

Ex-Gratia Payments – TF 12

Owner: ILF Scotland

Subject: Ex-Gratia Payments

Version: 1.0

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Next Review: March 2018

1. Background

This paper outlines the policy for making an ex-gratia payment. Following the submission of a formal complaint which is subsequently upheld or a decision review request which leads to a new decision, ILF Scotland can make ex-gratia payments. These payments can be made to applicants or recipients who have experienced financial loss, gross inconvenience or gross embarrassment caused by maladministration and/or excessive and unwarranted delay on the part of ILF Scotland.

The Head of Policy considers and coordinates actions in relation to all complaints and decision reviews. A direct response to address the complaint or decision review request may be provided by the Head of Policy.

The Head of Policy will refer decision reviews to the ILF Scotland Senior Management Team or Chief Executive Officer, as appropriate, for consideration (see policy TF11)."

In some cases the complaint is considered unfounded, some decision reviews do not alter the original decision, but with others it is found that the standards we set and expect of our organisation are not met. While we can redress some by action, in many cases all we are able to offer is an apology.

In a very few cases the impact of the events leading to a complaint or a decision review request are significant for the applicant/recipient or someone associated with them. When this occurs, any apology may be inadequate and further redress could go some way to

1

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improving the relationship with the applicant or recipient. Any ex-gratia payment will be regarded as being exceptional. Once the financial limit of £300 per person is reached in any financial year, ILF Scotland cannot award any further financial compensation.

2. Policy

In order to consider an ex-gratia payment, ILF Scotland will require full details of the applicant/recipient's complaint or grievance arising from the need to request a decision review. There are three areas where it may seem reasonable for an ex-gratia payment to be made, provided that the applicant/recipient has suffered by reason of maladministration and/or excessive and unwarranted delay on the part of ILF Scotland. These are:

a. Financial Loss

Financial loss applies to cases where maladministration and/or excessive and unwarranted delay on the part of ILF Scotland has resulted directly in the applicant/recipient incurring additional expenditure or loss of income that would not have been incurred otherwise.

For example, where a delay in payment of the funds results in bank charges and/or fees for the person.

b. Gross Inconvenience

or

c. Gross Embarrassment

A payment may be considered in very exceptional circumstances where maladministration and/or excessive and unwarranted delay on the part of ILF Scotland has had an adverse effect on the life of the applicant/recipient, either in the form of gross inconvenience or gross embarrassment. The applicant/recipient does not have to demonstrate that they have suffered financial loss.

3. Ex Gratia payments

The Head of Policy, in conjunction with the decision reviewer or complaint investigator, will be responsible for consideration and determination of whether an ex-gratia payment is appropriate. The Head of Policy will also determine the level of payment to be made. The level of payment that can be made in any one claim is from £25 to £300 per person, provided that this does not exceed the annual limit of £300 per person.

Any appeal against a decision made by the Head of Policy should be made to the ILF Scotland Chief Executive Officer, who will not be involved in decisions in relation to ex gratia payments.

4. Cross References

- ILF Scotland Complaints Handling Procedure.
- Decision Review Procedure, (TF11).
- *“The Head of Policy will refer decision reviews to the ILF Scotland Senior Management Team or Chief Executive Officer, as appropriate, for consideration (see policy TF11).”*