

EX-GRATIA PAYMENTS

POLICY

Executive Directors have delegated powers, in consultation with the Borough Solicitor, to make ex-gratia payments in exceptional circumstances for damage or theft to clothing or personal effects.

LEGISLATION

Local Government Act 1972, Sections 111 and 112: Enables the Council to make ex-gratia payments if deemed appropriate.

AIM

To compensate employees for loss or damage to property during the course of their employment with the Council, up to a maximum of £500 and where the Council's insurance arrangements do not apply.

APPLICATION

Ex-gratia payments will be considered for payment in the following circumstances:

- a) Where the employee is not seeking compensation through other legal routes for the specific loss or damage to property.
- b) For loss or damage to personal effects that an employee would normally be expected to take to work.
- c) For loss or damage to personal effects which have been properly secured (locked in cupboards/desks) or not left unattended.
- d) Where the loss or damage is reported to the Service manager as soon as practicable.

Circumstances where payments will not be made

L.B.L. – Ex-gratia Payments (contd.)

The Council will not consider an ex-gratia payment:

- a) Where employees have their own insurance for damage or loss to personal property, including vehicles.
- b) Where there has been a loss of personal cash.
- c) Where the employee is wholly or partly to blame for the damage.

PROCESS

Executive Directors are responsible for ensuring that all employees are made aware of their responsibility to safeguard their own personal possessions.

Executive Directors, or nominated officers to whom delegated authority has been granted, have discretion to make ex-gratia payments up to a maximum of £500 in respect of stolen or damaged personal property where there has clearly been no contributory negligence on the part of the employee.

Any payments should be based on the second hand value of the article taking into account an equivalent purchase price and date.

Where damaged articles can be repaired, the payment should be limited to the repair cost.

Ex-gratia payments are funded departmentally and Executive Directors should ensure that systems are in place for monitoring this expenditure.

The employee should, in the first instance, make representation to their service manager identifying the loss/damage, the exact circumstances in which it occurred and the value of the effects in question.

The service manager, where satisfied that a payment may be made, should seek authority from the Executive Director, or senior manager with delegated authority, for such a payment. Where the service manager does not consider that a payment should be made then the employee should be notified in writing giving full reasons.

Any payment made under this scheme is discretionary.