024/25
12 King's Bench Walk		£2,493		£350
Clyde and Co		£14,008		
DAC Beachcroft		£13,747		£3,105
East Anglian Chambers		£2,476	£900	
Fenners Chambers	£877	£850	£850	
MEWA LLP		£1,750		
Plowden Facilities Ltd	£2,775			
Weightmans LLP	£9,720			
Woodgate and Clark Ltd			£3,489	
Lamb Chambers	£1,185			

6. Please provide details of any current framework agreement, contract or procurement arrangement relating to the provision of legal services for insurance or highway compensation claims.

There is no procurement for external legal/claim services. Most claims are handled in-house or a panel handler appointed directly by the insurer under the terms of the policy.

Claims Handling

7. The number of employees (or full-time equivalent staff) within the Council's Insurance, Risk Management or Claims Team whose responsibilities include the handling of highway defect compensation claims.

5 employees within the Insurance Team and 6 employees within Suffolk Legal. Note duties are not specific to handling highway claims.

8. Copies of any current policies, procedures, guidance documents, workflow documents or decision-making protocols used when determining whether to:

- o admit liability;
- o deny liability;
- o instruct external solicitors;
- o defend legal proceedings.

Where guidance is contained within operational manuals, I would be grateful for the relevant extracts.

There are no specific documents in current use. Liability decisions are based on the legal defences available under Section 41 and 58 of the Highways Act 1980.

Litigation

9. The number of County Court claims issued against the Council relating to alleged highway defects during each financial year.

Please see the note below * 1

10. Of those proceedings, please state how many:

- resulted in judgment in favour of the claimant;
- resulted in judgment in favour of the Council;
- settled prior to trial.

Please see the note below. * 1

Costs

11. Where recorded, the total amount paid by the Council in claimant legal costs arising from highway defect litigation in each financial year.

See table below. Third party costs may include any of - compensation, claimant legal costs and other costs associated with claims and their representation. Due to the manner the system has recorded historic data, also claims which are settled inclusive of costs, it is not possible to disaggregate costs

Year	Third Party costs
2021/22	£22,987
2022/23	£66,113
2023/24	£5,692
2024/25	£7,296
2025/26	£0

12. Where recorded, the Council's own legal expenditure (including both internal and external legal costs) incurred in defending highway defect claims during each financial year.

Most highway related claims are handled by in-house Claim Handlers. Claims requiring legal assistance are usually advised by the in-house lawyers, which costs associated with carriageway pothole type claims are not recorded separately from all other claims. See table in 4. above for external costs.

Note, * 1 - Information may be contained within files that require assessment, however, to retrieve the information would trigger an exemption from disclosure under section 12 of the Freedom of Information Act 2000 (the Act).

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending two and a half working days in determining whether the Council holds the information, locating, retrieving and extracting the information.

We estimate that it will take us in excess of 18 hours to assess each case file to determine appropriate material and locate, retrieve and extract the information in reference to these areas of your request, making the total cost in excess of 18 hours x £25 = £450.