

Policy 16 Ex Gratia Payments

Owner: ILF Scotland

Subject: Ex-Gratia Payments

Version: 1.0

Last Amended: 1 July 2015

Date Reviewed: 30 March 2019

Next Review: 30 March 2020

1.0 Background

ILFS can make ex-gratia payments to recipients or applicants who have experienced financial loss, gross inconvenience or gross embarrassment caused by maladministration and/or excessive and unwarranted delay on the part of ILFS.

Any complaints are considered and responded to by the Head of Appeals and Reviews. In some cases the complaint is considered unfounded 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 are significant for the customer/recipient or someone associated with them. When this occurs any apology may be inadequate and further redress could go some way to improving the relationship with the customer / recipient. This paper outlines the policy for making an ex-gratia payment to any customer / recipient. Any ex-gratia payment will be regarded as being exceptional and once the financial limit of £300 per person in any Financial Year is reached, ILFS cannot award any further financial compensation.

2.0 Policy

In order to consider an ex-gratia payment ILFS will require full details of the customer / recipient's complaint.

There are three areas where it may seem reasonable for an ex-gratia payment to be made, provided that the recipient has suffered by reason of maladministration and/or excessive and unwarranted delay on the part of ILFS. These are:

2.1 Financial Loss

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

For example, where a delay in the funds payments result in bank charges and/or fees for the recipient.

2.2 Gross Inconvenience or Gross Embarrassment

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

Where a case presents circumstances where an ex-gratia payment is considered appropriate, a referral should be made to the Head of Appeals and Reviews who has the delegated authority to make decisions for all payments within this scheme.

Any appeal against a decision made by the Head of Appeals and Complaints should be made to the CEO.

The amount 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.

3.0 Cross References

Complaints procedure

Decision Review Procedure