

Policy Circular

Document No 13/07

Owner: Strategy & Communications Directorate

Subject: Ex-Gratia Payments

Version: 3 of 3

Last Amended: 16 November 2010

Date Reviewed: 16 November 2010

Next Review: November 2012

1.0 Background

The 2006 Trust Deed enables the Fund to make ex-gratia payments to users 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 the Trust.

Any complaints are considered and responded to by a dedicated Complaints and Decision Review team. 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 client 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.

This paper outlines the policy for making an ex-gratia payment to any user. Any ex-gratia payment will be regarded as being exceptional

Independent Living Fund

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and once the financial limit of £300 per person in any Financial Year is reached the Trustees cannot award any further financial compensation.

2.0 Policy

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

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

2.1 Financial Loss

Financial loss applies to cases where maladministration and/or excessive and unwarranted delay on the part of the Trust has resulted directly in a customer 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 user.

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 the trust has had an adverse effect on the life of the customer. The customer 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 Complaints and Decision Review Team. The Complaints and Decision Review Managers have the delegated authority to make decisions for all payments within this scheme.

Any appeal against a decision made by the Complaints and Decision Review Managers should be made to the Senior Operations Improvement Manager.

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 set out in the Trust Deed.

3.0 Source

Independent Living Fund 2006 Deed

4.0 Cross References

Complaints procedure
Decision Review Procedure

5.0 History Date Reviewed

28 January 2009
10 November 2010

Equality Impact Assessment

Screening Template

This preliminary impact assessment form is to help you screen your policy, project, function or new service. It should help you consider whether a full Equality Impact Assessment is required by looking at whether there is a potential negative or positive impact on any of the equality groups, if there is an opportunity to promote equality, and whether further data is needed.

Title of policy, project, function or service:

Ex Gratia

Short description of aims and objectives

How to consider cases for ex gratia payments

Thinking about each group below, does (or could) the policy, project, service or function have an impact on members of each equality group? If so, how?

Equality Group	Yes – negatively	Yes – positively	Unclear	No impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

What information or research has been considered in judging these impacts?

All cases will be considered on the basis of their complaint and the action taken on the case. There is no impact on any equality group. We monitor the outcomes of complaints against equality monitoring data.

You should consider a full Equality Impact Assessment (EIA) if:

- (a) you feel one or more equality groups will be negatively impacted by the policy, project or service, or
- (b) there is an opportunity to promote equality and eradicate discrimination.

You may also consider further research if it is unclear, at this stage, what the impact may be.

Based on your findings, is a full EIA required?

Yes No

Please provide a short summary of your decision-making below:

Notes:

- The completed EIA Screening Template should be sent to Jon Duckworth, User Liaison Manager for approval by the Equality Impact Assessment Board (EIAB).
- We will contact you with any comments or queries about the completed form.

**This form was
completed by:**

Emma Hynd