



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

EX-GRATIA PAYMENTS

Report of the Chief Fire Officer

Date: 21 July 2017

Purpose of Report:

To seek approval to increase any ex-gratia payment made under the current policy at the discretion of the Chief Fire Officer from £200 to £500.

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1. BACKGROUND

- 1.1 Under the provisions of the Service's insurance arrangements, there is discretion to consider applications from employees, or volunteers, for reimbursement of loss or damage to personal possession where such loss is associated with authorised duty, where the employee is not at fault and the loss is not covered by the Service's insurers.
- 1.2 Under current provisions, the Chief Fire Officer has discretionary authority to agree claims up to £200. Any claims in excess of this amount are determined through Committee approval.
- 1.3 The current arrangements have been in place since 1998 when they were transferred from the County Council as part of the transition to the Combined Fire Authority, and have not been reviewed since this time.

2. REPORT

- 2.1 The Policy and Strategy Committee, at its meeting on 3 February 2017, considered an application for an ex-gratia payment from an employee for the theft of a cycle on Service premises.
- 2.2 In making their decision, the Committee noted that the current discretion allowed to the Chief Fire Officer needed to be reviewed to take account of the increase in value of items since 1998. It was recommended that a value of £500 would be a reasonable value to be placed upon claims that could be agreed without Committee approval.
- 2.3 The guidance provided within the policy relating to ex-gratia payments has therefore been amended to reflect this uplift in discretionary authority, and is attached as Appendix A. All other provisions remain unchanged.

3. FINANCIAL IMPLICATIONS

The payment for the ex-gratia payments will be met from existing budgets.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

Human resources implications are set out within the report. There are no implications for learning and development arising from the report.

5. EQUALITIES IMPLICATIONS

An equality impact assessment has not been undertaken as this does not represent a change to policy or service delivery.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

There are no legal implications arising from this report.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 Employees are required to exercise appropriate care in securing and safeguarding their own personal possessions whilst at work. The Service also provides secure facilities and premises for its employees, and policies are in place to reduce risk of theft or damage to property.
- 8.2 This provision is exercised in exceptional circumstances and all factors are taken into account, on a case by case basis, when considering the reasonableness and value of such claims. Claims in excess of £500 will be subject to committee approval.

9. COLLABORATION IMPLICATIONS

There are no collaboration implications arising as this report seeks approval for a change to internal Service policy.

10. RECOMMENDATIONS

To agree that the Chief Fire Officer is given authority to approve claims for ex-gratia payments up to the value of £500.

11. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

John Buckley
CHIEF FIRE OFFICER

1.1 Ex-Gratia Payment

Where damage is caused by neither the Fire Authority's or the employee's fault, or if payment is promised without the agreement of the Service's insurers, it is sometimes possible for an ex-gratia payment to be made from the departments budgets. Details of the scheme are as follows:

- 1.1.1 The scheme applies only to employees of the Fire Authority and volunteers carrying out their duties on behalf of the Fire Authority.
- 1.1.2 Claims may only be made for loss of or damage to personal possessions. The scheme does not cover personal injuries.
- 1.1.3 If you think you have grounds for making a claim, give written details to your line manager. Claims for £500 or less will be dealt with by the Chief Fire Officer. Where the claim exceeds £500, the Fire Authority Committee will decide.
- 1.1.4 The purpose of the scheme is to look sympathetically upon claims that, through no fault of their own, are at loss in circumstances where no legal remedy is available or where it would be totally unreasonable to expect the claimant to pursue a legal remedy.
- 1.1.5 The Fire Authority, as a good employer is anxious to ensure that employees and indeed volunteers, do not suffer as a consequence of carrying out their duties and responsibilities and will endeavour to meet some part of the cost of repairing or replacing the damaged or lost article.
- 1.1.6 In those cases where the loss or damage arises solely as a result of the claimant's negligence, inattention, or lack of care, no payment will be made. Where there is evidence of some negligence, inattention or lack of care on the part of the claimant, any payment made will reflect that fact.
- 1.1.7 Where the loss or damage is covered by the claimant's own insurance, the claimant is expected to claim under that cover.
- 1.1.8 A payment will seldom be made to meet the full replacement cost of a lost or damaged article. The basis of the scheme is to try to help a claimant replace like with like.
- 1.1.9 In assessing what level of payment is appropriate, regard will be had to the age and condition of the article for which the claim is

made. Betterment will also be taken into account when fixing a level of payment.

1.1.10 Damaged articles should be kept available for inspection until the matter of the claim has been resolved as the Fire Authority reserves the right to inspect.

1.1.11 Claims will be dealt with quickly if the procedure outlined in the scheme is followed.