

Step 1. I have comprehensive insurance, partially at fault, should I claim?

If you accept you are partially at fault in an accident, you may be responsible to pay the other party money for their damages whether they are insured or not. If you accept you are partially liable you may not be able to recover all or any of the damages you have sustained to your car. You should consider:

1. How much damage is there to your car?
2. How much will it cost to fix?
3. How much damage is there to the other party's car?
4. Will you be able to negotiate with the other side?
5. Does the other party agree that both parties are at fault?
6. The terms of your own insurance policy.

You may consider not claiming where:

1. There is very minor damage to your car
2. The cost of repairing the total damage to all vehicles is less than or just over the amount of your excess Don't forget to consider towing, hire car, or other possible costs that may be claimed
3. The cost of repairing your car is close to the value of your car and you do not want the car to be "written off" - be mindful of how much the other party is claiming from you.
4. The other party agrees they contributed to the accident.

You may consider claiming where:

1. The other party does not agree they contributed, and believes you are completely liable
2. The question of fault proportions is disputed and unclear, and you would prefer your insurer to deal with responding to any letters of demand or court action.
3. The damage to both cars is extensive.
4. You have an Agreed Value policy, which means your insurer will pay you more

than what you could pursue from the other party in damages.

5. You have generous hire car benefits under your policy.
6. The other party is not insured (or refuses to claim) and you have concerns whether they have the funds to pay for your damages.

If you do not claim, and try and negotiate with the other party yourself you need to be careful. You may not be able to change your mind later and claim on your own insurance if you have:

1. admitted fault or partial fault;
2. admitted to an amount of damage you are liable for.
3. delayed the resolution of the matter

Under most insurance policies, your own insurer has the right to conduct negotiations and settlements on the best terms they can, if you have interfered with this process or prejudiced the insurer's interests in any way your insurer may reject or reduce your claim as a result. If you repair your car, this may also impact on your insurer's right to assess your car and repair it in accordance with your policy (for example, choice of repairer).