

Ex-Gratia Payments – TF 12

Owner: ILF Scotland

Subject: Ex-Gratia Payments

Version: 1.0

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1. Background

This paper outlines the policy for making an ex-gratia payment. ILF Scotland can make an ex-gratia payment following a formal complaint, which it upholds or a decision review request, which leads to a new decision. ILF Scotland can make these payments 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.

ILF Scotland's Director of Policy considers and coordinates actions in relation to all complaints and decision reviews and can provide a direct response to address the complaint or decision review request or refer this where relevant to ILF Scotland's management team. Please see policy TF11 Decision Review.

ILF Scotland will offer an apology for any mistake it makes or delays it causes and in most circumstances it believes this will be sufficient. If the impact of the events leading to a complaint or a decision review request are significant and an apology on its own is not sufficient, ILF Scotland will consider further redress by way of an ex-gratia payment. ILF Scotland will only make ex-gratia payments in exceptional circumstances. 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. ILF Scotland can consider ex-gratia payments if they relate to the following:

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 Director of Policy, in conjunction with the decision reviewer or complaint investigator, will consider and determine whether an ex-gratia payment is appropriate. ILF Scotland can make a payment between £25 to £300 per person. ILF Scotland will not pay out more than £300 per person per annum.

Any appeal against an ex-gratia decision will be heard by ILF Scotland Chief Executive Officer, who will not be involved in original decisions in relation to ex gratia payments.

4. Cross References

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- ILF Scotland Complaints Handling Procedure.
 - Decision Review Procedure, (TF11).