

COMPENSATION TO STAFF FOR LOSS OR DAMAGE TO PRIVATE PROPERTY

PREFACE

We aim to be a cohesive and effective organisation and a leader in standards of service. All members of staff are expected to take due care of their personal belongings and private property, however in some circumstances members of staff will suffer loss or damage to their private property during the course of carrying out their official duties.

PURPOSE

The purpose of this policy is to outline those circumstances in which members of staff will be compensated for loss or damage to their private property and the process by which a claim for compensation will be considered.

RESPONSIBILITY

Individual staff members have the prime responsibility for the security and preservation of all private property that they bring into the office. In this regard, members of staff are requested to minimise exposure to loss of personal property and personal effects by only bringing to work items considered as essential to their daily needs.

Individuals should protect their own personal effects from the possibility of theft.

The Ombudsman takes no responsibility for any loss or damage to private property due to negligence or wilful action on the part of the staff member.

LEGISLATIVE FRAMEWORK

Not applicable.

DEFINITIONS

Not applicable.

NSW Ombudsman policy number:	14
Policy originally created:	February 1999
Last updated / reviewed:	7 February 2003
Version number:	1
Related policies:	

This policy supersedes all previous policies about compensation to staff for loss or damage to private property.

POLICY STATEMENT

1. *Payment of compensation*

Payment of compensation may be supported where clothing or other personal effects are lost or damaged during the course, and as a result of, a staff member carrying out official duties either at the Office or at a temporary work location. Depending on the circumstances of each incident, compensation may be payable in one of three ways.

(a) WORKERS COMPENSATION

If a staff member has sustained loss or damage to clothing or other personal effects as a result of an accident in which the staff member has sustained some injury, then a claim may be made for workers compensation to replace or repair the loss or damage.

(b) COMPENSATION FROM THE NSW TREASURY MANAGED FUND

The Fund acts as the insurer for public sector agencies including the NSW Ombudsman.

Damage to staff members clothing, personal effects, and other personal property that has been incurred in the course of duty but which does not fall within the entitlements to workers compensation may be claimed against the Fund.

Claims will not be forwarded unless:

- staff have adequately fulfilled their responsibility for the security and preservation of private property in their care,
- private property of a third party brought onto the premises by staff members forms part of a complaint being dealt with by the office,
- private property of staff members is required for the performance of the staff members duties.

The claim can be for full replacement costs but shall be limited to a maximum of \$5,000 per loss and/or damage.

(c) COMPENSATION BY OMBUDSMAN

If a claim for workers compensation or from the NSW Treasury Managed Fund is unsuccessful, a claim may be made to the Ombudsman to compensate the staff member for the damage to or loss of private property, if such damage or loss:

- is due to the negligence of the office of the Ombudsman, another staff member, or both, in the performance of their duties, or
- is caused by a defect in a staff member's material or equipment, or
- results from a staff member's protection of or attempt to protect departmental property from loss or damage.

Compensation will be limited to the amount necessary to repair the damaged item. Where the item cannot be repaired or is lost, the Ombudsman may pay the cost of a replacement item, but only if the replacement item is identical or only marginally different from the damaged or lost item and the claim is supported by satisfactory evidence as to the price of the replacement item.

For the purposes of a claim made to the Ombudsman, private property means a staff member's clothes, spectacles, hearing-aid, tools of trade or similar items which are ordinarily required for the performance of the staff member's duties.

Compensation should be claimed from the Ombudsman where, in the course of work, private property is damaged or destroyed by a natural disaster.

If you wish to claim for compensation for loss or damage to private property please see the Manager Corporate Support.

OMBUDSMAN APPROVAL

A handwritten signature in black ink, appearing to read "B. A. Barbour". The signature is written in a cursive style with a large initial "B" and a long, sweeping tail.

Bruce Barbour
OMBUDSMAN