



Lambeth

# Unhappy with the outcome of your claim?

## **Making a complaint**

Although you may be disappointed that we turned down your claim, the council's complaints procedure can't be used to appeal against our legal decision. The complaints procedure is for customers to complain if they have had a poor service from us, not a refusal in respect of a compensation claim.

## **Review of your claim**

We will not normally look at a claim again just because you do not agree with our decision. However, if you have further documentation we may look at the claim again. Please do this in writing always quoting our reference number.

## How our decision is made

To ensure that all claims are investigated fairly and thoroughly, we apply the following procedure to compensation claims:

1. Investigate the claim by looking at the Incident Report form.
2. Gather facts of the case from various sources for example witnesses, internal departments, contractors, third parties, and reports from our claims investigators.
3. From the evidence gathered, a legal decision is made.

## What law did we apply to your claim?

Our decision is based on the application of tort law, one of the branches of UK civil law. It is the responsibility of the claimant to prove that the defendant was at fault and that there was a legal duty of care owed to the claimant. Only then is a claimant compensated. Tort law is a complex area of law and we have only provided you with a very brief summary of this here.

## What we cannot do as a local authority

1. Give you legal advice and advise you on how to proceed with your claim.
2. Give you a 'second opinion' on legal advice that you have received.
3. Decide issues of law that can only be decided by a court.

## What if I am still not happy?

In the event that you are still unsatisfied with our decision, we strongly advise that you should talk to a solicitor or contact your local Citizens' Advice Bureau for advice. You may go directly to the courts as this is a civil matter.

### Lambeth Citizens' Advice Bureau

Ilex House, 1 Barrhill Road  
Streatham Hill, London SW2 4RJ  
Phone 020 8715 0707  
Fax 020 8678 6593  
[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### Lambeth Law Centre

Unit 4, The Co-Op Centre  
11 Mowll Street, London SW9 6BG  
Phone 020 7840 2000  
Fax 020 7820 8303

Lambeth Law Centre provides legal advice for people who live or work in the borough.