

Dear

4 May 2022

Request for Information – ATISN 17277

Thank you for your request for information dated 14 March.

Information requested

You asked:

1. How many pothole-related compensation claims for (a) vehicles (including bikes) and (b) personal injury have been submitted to Traffic Wales in the past five financial years. Please provide results broken down by each year and separated as categories (a) and (b).
2. Of these claims, how many have been successful and how many were rejected? Please provide results broken down by each year and separated as categories (a) and (b).
3. Of these claims, how many are yet to be settled? Please provide results broken down by each year and separated as categories (a) and (b).
4. Please provide the total amount of pothole-related compensation paid out by Traffic Wales for (a) vehicles damaged by potholes and (b) personal injury in the past five financial years. Please provide results broken down by each year and separated as categories (a) and (b).
5. What is the highest payment paid out for (a) a vehicle damaged by a pothole and (b) a pothole-caused personal injury for each of the past five financial years?
6. What is the average individual payout for (a) a vehicles damaged by a pothole and (b) a pothole-caused personal injury claim.

Our response

We apologise for the late response. Please see the information held at Annex A below.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response.

Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ
or Email: Freedom.ofinformation@gov.wales. Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

ANNEX A

The Welsh Ministers are highway authority for all trunk roads and motorways in Wales; local roads are the responsibility of the relevant local Council.

All third-party claims in respect of the above are investigated by the Claims Investigation Unit within the Transport-Strategic Road Network Department of the Welsh Government. If there is no evidence of negligence by the Welsh Ministers or their Agent then liability is denied based on the evidence. Actual figures are recorded, not averages.

Claims are recorded as vehicle damage or vehicle damage and personal injury, the location, date and time of the incident. All alleged pothole claims are not recorded separately, rather as alleged carriageway defect claims.

Limitation is three years for personal injury and six years for vehicle damage, therefore not all claims received in a particular financial year will have been denied or settled in that financial year, hence the differing figures below.

The current ongoing claims are still being investigated so denial of liability or settlement is unknown at this time.

In the 5-year period requested, the following have been recorded;

FINANCIAL YEAR	FY 2018-2019	FY 2019-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023
Q1 - A - ALLEGED CARRIAGEWAY DEFECT VEHICLE DAMAGE CLAIMS RCD	86	44	44	45	31
Q1 - B - ALLEGED CARRIAGEWAY DEFECT VEHICLE DAMAGE & PERSONAL INJURY CLAIMS RCD	6	4	7	1	3
Q2 - A - CLAIMS SETTLED	2	2	2	3	2
Q2 - B - CLAIMS SETTLED	1	0	0	1	0
Q2 - DENIED CLAIMS	89	48	51	43	32
A –	83	52	49	42	23
B -	4	4	5	1	1
Q3 – See narrative					

Q4 TOTAL COST OF SETTLED CLAIMS	£2,063.48 A – 5 B – 1x PAID IN 2022	£857.01 A- 2 B – 0	£4,474.93 A - 2 B – 0	£100,822.04 A - 2 B - 1	£1,188,777.61 A - 2 B - 0
Q5 – Highest A and B.	A £720.00 B 0	A £507.01 B 0	A £3,500.00 B 0	A £450.00 B £100,000	A £212.350 B £1,188,565.26
Q6 – See narrative					