



## Damage to or Loss of Personal Property Policy

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<b>Policy Owner</b>	Head of HR
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<b>This document has been assessed for:</b>	
Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input type="checkbox"/> Not required
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

**Important notice:** During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

# **Damage to or Loss of Personal Property Policy**

## **1. Policy statement**

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As a publicly funded organisation, Cleveland Police will always ensure that any expenditure as a result of an individual incurring loss or damage to personal property whilst undertaking police business is both carefully considered and reasonable.

This policy applies to Police Officers, Police Staff (including those police staff employed by the Police and Crime Commissioner for Cleveland), members of the Special Constabulary and Volunteers.

This policy must be applied fairly, equally and consistently to all individuals irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

## **2. Purpose**

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The purpose of this policy and procedure document is to ensure that all Police Officers, Police Staff, members of the Special Constabulary and Volunteers are aware of the procedure they must follow if they incur loss or damage to their personal property whilst on duty.

No claims for loss or damage to private vehicles will be considered under this policy.

## **3. Underpinning procedures**

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Cleveland Police does not accept any liability for the personal property of any individual whilst they are on duty away from Cleveland Police premises, on Cleveland Police premises or in Cleveland Police vehicles.

However, ex-gratia payments to recognise the loss or damage to personal property may be considered in exceptional circumstances where all of the following criteria are met:

### **3.1 Criteria**

- The loss occurred as a direct result of an officer, special constabulary, member of police staff or volunteer carrying out their official duties;
- It was reasonable for the item(s) damaged or lost to be with the individual at the time of the loss. (e.g. a wristwatch would be reasonable, items of jewellery would not necessarily be considered reasonable). The test of

this would be whether the item was required to effectively perform duty (e.g. prescription spectacles would be required to perform duty). In determining whether it was reasonable for the item(s) to be damaged or lost, a further consideration is whether a Force-issued item or equipment was available and could have been used instead of an individually purchased item or equipment (e.g. where a personally purchased torch is used and damaged / lost during duty where a Force-issued torch could have been used instead, the claim for a personal torch is less likely to be considered reasonable);

- The loss or damage was not the result of normal wear and tear;
- The item(s) lost or damaged should be of a reasonable value. A reasonable value would be considered to be no greater than £50 per item. High value designer wristwatches or spectacles for example, would not be considered to be reasonable;
- All reasonable steps were taken by the officer or member of staff to prevent the loss or damage (e.g. proper precautions were being taken at the time of the loss / damage, full use was made of lockable draws / lockers were used to secure items);
- Where the damaged item is an item of clothing or accessory, consideration should be given as to whether a payment for specialist repair or cleaning services would be an alternative solution. Only if the item cannot be repaired or cleaned should a payment for replacement be considered;
- Compensation for loss or damage has not been obtained via another means (e.g. a personal or household insurance policy).

### **3.2 Procedure for Making a Claim**

Once the above criteria outlined in Section 3.1 have been met, in order for an ex-gratia payment to be considered, the individual will need to:

- Provide evidence of the loss or damage to his / her line manager;
- Provide a receipt [or alternative evidence] illustrating the original value of a similar [or identical] item to his / her line manager;
- Ensure that the 'Loss or Damage to Personal Property Form' is fully completed, accurate and signed by his / her second line manager (e.g. an Inspector for a PC/DC).

The second line manager must indicate whether they agree with the claim and whether they believe all of the criteria outlined in Sections 3.1 and 3.2 have been met.

Any ex-gratia payment will be on the basis of 'current value'. There will be no 'new for old' payments. The amount of compensation will be dependent on the age of the item. Generally, the following percentages will be used as a guide in determining the value of any compensation:

- Up to 3 months old 90% of original value;
- Over 3 and up to 6 months old 75% of original value;

- Over 6 and up to 12 months old 60% of original value;
- Over 12 and up to 18 months old 45% of original value;
- Over 18 months old 25% of original value.

**Examples:**

*Item value of £50 purchased 2 months prior to item being damaged  
= 90% of £50 = £45*

*Item value of £32 purchased 20 months prior to item being damaged  
= 25% of £32 = £8*

The above rates are only a guide; the provisional compensation assessment will be made by the second line manager with final approval by the quarterly JNCC. Any claims on the incorrect forms and / or without the correct counter-signatory or relevant documentation will not be processed.

JNCC will make recommendation as to whether the circumstances merit the offer of an ex-gratia payment.

Individuals must include all relevant receipts and supporting documentation to be submitted electronically with the Loss or Damage to Personal Property Form to the executive PA team for consideration at the next JNCC.

The decision of the JNCC will be final and there will be no appeals process, the Treasury Team will be advised by the HRBP of successful claims and the amount that is to be paid in respect of the claim.

Any ex-gratia offers are strictly without prejudice and are not an admission of liability on the part of Cleveland Police.

**4. Appendices**

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Appendix	Description
1.	Loss or damage to personal property form

**5. Compliance and monitoring**

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The Head of HR is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of HR will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

## 6. Version control

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This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	July 19	New policy for consultation	████████
0.2	Sept 19	Policy slightly amended following consultation for approval.	████████
1.0	Sept 19	Policy approved and published	████████
1.1	Feb 2020	Change of owner dept. name	██████████
1.2	Apr 2020	Addition of COVID 19 message	██████████
1.3	July 2021	Review date extended	██████████

## Loss or Damage to Personal Property Form

**Completion of this form does not give rise to Cleveland Police accepting legal liability for any loss or damage to personal property.**

**ALL PARTS OF THE FORM MUST BE COMPLETED:** The form must be sent to the relevant Line Managers for signature.

<b>A. Details of claimant</b>	
<b>Name:</b>	<b>Collar Number:</b>
<b>Job title:</b>	

<b>B. Details of Loss or Damage</b>	
1.	Site where loss or damage occurred:
2.	Date of occurrence:
3.	Name of witness (if any):  <b>(Witness Statement to be attached if the claim is for loss)</b>
4.	Description of item lost or damaged (any further details please attach to the claim)
5.	Brief description of circumstances under which loss/damage occurred and reason. (N.B statement to be attached if fuller details necessary)
6.	Nature of damage to item:
7.	Can the item still be used/cleaned/repared?:
8.	(a) Original cost of item £ (b) Cost of repair £  (receipt/evidence of cost of item/cleaning/repair must be attached)
9.	Date and Place of Purchase (attached receipt if possible):
10.	If beyond repair, reason why:

11.	(a) Is insurance cover held under which the loss may be claimed:
11.	(b) If answer to (a) is yes, enter details of insurance cover and indicate if claim has been made or is intended to be made:

**C. Declaration by individual claimant**

**Individual Claimant:**

I .....certify that the information stated on this form is a true and correct statement to the best of my knowledge.

I wish to make a claim for compensation. In doing so I further certify that in the event that I receive compensation from an insurance company, any money received by me from Cleveland Police will be repaid, where claimed.

Signed..... Dated.....

**D. This section to be completed by the Second Line Manager:**

**Line manager Name:**

I have examined the circumstances of the above claim and all the supporting documents. I have considered this claim against the Policy criteria under Sections 3.1 and 3.2 and, in doing so, it is my decision to **SUPPORT/NOT SUPPORT** (delete as appropriate) this claim in view of the details provided.

Claim amount supported = £..... (2<sup>nd</sup> Line Manager to complete)

2<sup>nd</sup> Line Manager Signed:..... Dated:.....

**Once all sections are complete, please send this form and any documentation relevant to the claim electronically to the Executive PA team at the CSH marked – “for JNCC consideration”**