

TRUST POLICY FOR THE HANDLING OF CLAIMS FOR EX-GRATIA PAYMENTS

Reference Number POL-FIN/1889/10	Version: 1.4.1		Status Draft		Author: Kulbinder Gill Advice Support Services Manager
Version / amendment history	Version	Date	Author	Reason	
	1.1	Jul 2010	N Evans	New Policy	
	1.2	Aug 2013	L Fryatt	Corporate Nursing taking over responsibility	
	1.3	March 2016	L Keep	Minor amendments before PALs Department taking over responsibility.	
	1.4.1	October 2020	K Gill	Refreshed	
Intended Recipients: all Trust staff					
Training and dissemination: Training will be provided by the Advice & Support Services Managers. Dissemination will be via the Trust Intranet					
To be read in conjunction with: Trust Policy and Procedures for the Handling of Patients' Property and Valuables Trust Policy and Procedures on Handling Concerns and Complaints					
In consultation with and date: Quality Review Committee, Divisional Nurse Directors , Director of Midwifery & Director of AHP's , Advice and Support Services Managers					
EIRA Stage One Completed			Yes		
EIRA Stage Two Completed			No		
Approving body and date approved			Trust Delivery Group – April 2021		
Date of issue			April 2021		
Review date and frequency			March 2024 (3 yearly)		
Contact for review			Advice and Support Services Managers		
Executive lead signature			Director of Patient Experience and Chief Nurse		
Approving executive signature			Director of Patient Experience and Chief Nurse		

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TRUST POLICY FOR THE HANDLING OF CLAIMS FOR EX-GRATIA PAYMENTS

1. INTRODUCTION

The Trust recognises that patients may sustain the loss of, or damage to, their personal property whilst patients of the University Hospitals of Derby and Burton NHS Foundation Trust, (UHDB) and that there may be exceptional circumstances when employees may also sustain loss or damage to their personal property during the course of their employment with the Trust.

The Trust accepts no liability/responsibility for any item of personal property lost or damaged on its premises. In exceptional circumstances, the Trust has the discretion to make an ex-gratia payment to a patient or employee for loss or damage to property. An ex-gratia payment is one which the Trust has no obligation, statutory, or legal liability to make. Such payments are made as a gesture of goodwill on behalf of the Trust and do not convey any liability on the Trust.

The Trust does not have insurance cover for ex-gratia payments and therefore any ex-gratia payments have to be paid from hospital funds. Each Division will be allocated a proportion of the total monies available from the Hospital Fund allocated for Ex Gratia Claims, and when this funding has been exhausted then payment will need to be made from the Divisional budget. Payments will be for the NHS replacement value of the claim and may not necessarily be for the full amount being claimed. If the item being claimed for is not available under the NHS, then there will be a cap on the amount paid on any one claim.

2. Purpose and Outcomes

The purpose of this Policy is to set out the process for managing ex-gratia claims and to outline the circumstances in which the Trust may exercise its discretion to make an ex-gratia payment. This policy should be read in conjunction with the Trust Policy and Procedures for the Handling of Patients' Property and Valuables.

3. Definitions Used

Claimant: The patient/employee who is claiming an ex-gratia payment.

Patient Claim Form: See Appendix 1. This form needs to be completed by the Claimant or their representative. This must be completed in full before the Trust will consider making an ex-gratia payment to a patient in respect of loss or damage to personal property.

Employee Claim Form: See Appendix 3. This form needs to be completed by the employee/claimant. This must be completed in full before the Trust will consider making an ex-gratia payment to an employee in respect of loss or damage to personal property, whilst undertaking their contractual duties.

Ex-Gratia payment: A payment made as a gesture of goodwill, which the Trust has no obligation, statutory or legal liability, to make.

4. Key Responsibilities/Duties

4.1 Director of Patient Experience

The Director of Patient Experience is responsible to the Trust Board and Chief Executive for effective claims handling.

4.2 Lead Nurse for Patient Experience

The Lead Nurse for Patient Experience is responsible for compliance with the policy. In the absence of the Lead Nurse this responsibility is delegated to the appropriate Advice Support Services Manager.

4.3 Claims Co-ordinator

The Claims Co-ordinator is responsible for:

- Checking that the claimant has completed the appropriate claim form in its entirety. If this is not completed, it will be returned to the claimant for completion
- Corresponding and communication with claimants
- Providing responses to claimants
- Providing trend reports to the Divisional Nurse Directors/Director of Midwifery/Director of AHP/Advice Support Services Manager
- Maintaining a database about the status of all claims (DATIX)
- Collating relevant documentation (such as any PALS or RISK papers) and sending this to the Divisional Nurse Directors/Director of Midwifery & Director of AHP's/General Managers
- Liaising with Divisional Nurse Directors/Director of Midwifery & Director of AHP's / General Managers and Ward/Departmental Managers where appropriate
- Ensuring there is an outcome following the investigation and a recommendation by the General Manager Director of Midwifery & Director of AHP's
- Collating and reviewing relevant documentation (such as any PALS or RISK papers). The purpose of this review is to ensure that all paperwork has been correctly completed by all parties and any discrepancies or omissions are addressed.

If fraud or corruption is suspected a referral should be made to the Local Counter Fraud Specialist for consideration as to whether any criminal investigation is necessary, in accordance with the Trust's Fraud and Corruption Policy.

4.4 Ward/Departmental Managers are responsible for:

- Ensuring all their staff are aware of their responsibility for handling patient property in accordance with the Trust Policy and Procedures for the Handling of Patients' Property and Valuables
- Advising patients or employees of the criteria that must be met for an exceptional ex-gratia payment to be made and setting realistic expectations, when enquiries are made prior to the submission of a claim
- Receiving the initial claim from the claims co-ordinator.
- Checking that the claimant has completed the claim form (Appendix 1 or 3 if an employee of the Trust) in its entirety. Incomplete information should be returned to the claimant for completion
- Ensuring that incident report forms are completed for theft, losses of and damage to property.
- Investigating the circumstances of the loss/damage

- If during the course of the investigation there is sufficient evidence to indicate a theft, then the matter should be reported to the police
- Provide a recommendation to the claims co-ordinator as to whether or not a payment should be made to a patient. This recommendation should be made by completing Part A and B of Appendix 1/3 and sending all relevant documentation to the Claims Co-ordinator.
- Completing Section B of Appendix 1 to confirm whether the criteria for an ex-gratia payment have been satisfied before returning all relevant documentation to the claims co-ordinator completing Section A of Appendix 3 and submitting this to the General Manager of the Business Unit.

4.5 General Managers

General Managers are responsible for:

- Ensuring that all documentation has been provided as part of the investigation
- Ensuring that the matter has been investigated effectively
- Provide a recommendation to the claims co-ordinator as to whether or not a payment should be made. This recommendation should be made by completing and signing Section B (Appendix 2) and sending all relevant documentation to the claims co-ordinator.

4.6 Divisional Nurse Directors/Director of Midwifery & Director of AHP's

Divisional Nurse Directors/Director of Midwifery and Director of AHPs are responsible for:

- Ensuring that their staff has investigated the matter effectively
- Undertaking any reviews during an appeal process and making recommendations.
- Liaising with the claims co-ordinator on the outcome of the appeal

4.7 All employees

All employees are responsible for handling patient property in accordance with the Trust Policy and Procedures for the Handling of Patients' Property and Valuables.

5 Process for the handling of ex-gratia payments

5.1 Criteria for assessing all claims – exclusions

The following exclusion criteria will apply when considering claims:

- A claim should be made within three months of the loss occurring. Late claims will not be considered
- Where the total amount claimed by an individual is in excess of £250.00, these will not be considered unless it is for the NHS replacement value.
- Claims made by another NHS provider to the Trust for loss of their equipment
- Allegations of losses/damage from criminal activity, for example, theft. Where this is the case, the ward/departmental manager should be informed and security contacted immediately (in line with the Trust Policy and Procedures for the Handling of Patients' Property and Valuables)

- Clothing and toiletries, unless these have been handed in for safe keeping to a member of the ward staff and a property sheet completed
- The insurance excess on a policy which covers the lost item are not eligible to be covered under this policy
- Personal injury claims, including accidents, stress related

5.2 Criteria for ex-gratia claims by patients or a third party

All patients, or their next of kin in the case of those patients incapable of managing their own affairs, should be advised on admission that the Trust does not accept liability for any items of personal property lost or damaged on its premises. An indemnity form needs to be completed by the ward.

Valuables/personal items in a patient's possession remain the liability of the patient or relatives

The Trust will not consider any claim form where an indemnity form has been completed, unless there is evidence to prove that the patient's ability to manage their own property changed during the hospital stay.

In exceptional circumstances, the Trust may consider an ex-gratia payment for the loss or damage to a patient's personal property where there is evidence to prove that the loss or damage is not covered by insurance or by any provision for free replacement and:

- The item of property has been handed in for safe keeping and a receipt obtained from the ward sister/manager/cashier or
- The loss or damage is a result of negligence or failing on the part of the Trust or a Trust employee acting in the course of their employment or
- The loss or damage arose from a failing on the part of the Trust to take reasonable steps to arrange for the safekeeping of valuables on the person of an unaccompanied patient who was admitted to hospital in an unconscious state or
- To refuse the claim would cause genuine hardship or functional difficulty to the patient. The types of items that may be considered include: spectacles, dentures, hearing aids

5.3 Consent for Claims made on behalf of patients

If a representative wishes to submit a claim on behalf of a patient, written consent from the patient must be sought in the first instance. There may be occasions where the patient is unable to sign a consent form, in which case, verbal consent will be accepted. In these circumstances, the decision to obtain verbal consent should be recorded on the DATIX system with notes of the discussion, recording the date and time and name of the staff member obtaining the consent.

Claimants should be aware that if they have given consent for a representative to act on their behalf in handling their claim, then any payments which are approved will be made into the representative's bank account.

5.4 Claims involving deceased patients

Cases where the patient/claimant passes away during an investigation or a claim is made retrospectively by a third party, or by the patient themselves prior to their death, (within three months of the loss of the item being claimed), will be considered on a case by case basis.

6. Procedure for making ex-gratia claims against the Trust - Patients

Where a patient or carer wishes to report damage to or loss of personal property, they should report to the Nurse in Charge of the ward or department.

If the patient or carer makes any statement to the effect that their property has been stolen, the Nurse in Charge must report this to Security, who will assume responsibility for dealing with the matter and reporting it to the police. The Trust will not be liable for losses or damage resulting from criminal activity.

Before the patient/carer is advised to complete a patient claim form, the Nurse in Charge of the ward or department must ensure that:

- A thorough search has been conducted for the item in question, including at any previous ward or department where the patient has been cared for
- Lost Property have been contacted to ascertain whether the item in question has been handed in (Lost Property enquiries in the first instance can be made to the Help Desk, or Cashier's office, on the hospital sites of where the loss occurred)
- A thorough investigation is conducted into the circumstances of the loss/damage
- An IR1 is completed, recording all the circumstances of the loss/damage and confirming the extent of the search made
- It is also recommended that a record of the reported loss and action taken to find the item is recorded within the patient's nursing records
- The patient/carer is advised to retain damaged item/s for inspection in due course
- If the item in question can be repaired, and the claimant has obtained an estimate for the necessary work. The damaged item should be retained for inspection by the investigating officer.

Only once these steps have been taken and the item has not been found should a claim form be provided to the patient or carer upon request (see Appendix 1). Staff should underline to the patient or carer that the Trust will consider an ex-gratia payment for the loss or damage only in exceptional circumstances and where there is evidence to prove that the criteria set out in paragraph 5.2 above are satisfied.

The patient or their relative should complete the patient claim form. Staff should explain to the patient or relative that if the claim form is incomplete it will not be considered.

Once it has been completed in full, the patient claim form should be returned to the claims co-ordinator, who will acknowledge receipt of the patient claim form to the claimant and send all relevant documentation to the General Manager of the relevant Division.

The General Manager will liaise with the relevant ward/departmental manager to complete patient claim form part 2 (Appendix 3) and return this to the claims co-ordinator with their recommendation as to whether or not an ex-gratia payment is justified in all the circumstances.

6.1 Criteria for ex-gratia claims by employees

All employees should be informed, when commencing employment that the Trust accepts no responsibility for any item or personal property lost or damaged on its premises.

Employees should be encouraged not to bring valuable items to work. Where this cannot be avoided, employees should be informed that they do so at their own risk.

Employees should be encouraged to insure against loss or damage to their personal property by obtaining appropriate insurance cover (at their own expense).

The exclusion criteria set out in this policy (section 5.1) will also apply to claims raised by staff employed by the Trust.

However, in exceptional circumstances the Trust may consider an ex-gratia payment for the loss or damage to an employee's personal property where all of the following criteria are satisfied i.e. that there is evidence to prove that:

- The loss or damage occurred during the course of their employment
- The items lost or damaged were reasonably carried during the course of their employment
- The articles are sufficiently robust for the use they might reasonably be expected to bear
- The loss or damage is not due to the employee's own negligence
- The loss or damage is a result of negligence or failing on the part of the Trust
- The loss or damage is not covered by insurance or by any provision for free replacement
- Ex-gratia claims should be made within three months of the loss occurring. Late claims will not be considered

6.2 Procedure for making ex-gratia claims against the Trust

Employees

Where an employee wishes to report a loss or damage to personal property, they should report this to their ward/departmental manager.

If the employee makes any statement to the effect that their property has been stolen the manager must immediately report this to Security, who will assume responsibility for dealing with the matter and reporting it to the police. Please note that the Trust will not be liable for losses or damages resulting from criminal activity.

Before the employee is advised to complete an employee claim form, their manager must ensure that:

- A thorough search has been conducted for the item in question
- Lost Property have been contacted to ascertain whether the item in question has been handed in (Lost Property enquiries in the first instance can be made to the Help Desk on the hospital sites of where the loss occurred)
- A thorough investigation is conducted into the circumstances of the loss/damage
- An IR1 is completed recording all the circumstances of the loss/damage and confirming the extent of the search made

- If the item in question can be repaired, the employee has obtained an estimate for the necessary work. The damaged item should be retained for inspection by the investigating officer.

Only once these steps have been taken and the item has not been found, should an employee claim form be provided to the employee upon request (see Appendix 1a). The employee's manager should emphasise to the employee that the Trust will consider an ex-gratia payment for loss or damage only in exceptional circumstances and where there is evidence to prove that the criteria set out at paragraph 5.2 above are satisfied.

The employee should complete the employee claim form. The manager should sign this to confirm acceptance of it as an accurate record of events and agrees that the criteria set out at paragraph 5.2 above are satisfied and the employee has complied with the steps set out above in this section.

The claim form should then be returned to the claims co-ordinator, who will liaise with the relevant manager or Director of Nursing to ensure the claim is investigated appropriately.

If a false claim is suspected the details will be passed to Human Resources and the Local Counter Fraud Specialist for consideration as to whether any criminal investigation is necessary, in accordance with the Trust's Disciplinary and/or Fraud and Corruption Policy.

7 Timescales for Responding:

On receipt of a claim:

- the Claim's Co-ordinator should acknowledge receipt of the claim to the claimant within 2 working days of receiving the claim. They will also inform the claimant of the likely timescale of 35 working days from receipt, of when the claimant will receive an outcome. In acknowledging the claim, if the Trust is not in receipt of the full information in order to investigate the claim, then this timescale may be longer.
- the claim should be passed to the Divisional Administrators who will allocate to the appropriate ward/departmental manager for investigation within 2 working days of receiving the claim
- the Division should investigate the claim within 20 working days of receiving the claim, unless there is information which is required and this is likely to impact on the timescale and investigation. In these circumstances the Division should liaise with the Claims Co-ordinator who will advise the claimant.

If a false claim is suspected the details will be passed to the Local Counter Fraud Specialist for consideration as to whether any criminal investigation is necessary, in accordance with the Trust's Fraud and Corruption Policy.

8 Valuing ex-gratia payments

An ex-gratia payment should not place the claimant in a better position than they would be in if the loss had not occurred. All claims investigated and considered through the ex-gratia route should not exceed the NHS cost of replacing the item. In the case where a claim is upheld, only the NHS value of replacing the item will be paid and any shortfalls will not be considered under the appeals process. Items which would normally fall under this category may include: hearing aids, spectacles, dentures.

In cases where an NHS value cannot be identified, the following payment caps will be applied:

Mobile telephones	£75.00
IPads, tablets, laptops	£75.00

There will be an overall cap of £250.00 on all claims where the NHS value cannot be paid. A receipt or written quote for the item being claimed for will need to be produced by the claimant before a payment will be released.

Where the damaged item can be repaired, the payment should cover the actual cost of repair, providing it does not exceed the NHS cost of the item or the overall cap of £250.00.

Where the item is lost or damaged beyond repair, the NHS replacement cost should be paid.

If the value of the loss has been reduced by an insurance or any other payment or benefit, the claim will be limited to the net loss.

The Trust will not consider any claims where the claimant has previously received a payment through their insurance and are claiming the excess of their cover.

If a patient passes away during the course of their claim investigation, cases will be considered on a case by case basis. The determining factors will be whether the item claimed for has already been replaced and a receipt provided that evidences purchase of the item was made by the claimant and the claim was made retrospectively.

9 Appeal Process

In the event that a claim is not upheld by the General Manager and the claimant wishes to appeal against this decision, they must write to the Claims Co-ordinator within 10 working days of receiving the letter so a review of the claim can be arranged. The outcome of the appeal will be communicated to the claimant within 10 workings from receipt of the appeal by the Division.

In order to consider an appeal the claimant must set out clearly their grounds for appeal. Disagreeing with the outcome will not be considered as a sole reason for an appeal as there will be a requirement to set out reasonable points and evidence as to why the claim should be upheld.

10. Monitoring Compliance and Effectiveness

Monitoring requirement :	Financial monitoring Themes of claims
Monitoring method:	Reports to Divisional Nurse Director, Director of Patient Experience identifying themes across the Trust/ various Divisions
Report prepared by:	Claims Co-ordinator
Monitoring report presented to:	Divisional Nurse Director Finance Department Director of Patient Experience
Frequency of Report	Monthly

11. References

Source of data HM Treasury	Location http://www.hm-treasury.gov.uk/	Document Managing Public Money, Annex 4.13
Department of Health	http://www.info.doh.gov.uk/doh/finman.nsf	NHS Finance Manual (Chapter 5)

PART 1 - TO BE COMPLETED BY PATIENT/CLAIMANT

THE TRUST DOES NOT ACCEPT LIABILITY FOR ANY ITEMS OF PERSONAL PROPERTY LOST OR DAMAGED ON ITS PREMISES**Exclusion Criteria for Patient Claims:**

The following exclusion criteria applies to all claims:

- A claim should be made within three months of the loss occurring. Late claims will not be considered
- Where the total amount claimed by an individual is in excess of £250.00
- Claims made by another NHS provider to the Trust for loss of their equipment
- Allegations of losses/damage from criminal activity, for example, theft. Where this is the case, the ward/departmental manager should be informed and security contacted immediately (in line with the Trust Policy and Procedures for the Handling of Patients' Property and Valuables)
- Clothing and toiletries, unless these have been handed in for safe keeping to a member of the ward staff and a property sheet completed
- The insurance excess on a policy which covers the lost item
- Personal injury claims, including accidents, stress related

However, **in exceptional circumstances** the Trust **may** consider making a goodwill payment for the loss or damage to a patient's personal property where there is evidence to prove that the loss or damage is not covered by insurance or by any provision for free replacement **and**:

1. The item of property has been handed in for safe keeping and a receipt obtained from the ward sister/manager/cashier; or
2. The loss or damage is a result of negligence or failing on the part of the Trust or a Trust employee acting in the course of their employment; or
3. The loss or damage arose from a failing on the part of the Trust to take reasonable steps to arrange for the safekeeping of valuables on the person of an unaccompanied patient who was admitted to hospital in an unconscious state.

All ex-gratia payments are made from hospital funds as the Trust does not have insurance to cover these payments.

In the first instance please contact lost property at the Cashier's Office or Help Desk on the Hospital site

1. PATIENT/CLAIMANT DETAILS:

Mr/Mrs/Miss/Ms FIRST NAME:	SURNAME:
ADDRESS:	
	POSTCODE:

TELEPHONE NO:	email:
HOSPITAL NUMBER:	DATE OF BIRTH:
<p>If completing on behalf of a patient/claimant: If you hold a Power of Attorney please provide a copy. If not, please ensure the patient/claimant completes the statement below.</p>	
<p>I [name] do hereby authorise [name]</p>	
<p>Of [address] to deal with this claim for compensation on my behalf. I also consent to you corresponding with the above-named person regarding my claim. Signature of Claimant.....Date.....</p>	
Relationship to the Claimant	Contact telephone no:
<p>If you are claiming on behalf of a patient who is deceased, please provide the following:</p> <ol style="list-style-type: none"> 1 Proof that you are an executor of the patient's will or 2 Grant of Probate / Letter of Administration and 3 Your own contact details 	

2. DETAILS OF LOSS OR DAMAGE

LOCATION:

Ward/Department:

Date and time of loss:

Was the property handed in for safe keeping?
(If so, please attach copy of the ward receipt)

Yes / No

Name and grade of staff the loss was reported to:

Date/time reported:

The date you contacted lost property to ask if the item has been handed in and their response:

(Please note that we cannot investigate your claim until you have done this):

FULL DETAILS OF THE LOSS/DAMAGE *(continue on a separate sheet if necessary)*

Please provide details of when the item was handed in for safe keeping and a receipt obtained from the ward sister/manager/cashier and/or why you allege that the loss or damage is a result of negligence or failing on the part of the Trust or a Trust employee acting in the course of their employment.

FULL DETAILS OF THE LOSS/DAMAGE (Continued)			
DATE OF PURCHASE:		HOW MUCH WAS PAID FOR THE ITEM/S LOST/DAMAGED? <i>(Please attach receipt if available)</i>	£
Is the property covered by personal/household insurance? <i>(delete as appropriate)</i> Yes / No		AMOUNT OF COMPENSATION REQUESTED	
How much has the insurer paid/how much do you expect to receive?		£	
£		<i>(Attach receipts or quotation for replacement items)</i>	

DECLARATION

Please ensure all information has been completed or the claim will not be considered

I certify that to the best of my knowledge and belief, the information contained within this Claim Form is correct. By signing this statement I also confirm my authority to the release of relevant medical records and/or for the Trust to contact all relevant parties (such as opticians/ dentists) to investigate this claim.

I also certify that any compensation sought is a true and accurate reflection of the loss or damage I have suffered. I understand that if I knowingly provide false information this may result in prosecution and civil recovery proceedings. I consent to the disclosure of the information from this form to and by the Trust and the NHS Counter Fraud and Security Management Service/LCFS for the purpose of verification of this claim and the investigation, prevention, detection and prosecution of fraud.

If the property is subsequently found, I agree to reimburse any monies received.

Signature _____

Name _____ Date _____

If you are an inpatient, please arrange for the completed form to be sent to the Ward/Departmental Manager where the loss occurred so that they may complete their investigations, or please return to:

Either
Ex-Gratia Claims Administrator
PALS Department
Royal Derby Hospital
Uttoxeter Road
Derby
DE22 3NE

Or
Ex-Gratia Claims Administrator
PALS Department
Queen's Hospital
Belvedere Road
Burton Upon Trent
Staffordshire
DE13 0RB

Claim Reference:

Name:

H/N:

PLEASE REFER TO MEDICAL RECORDS WHEN COMPLETING THIS FORM

Section A - To be completed by Ward/Departmental Manager

Section B – To be completed by the Head of Nursing for the Division

SECTION A

Details of action taken when loss or damage first reported and subsequent investigation to verify the facts stated by the Claimant (Please continue on a separate sheet if necessary)

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Please review the medical records and confirm whether there is any evidence that the patient did not have capacity on the date of the loss.

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Has a search been completed of all relevant areas?	YES / NO
Has an incident report form (IR1) been completed? (If NO, please ensure IR1 is completed and enter number	YES / NO
	IR1 No:
Did the patient sign an indemnity form? If NO, please state why below. If YES, attach copy to this form.	YES / NO

Was a Ward Property Sheet completed? If NO, please state why below. If YES – Please attach a copy to this form	YES / NO
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Are items claimed for listed on the Ward Property sheet?	YES / NO / NA

Name of Operational Manager, Head of Department

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Signature

.....

Date

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Extension Number

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SECTION B To be completed by the Head of Nursing

Please certify that you are satisfied with the investigations that have taken place and provide a recommendation to enable an effective response to the Patient/Claimant.

Please note that the Trust will only make a compensation payment in the following circumstances:-

1. The item of property has been handed in for safe keeping and a receipt obtained from the ward sister/manager/cashier; or
2. The loss or damage is a result of negligence or failing on the part of the Trust or a Trust employee acting in the course of their employment; or
3. The loss or damage arose from a failing on the part of the Trust to take reasonable steps to arrange for the safekeeping of valuables on the person of an unaccompanied patient who was admitted to hospital in an unconscious state; or

To refuse the claim would cause genuine hardship to the patient.

RECOMMENDATION:

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Name of Head of Nursing for Division

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Signature

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Date

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Extension Number

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Please return to either of the sites below:

DERBY SITE

Ex-Gratia Claims Administrator,
University Hospitals of Derby and Burton NHS Foundation trust
PALS Department, Level 1
Royal Derby Hospital,
Uttoxeter Road,
Derby, DE22 3NE

or

BURTON SITE:

Ex-Gratia Claims Administrator
University Hospitals of Derby and Burton NHS Foundation trust
PALS Department
Queen's Hospital
Belvedere Road
Burton upon Trent
DE13 0RB

**APPENDIX 3
TO BE COMPLETED BY EMPLOYEE**

EMPLOYEE CLAIM FORM

THE TRUST DOES NOT ACCEPT LIABILITY FOR ANY ITEMS OF PERSONAL PROPERTY LOST OR DAMAGED ON ITS PREMISES

Exclusion Criteria for Employee Claims

The following exclusion criteria applies to all claims:

- A claim should be made within three months of the loss occurring. Late claims will not be considered Where the total amount claimed by an individual is in excess of £250.00
- The insurance excess on a policy which covers the lost item
- Personal injury claims, including accidents, stress related

However, in exceptional circumstances the Trust may consider an ex-gratia payment for the loss or damage to an employee's personal property where all of the following criteria are satisfied i.e. that there is evidence to prove that:

- 1 The loss of damage occurred during the course of their employment;
- 2 The items lost or damaged were reasonably carried during the course of their employment;
- 3 The articles are sufficiently robust for the use they might reasonably be expected to bear;
- 4 The loss or damage is not due to the employee's own negligence;
- 5 The loss or damage is a result of negligence or failing on the part of the Trust;
- 6 The loss or damage is not covered by insurance or by any provision for free replacement.

All ex-gratia payments are made from hospital funds as the Trust does not have insurance to cover these payments.

In the first instance please contact lost property at the Cashier's Office or Help Desk on the Hospital site

1. EMPLOYEE/CLAIMANT DETAILS:

Mr/Mrs/Miss/Ms FIRST NAME:		SURNAME:	
ADDRESS:			
		POSTCODE:	
TELEPHONE NO:		email:	
DEPARTMENT/WARD/PLACE OF WORK:			DATE OF BIRTH:

FULL DETAILS OF THE LOSS/DAMAGE			
DATE OF PURCHASE:		HOW MUCH WAS PAID FOR THE ITEM/S LOST/DAMAGED? <i>(Please attach receipt if available)</i>	£
Is the property covered by personal/household insurance? <i>(delete as appropriate)</i> Yes / No How much has the insurer paid/how much do you expect to receive? £		AMOUNT OF COMPENSATION REQUESTED £ <i>(Attach receipts or quotation for replacement items)</i>	

DECLARATION

Please ensure all information has been completed or the claim will not be considered

I certify that to the best of my knowledge and belief, the information contained within this Claim Form is correct. By signing this statement I also confirm my authority to the release of relevant medical records and/or for the Trust to contact all relevant parties (such as opticians/ dentists) to investigate this claim.

I also certify that any compensation sought is a true and accurate reflection of the loss or damage I have suffered. I understand that if I knowingly provide false information this may result in prosecution and civil recovery proceedings. I consent to the disclosure of the information from this form to and by the Trust and the NHS Counter Fraud and Security Management Service/LCFS for the purpose of verification of this claim and the investigation, prevention, detection and prosecution of fraud.

If the property is subsequently found, I agree to reimburse any monies received.

Signature _____

Name _____ Date _____

If you are an inpatient, please arrange for the completed form to be sent to the Ward/Departmental Manager where the loss occurred so that they may complete their investigations, or please return to:

Ex-Gratia Claims Administrator
PALS Department
Royal Derby Hospital
Uttoxeter Road
Derby
DE22 3NE

Ex-Gratia Claims Administrator
PALS Department
Queen's Hospital
Belvedere Road
Burton Upon Trent
Staffordshire
DE13 0RB

PART 2

Claim Reference:

Name:

H/N:

PLEASE REFER TO MEDICAL RECORDS WHEN COMPLETING THIS FORM

Section A - To be completed by Ward/Departmental Manager

Section B – To be completed by the Head of Nursing for the Division

SECTION A

Details of action taken when loss or damage first reported and subsequent investigation to verify the facts stated by the Claimant (Please continue on a separate sheet if necessary)

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Please review the medical records and confirm whether there is any evidence that the patient did not have capacity on the date of the loss.

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Has a search been completed of all relevant areas?	YES / NO
Has an incident report form (IR1) been completed? (If NO, please ensure IR1 is completed and enter number	YES / NO
	IR1 No:
Did the patient sign an indemnity form? If NO, please state why below. If YES, attach copy to this form.	YES / NO

Was a Ward Property Sheet completed? If NO, please state why below. If YES – Please attach a copy to this form	YES / NO
Are items claimed for listed on the Ward Property sheet?	YES / NO / NA

Name of Operational Manager, Head of Department

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Signature

.....

Date

.....

Extension Number

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SECTION B To be completed by the Head of Nursing

Please certify that you are satisfied with the investigations that have taken place and provide a recommendation to enable an effective response to the Patient/Claimant.

Please note that the Trust will only make a compensation payment in the following circumstances:-

1. The item of property has been handed in for safe keeping and a receipt obtained from the ward sister/manager/cashier; or
2. The loss or damage is a result of negligence or failing on the part of the Trust or a Trust employee acting in the course of their employment; or
3. The loss or damage arose from a failing on the part of the Trust to take reasonable steps to arrange for the safekeeping of valuables on the person of an unaccompanied patient who was admitted to hospital in an unconscious state; or
4. To refuse the claim would cause genuine hardship to the patient.

RECOMMENDATION:

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Name of Head of Nursing for Division

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Signature

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Date

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Extension Number

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Please return to either of the sites below:

DERBY SITE

Ex-Gratia Claims Administrator,
University Hospitals of Derby and Burton NHS Foundation trust
PALS Department, Level 1
Royal Derby Hospital,
Uttoxeter Road,
Derby, DE22 3NE

or

BURTON SITE:

Ex-Gratia Claims Administrator
University Hospitals of Derby and Burton NHS Foundation trust
PALS Department
Queen's Hospital
Belvedere Road
Burton upon Trent
DE13 0RB

Frequently asked Questions

1 What is an ex-gratia claim?

An ex-gratia payment is one which the Trust has no obligation, statutory, or legal liability to make. Such payments are made as a gesture of goodwill on behalf of the Trust and do not convey any liability on the Trust

2 Is there a timescale for making an Ex-gratia claim?

A claim should be made within three months of the loss occurring. Late claims will not be considered

3 What is excluded under the Ex-gratia Policy?

The following exclusion criteria will apply for all claims:

- A claim should be made within three months of the loss occurring. Late claims will not be considered
- Where the total amount claimed by an individual is in excess of £250.00
- Claims made by another NHS provider to the Trust for loss of their equipment
- Allegations of losses/damage from criminal activity, for example, theft. Where this is the case, the ward/departmental manager should be informed and security contacted immediately (in line with the Trust Policy and Procedures for the Handling of Patients' Property and Valuables)
- Clothing and toiletries, unless these have been handed in for safe keeping to a member of the ward staff and a property sheet completed
- The insurance excess on a policy which covers the lost item are not eligible to be covered under this policy
- Personal injury claims, including accidents, stress related

4 Is there a maximum amount that the Trust will pay for an ex-gratia claim?

Yes. In cases where an NHS value cannot be identified, the following payment caps will be applied:

Mobile telephones	£75.00
IPads, tablets, laptops	£75.00

There will be an overall cap of £250.00 on all claims where the NHS value cannot be paid. A receipt or written quote for the item being claimed for will need to be produced by the claimant before a payment will be released.

5 Do I have to provide a receipt of the item I am claiming for?

Yes any payment agreed will only be made on the production of a valid receipt or written quote for the replacement value.

6 How long will it take to process my claim

There is an overall timescale of 35 working days (excluding bank holidays). This is only an estimated timescale and on occasions can take longer. We aim to deal with claims as quickly as possible and sooner if at all able to.

7 Can I make a claim on behalf of someone else

If a representative wishes to submit a claim on behalf of a patient, written consent from the patient must be sought in the first instance.

8 How will my ex-gratia claim be processed

You will receive a written acknowledgement, once a completed claim has been sent to us.

9 What if I am unhappy with the decision

In the event that a claim is not upheld by the General Manager and the patient/carer wishes to appeal against this decision, they must write to the Divisional Nurse Director within 10 working days of receiving the letter so a review of the claim can be made.

There is an appeal process but this will not overturn the decision it will just review the process which was followed to ensure due process was followed. The appeal process will not enable a higher payment to be made. You can appeal 10 working days from receipt of our final decision.

