

NORTH LANARKSHIRE COUNCIL COMPENSATION SCHEME FOR EMPLOYEES AND CLAIM FORM

1. Purpose

- 1.1 The purpose of the scheme is to enable Heads of Service to make ex-gratia payments to employees whose personal property has been damaged as a result of the actions of a third party during the course of their employment. The scheme applies to damage to any items of personal property (and not to clothing or equipment supplied by the Council) which is deemed by the Council to be essential for the performance of the employee's duties and where no other form of compensation is available or practicable.

2. Principles

- 2.1 The compensation scheme for employees operates on the basis that there is no fault or legal liability on the part of the Council. If it is considered that there is such a liability, then the matter will be dealt with under the Council's normal liability/insurance arrangements.
- 2.2 The Council is not obliged to make any such payment and each case will be considered on its individual facts and circumstances. Payment and the amount of any ex-gratia payment made will be at the discretion of the appropriate Head of Service.
- 2.3 Claims will only be considered in respect of the employee's personal property which is essential to the performance of the employee's duties and which has been damaged in the course of the employee's normal work. An example of this may be damage to an employee's spectacles; damage to clothing or equipment supplied by the Council will be replaced by the relevant Service.
- 2.4 As the scheme is normally regarded as a scheme of last resort, employees, in the first instance, must claim against any household, motor, or other insurance policy they may have. If the claim is refused by their insurer the employee can then make a claim for an ex-gratia payment from the Council. In this case the employee must provide proof the claim was refused when completing the compensation claim form.
- 2.5 Ex-gratia payments may not necessarily cover the cost of replacing the damaged item. The scheme is intended to compensate the employee, not to insure them.
- 2.6 Damage means actual damage, whether accidental or deliberate, to an employee's personal property caused by a third party during the course of the employee's normal duties and where there is no fault or liability on the part of the Council. Damage caused by normal wear and tear, depreciation in value or by the employee's own negligence will not qualify for payment under this scheme.
- 2.7 No claims will be considered where damage arises from the inappropriate conduct of the employee concerned, or from the action or inaction of one employee in relation to another. Employees will also be prevented from making a claim where they have not complied with a health and safety risk assessment or associated safe system of work.
- 2.8 An ex-gratia payment will represent full and final settlement of the claim. A receipt will be given by the employee acknowledging the payment is made without admission of liability of the Council (if there is any question of liability this scheme would not be appropriate).

3. Scope

- 3.1 The compensation scheme applies to all employees of the Council whose personal property is damaged during the course of their employment, through no fault of their own, nor through any negligence on the part of the Council. Each case will be judged on its individual facts

and circumstances by the appropriate Head of Service. In cases where there is a dispute the matter will be referred to the Service Executive Director whose decision will be final.

3.2 Claims will only be considered for damage to personal property that is essential for the employee to perform their duties. What is deemed to be 'personal property' essential for the employee to perform the duties of their post will be at the discretion of the appropriate Head of Service or Executive Director where there is a dispute.

3.3 This scheme will not cover the loss of money or other valuables that employees elect to bring into the workplace.

4. Making a Claim

4.1 All claims must be properly evidenced and submitted only on the scheme's claim form.

4.2 An employee who makes a claim in relation to damage to their car must produce their insurance policy showing that they are liable for an excess. Consideration will be given to making an ex-gratia payment up to the value of the excess, for repair to the vehicle. The scheme will not cover the loss of a no claims bonus or any other associated expenses as employees can opt to have such cover included in their insurance policy. In addition, claims for damage to cars cannot be made where the damage results from the normal hazards of driving.

4.3 The employee should attempt to repair or clean the damaged property if possible. If this is successful, the employee may only make a claim up to the value of the cost incurred. Alternatively, the employee must supply evidence that the property, e.g. clothing, is beyond economic repair.

4.4 Executive Directors will ensure that appropriate records are maintained of all ex-gratia payments made in their own Service. The scheme will be administered by each Service. Separate cost codes will be established by Finance and Customer Services for monitoring purposes.

5. General

5.1 If the circumstances give rise to a claim for reparation against another party, the employee must pursue that claim personally, or alternatively, at the discretion of the Council, must assign to the Council all rights to pursue that claim against the other party involved.

5.2 The scheme will be effective from 1 February 2011 and will apply to claims submitted for loss incurred after that date.

5.3 The scheme will be reviewed by HR after a period of 12 months.

Compensation Scheme For Employees

Claim Form

Name:	Designation: Service: Division: Employee/NI No.:
Address:	
Postcode:	
Telephone No:	

Details of your claim for compensation

Location details:	Date of incident:
	Time of incident: am/pm
Please describe exactly how the damage occurred in the course of your employment and exactly what the damage is (include a photograph if possible)	
Give name(s) and address(es) of witnesses if appropriate:	

Description of items damaged	When bought	From where	*Cost of item	**Cost of repair/cleaning	**Cost to replace

* Please submit invoices if available.

**Please submit estimates/invoices.

Do you have a household/motor or other insurance policy that would cover this claim?

Yes No

Have you made a claim against your household/motor or other policy that would cover this claim and it has been refused?

Yes No

Have you submitted evidence that your claim has been refused?

Yes No

Have you submitted evidence of any payment received?

Yes No

N.B. A claim cannot be processed without evidence that this has been refused by your insurance provider and without evidence of the estimate/payment of the cost of the claim.

I certify that, to the best of my knowledge and belief, the above details are true and accurate.

Signature _____

Date _____

**Please complete and return this form to:
Head of (name) Service**

Address:

