



Our ref ATISN 13756

Mr Oliver Lewis

request-642187-2ab342e4@whatdotheyknow.com

3 March 2020

Dear Mr Lewis

Request for Information – ATISN 13756

I wrote to you on 5 February regarding your request for information. You asked:

1. How many claims did the Welsh Government receive for compensation for pothole damage in the last three years that figures are available?
2. How many of these claims did the Welsh Government pay?
3. What was the cost to the Welsh Government for claims in the last three years that figures are available?
4. What is the average pay out for a claim?
5. What was the cost to the Welsh Government administratively for managing these claims in the last three years that figures are available?
6. What was the budget for fixing potholes in the last three years that figures are available?
7. What is the budget for fixing potholes this current year?
8. How much did the Welsh Government spend on fixing potholes in the last three years that figures are available?
9. How many potholes were fixed in the last three years that figures are available?
10. How many repairs were prompted by complaints?
11. How many repairs were because of the council's own survey work?
12. Did the Welsh Government develop its own process for managing pothole claims, e.g. the development of a form to report claims, standards in terms of timely responses etc.

I apologise for the delay in responding to you but I can confirm that the Welsh Government holds some information caught by your request. Please note that the



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Welsh Government does not record the specific information you have requested in relation to potholes only.

With regards to vehicle damage claims due to potholes, this is because claims are logged as vehicle damage claims rather than pothole damage claims. We do not record and breakdown the claims received in that way.

Similarly with repairing potholes. We log potholes and other damage to the network (e.g. broken drains) by category, according to the severity of the damage, in line with the [Welsh Government Trunk Road Maintenance Manual](#). We do not record and breakdown defects beyond these individual categories.

The information we do hold and which is being released to you below therefore *includes* claims made or defects repaired in relation to potholes, but not exclusively so, for the reasons outlined above. This information is on a financial year basis.

In terms of the first 5 questions, the information relates to vehicle damage claims rather than pothole damage claims, as we do not record and breakdown the claims received in that way.

With regards to defects, I am referring to category 1 defects only, which is the most severe defect.

For question 1, 65 claims were made in 2017/2018 (1st April to 31st March) and 101 in 18/19 (1st April to 31st March). To date, 29 category 1 claims have been made in the current financial year.

For question 2, there were no claims paid for 2017/2018 and 1 was paid in 2018/19. No category 1 claims have been paid to date in the current financial year.

For question 3, the total cost to the Welsh Government for claims in the last three years was £643.48.

We do not hold any information for question 4. This is because there is no average pay-out as it depends on the vehicle and damage sustained. Similarly, we do not hold any information for question 5 as the administrative costs are incorporated into general Welsh Government salary costs.

We do not hold any information caught by questions 6 and 7. There is no set budget in relation to category 1 defects because all identified category 1 defects are automatically funded.

For question 8, the Welsh Government spent £8,092,763 for repairing category 1 defects in 2016/17, £9,937,300 in 2017/18 and £9,818,292 in 2017/18. For this financial year to date, £6,644,007 has been spent.

For questions 9 and 10, between April 2017 and February 2020 records show there were a total of 7,643 pothole repairs. We are unable to distinguish how many repairs were instigated by a complaint, however the repairs would have been prompted either by complaints or by ad-hoc inspections carried out by the South Wales Trunk Road Agent (SWTRA) / North and Mid Wales Trunk Road Agent (NMWTRA) staff.

Please note that some of the complaints received may have been duplicates, not classified as a defect (as per WGTRMM) upon inspection or may have already been identified by either the SWTRA or NMWTRA.

For question 11, between April 2017 and February 2020 there were a total of 1693 potholes recorded via Safety Inspections and Patrols.

Finally, for question 12, the Freedom of Information Act provides a right to ask for recorded information held at the time a request is made and does not require an authority such as the Welsh Government to provide information where it is not already recorded. This is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information', page 7:

"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."

On this basis, I can confirm that no recorded information is held for question 12. That said, I can advise that all claims are dealt with in accordance with official Court protocols and guidelines.

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

Tim Barnes
Highways Team Leader