

NORTH LANARKSHIRE COUNCIL

REPORT

TO: SOCIAL WORK COMMITTEE	SUBJECT: PROCEDURES FOR COMPENSATION OF STAFF
FROM: JIM DICKIE DIRECTOR OF SOCIAL WORK	
DATE OF COMMITTEE: 7 OCTOBER 1997	
REF: JD/RP/IC/MD	

1. PURPOSE OF REPORT

To propose the adoption of procedures for compensation of staff in the Social Work Department.

2. BACKGROUND

- 2.1 In the Social Work Department in the predecessor authority, an approved scheme for compensation of staff was in operation. No arrangements have so far been made to implement a similar scheme within North Lanarkshire Council.
- 2.2 Since April 1996, a number of cases have arisen where the previous scheme would have been applied to compensate members of staff for losses incurred in the course of their duties. The Department has received representations from the Trade Unions which wish to see North Lanarkshire Council implement a scheme similar to the one which operated prior to local government reorganisation.

3. PROPOSED PROCEDURES

- 3.1 The proposed North Lanarkshire scheme for compensation of Social Work staff follows the model previously operated within the Social Work Department. The procedures are attached to this report for members consideration.
- 3.2 The procedures encourage staff members to make use of other remedies which may be open to them, whilst providing a means of compensation where no other exists.
- 3.3 The procedures have been the subject of consultation with the Trade Unions, which support their early implementation.

4. FINANCIAL IMPLICATIONS

The proposed procedures continue the practice adopted by the predecessor authority and the costs of its implementation would be met within existing social work budgets.

5. RECOMMENDATIONS

Committee is asked to approve the procedures for compensation of staff as appended to this report.



Jim Dickie
Director of Social Work
30 September 1997

For further information on this report please contact R Paul, Head of Social Work Resources (TEL: 01698 332010.)

NORTH LANARKSHIRE COUNCIL

SOCIAL WORK DEPARTMENT

STAFF LOSS OR DAMAGE TO

PERSONAL PROPERTY

PROCEDURES

September 1997

In certain circumstances, North Lanarkshire Council Social Work Department may recompense a member of staff for loss of or damage to personal property (including motor cars) where the sum involved cannot be recovered under insurance. There is no obligation on the Council to make any such payment and each case will be considered on its individual merits. Payments will be made at the discretion of the Director of Social Work.

Section 1

General Conditions

- 1.a Claims will be considered only in respect of individual employees of North Lanarkshire Council Social Work Department. This delegation does not cover claims in respect of volunteers and non employees for which separate procedures exist.
- 1.b Before submitting a claim to the Council, the member of staff concerned must, where possible, first claim against their own Household, Motor or other insurance policy and, in claiming payment from the Council, must produce evidence of having claimed against their own Insurance Company and of having been repudiated by them.
- 1.c In many cases, a criminal element of vandalism, theft, etc may be involved. Before submitting a claim to the Council, the member of staff must report to the Police full details of the incident giving rise to the claim, must confirm to the Council that they have done so and must give the Police every assistance in their investigations into the incident.

However, where it is known that damage has been caused by a client or resident of the Department, it may be considered inappropriate to report the matter to the Police. In these circumstances, such cases must be raised with the employee's immediate line manager. The line manager will discuss with the employee the appropriateness of reporting the matter to the Police and in the event of it being decided not to do so will countersign the claim form accordingly. However, an employee may decide to exercise his/her right to report the matter notwithstanding discussions with the line manager.

- 1.d If the incident gives rise to a claim for reparation against another party, the member of staff concerned must, where reasonably practical, pursue that claim or alternatively, at the discretion of the Council, must assign to the Council all rights to pursue that claim against the other party involved.
- 1.e Claims will be considered in respect of personal property only if that property is essential to the performance of the employee's work, and the loss of or damage to does not result from the employee's negligence. There are however separate provisions where the damage has resulted from an act of violence. Section 3 refers.

The incident giving rise to the claim must have occurred in the course of the employee's work.

No compensation will normally be paid in respect of loss of money (see section 3.1(f) on violence to staff).

With a delegation such as this, it is not possible to be definitive since cases differ. In considering claims, due consideration must be taken of wear and tear/depreciation and the amount reimbursed should reflect the age and condition of the article either damaged or lost.

Section 2

The Loss of or Damage to Motor Cars

- 2.1 Claims will be considered only from authorised car users, and where damage does not result from the normal hazards of driving.
- 2.2 No claim will be considered unless an employee has, in the first instance, reported the incident to their own insurance company. In making a claim against their insurance policy, employees may be liable for payment of an excess on the policy and/or will incur a reduction in the no claims bonus applied. It will be the responsibility of the employee to provide details from the insurance company of any such loss.
- 2.3 In approving claims for loss of or damage to motor cars, the lesser of the following two amounts will be paid.
- 2.3(a) The cost of repair.
- 2.3(b) The amount of policy excess and no claims bonus loss for which the employee will be liable, as confirmed in writing by their insurance company.
- 2.4 In order that the Director may consider the claim for payment, the Officer's Line Supervisor will be required to certify that:-
- 2.4(a) The Officer concerned is an authorised essential/casual car user, and
- 2.4(b) During the course of the date of the incidents, the Officer was specifically expected to use his/her vehicle on Council business, and/or
- 2.4(c) The duties of the Officer's post are such that they require the Officer to bring a motor vehicle to work each day in order that he/she may respond urgently to certain duties (eg as part of an emergency service) - even if the vehicle was not used during the course of the day in question.
- 2.5 The Officer concerned will be required to certify that where appropriate, at the time of the incident his/her motor vehicle was:-
- 2.5(i) Lockfast, and
- 2.5(ii) Parked at a reasonable location.
- 2.6 In circumstances where damage is incurred to a member of staff's car by a client/resident, such cases will be considered by the Director on the merits of each individual case, subject to paragraph 1.c of the General Conditions.
- 2.7 Payments will not be considered for incidents travelling to or from the Officer's place of work at the beginning or end of a working day.

Section 3

Violence to Staff

- 3.1 Where loss or damage results from a violent incident to a member of staff, special consideration must be given to such claims. Normally the following claims will automatically be approved.
- 3.1(a) Transportation for the employee to be taken home or for any visits to hospital.
 - 3.1(b) Costs involved in making necessary domestic arrangements (for example costs involved in visits by relatives (ie - the immediate family) if the employee is in hospital.
 - 3.1(c) Prescription charges.
 - 3.1(d) Loss or damage to any clothing worn by the employee at the time of the violent incident.
 - 3.1(e) Payment for the repair or replacement of watches, spectacles, wedding or engagement rings, damaged or lost as a result of the violent incident.
 - 3.1(f) Whilst North Lanarkshire Council cannot be responsible for reimbursing the loss of large sums of money to employees during the course of their duties it is reasonable to expect that an employee will carry a certain amount of cash on their person. To this end, therefore, staff will be reimbursed for loss of money up to a maximum of £50.00.
- 3.2 It must be accepted that the responsibility for personal possessions such as handbags and briefcases is the responsibility of the employee as is the contents of these articles. However, it is accepted that in circumstances of a violent incident an employee may well be taking all reasonable steps to secure their own personal property. In view of this fact, claims resulting from the loss of handbags and/or briefcases and their contents can be considered up to a maximum of £200.00. Payment for articles of such a nature will be considered on an individual basis and at the discretion of the Director.

I hereby acknowledge to have received from North Lanarkshire Council (hereinafter referred to as "the Council") the sum of Sterling (£) in full and final settlement of all claims by me against the Council arising out of the loss of/damage to and I hereby DISCHARGE the Council from any liability arising out of the said loss/damage and I accept that the above sum paid to me was solely by way of an ex gratia payment and in no way constitutes an admission of liability by the Council: IN WITNESS THEREOF these payments are signed by me at

on before these witnesses.

Signed

Witness

Witness

NORTH LANARKSHIRE COUNCIL
SOCIAL WORK DEPARTMENT

CLAIM FOR LOSS/DAMAGE OF PERSONAL PROPERTY AS A RESULT OF
VIOLENCE TO STAFF

NAME OF CLAIMANT:

ADDRESS:

WORKPLACE ADDRESS:

EMPLOYED AS:

NAMES/S OF WITNESS/ES:

ADDRESS/ES OF WITNESS/ES:

IS/ARE WITNESS/ES EMPLOYED BY NORTH LANARKSHIRE COUNCIL? *YES/NO
IF YES, IN WHAT CAPACITY AND IN WHAT DEPARTMENT

DATE OF INCIDENT:

PLACE OF INCIDENT:

HAS INCIDENT BEEN REPORTED TO POLICE? *YES/NO

IF YES, WHEN?

HAS THE INCIDENT BEEN REPORTED UNDER THE VIOLENCE TO STAFF
PROCEDURES AND FORMS VS1 AND VS2 BEEN COMPLETED IN THIS RESPECT?

*YES/NO

PLEASE GIVE A DETAILED ACCOUNT OF THE INCIDENT IN YOUR OWN WORDS:
(Please use the back of this form if necessary)

DETAILS OF ARTICLES LOST/DAMAGED, DETAILING THE INDIVIDUAL VALUE OF EACH TAKING INTO ACCOUNT DEPRECIATION FOR WEAR AND TEAR FOR ITEMS OF CLOTHING:

ITEM	AGE	COST NEW	ESTIMATED CURRENT VALUE (AMOUNT CLAIMED)
		£	£
		£	£
		£	£

TOTAL AMOUNT CLAIMED: £

HAS CLAIMANT INSURANCE COVER FOR LOST/DAMAGED ARTICLES? *YES/NO

HAS OR WILL A CLAIM BE MADE UNDER THIS INSURANCE COVER? *YES/NO

IF NOT, WHY NOT?

ANY ADDITIONAL REMARKS BY CLAIMANT:

SIGNATURE OF CLAIMANT

DATE

I DECLARE THAT I HAVE SCRUTINISED THIS CLAIM AND AM SATISFIED THAT IT MEETS THE CONDITIONS OF THE SCHEME OF DELEGATION

SIGNED (HEAD OF SOCIAL WORK RESOURCES)

DATE

* DELETE AS INAPPLICABLE

NORTH LANARKSHIRE COUNCIL
SOCIAL WORK DEPARTMENT

CLAIM FOR LOSS/DAMAGE OF PERSONAL PROPERTY

NAME OF CLAIMANT:

ADDRESS:

WORKPLACE ADDRESS:

EMPLOYED AS:

NAMES/S OF WITNESS/ES:

ADDRESS/ES OF WITNESS/ES:

IS/ARE WITNESS/ES EMPLOYED BY NORTH LANARKSHIRE COUNCIL? *YES/NO
IF YES, IN WHAT CAPACITY AND IN WHAT DEPARTMENT

DATE OF INCIDENT:

PLACE OF INCIDENT:

HAS INCIDENT BEEN REPORTED TO POLICE? *YES/NO

IF YES, WHEN?

PLEASE GIVE A DETAILED ACCOUNT OF THE INCIDENT IN YOUR OWN WORDS:
(Please use the back of this form if necessary)

IF CLOTHING WAS DAMAGED ON A PIECE OF FURNITURE OR EQUIPMENT IN YOUR WORKPLACE, WAS THE FURNITURE OR EQUIPMENT FAULTY OR IN A STATE OF DISREPAIR? *YES/NO

- (a) IF YES, PLEASE DETAIL FAULT
- (b) IF YES, HAS THE FAULT BEEN REPORTED
- (c) IF YES, HAS THE EQUIPMENT/FURNITURE BEEN REPAIRED/REPLACED?
*YES/NO

DETAILS OF ARTICLES LOST/DAMAGED, DETAILING THE INDIVIDUAL VALUE OF EACH TAKING INTO ACCOUNT DEPRECIATION FOR WEAR AND TEAR FOR ITEMS OF CLOTHING:

ITEM	AGE	COST NEW	ESTIMATED CURRENT VALUE (AMOUNT CLAIMED)
		£	£
		£	£
		£	£

TOTAL AMOUNT CLAIMED: £

HAS CLAIMANT INSURANCE COVER FOR LOST/DAMAGED ARTICLES? *YES/NO

HAS OR WILL A CLAIM BE MADE UNDER THIS INSURANCE COVER? *YES/NO

IF NOT, WHY NOT?

ANY ADDITIONAL REMARKS BY CLAIMANT:

SIGNATURE OF CLAIMANT

DATE

I DECLARE THAT I HAVE SCRUTINISED THIS CLAIM AND AM SATISFIED THAT IT MEETS THE CONDITIONS OF THE SCHEME OF DELEGATION

SIGNED (HEAD OF SOCIAL WORK RESOURCES)

DATE

* DELETE AS INAPPLICABLE

NORTH LANARKSHIRE COUNCIL
SOCIAL WORK DEPARTMENT

CLAIM FOR DAMAGE TO MOTOR CAR

NAME OF CLAIMANT:

ADDRESS:

WORKPLACE ADDRESS:

EMPLOYED AS:

NAMES/S OF WITNESS/ES:

ADDRESS/ES OF WITNESS/ES:

IS/ARE WITNESS/ES EMPLOYED BY NORTH LANARKSHIRE COUNCIL? *YES/NO
IF YES, IN WHAT CAPACITY AND IN WHAT DEPARTMENT

DATE OF INCIDENT:

PLACE OF INCIDENT:

HAS INCIDENT BEEN REPORTED TO POLICE? *YES/NO

IF YES, WHEN?

PLEASE GIVE A DETAILED ACCOUNT OF THE INCIDENT IN YOUR OWN WORDS:
(Please use the back of this form if necessary)

DETAILS OF DAMAGE TO VEHICLE AND REPAIR COSTS:

TOTAL AMOUNT CLAIMED: £

HAS CLAIMANT INSURANCE COVER FOR VEHICLE DAMAGE? *YES/NO

HAS OR WILL A CLAIM BE MADE UNDER THIS INSURANCE COVER? *YES/NO

IF NOT, WHY NOT?

THE VEHICLE WAS LOCKFAST? *YES/NO

THE VEHICLE WAS PARKED AT A REASONABLE LOCATION? *YES/NO

PLEASE ATTACH:

(1) ** CONFIRMATION FROM YOUR INSURANCE COMPANY
 DETAILING AMOUNT OF INSURANCE EXCESS ON THE POLICY
 AND ALSO, IF APPLICABLE, THE AMOUNT YOUR POLICY WILL
 INCREASE BY, SHOULD A CLAIM BE MADE AGAINST YOUR
 INSURANCE POLICY.

(2) ** AN ESTIMATE FOR THE REPAIR OF THE VEHICLE.

** IN APPROVING CLAIMS, IT IS THE LESSER OF THESE TWO AMOUNTS WHICH
 WOULD BE PAID.

** THESE ITEMS MUST BE ENCLOSED

ANY ADDITIONAL REMARKS BY CLAIMANT:

SECTION B

THIS SECTION IS TO BE COMPLETED BY EMPLOYEE'S LINE MANAGER

1. The Officer concerned is an authorised essential/casual care user *YES/NO
and
2. During the course of the date of the incidents, the officer was specifically expected to
 use his/her vehicle on North Lanarkshire Council Business *YES/NO
and/or
3. The duties of the Officers post are such that they require the Officer to bring a motor
 vehicle to work each day in order that he/she may respond to certain duties (eg as part
 of an emergency service) even if the vehicle was not used during the course of the day
 in question *YES/NO

SIGNATURE OF CLAIMANT

DATE

SIGNATURE OF LINE MANAGER

DESIGNATION

DATE

I DECLARE THAT I HAVE SCRUTINISED THIS CLAIM AND I AM SATISFIED THAT
IT MEETS THE CONDITIONS OF THE SCHEME OF DELEGATION

SIGNED (HEAD OF SOCIAL WORK RESOURCES)

DATE

* DELETE AS INAPPLICABLE