

S-487 CLAIMS FOR DAMAGES TO HOME SHARING RESOURCES



Version 2 effective November 19, 2009

(previously RF-36)

Policy

Preamble

Home sharers must not be financially penalized for accommodating adults. However, Valoris is not automatically responsible for loss, damage or theft of the home sharers' property or goods by the adults in their care.

An adult who commits theft or deliberately causes damage to the home sharers' residence will be required to repay a portion or the entire amount of costs incurred. The worker will ensure that arrangements for partial or total repair or refund are discussed with the adult and the home sharers.

Policy

When home sharers have exhausted all other means of recovering their expenses, Valoris may review a request for payment *ex gratia*. This request must not be added to the home sharers' insurance claim or be used to cover their insurance company's deductible.

Home sharers must prove that they have taken all necessary precautions to prevent such a situation.

A decision to refund or refuse payment for damages or loss to home sharers does not constitute a precedent, nor does it acknowledge responsibility on behalf of Valoris.

Procedure

1. Precautionary measures to be taken by home sharers to prevent theft or damage to their property

- Provide reasonable and adequate supervision to adults in care;
- Take reasonable precautions to ensure that money, valuables and fragile items are locked away or stored out of the reach of adults in care;
- Store keys for automobiles and other vehicles out of the reach of adults in care;
- Obtain insurance for their home and personal possessions against fire, theft and vandalism. Proof of insurance must be provided to Valoris. It is advisable that home sharers include the *All risk and all perils* clause in their automobile insurance, as well as a clause for replacement cost rather than depreciated value for other possessions. Objects of greater value such as boats, jewelry, paintings and furs must also be covered by additional insurance. Home sharers must notify their insurance broker

that they are opening a home sharing resource for Valoris. If the insurance company will not provide coverage for damage or loss by an adult in their care, home sharers must request that this refusal be made in writing and provide a copy to the agency;

- Prior to the placement of an adult, home sharers must be informed of any prior incidents of theft or destructive behaviour. If such instances exist, home sharers may at that time discuss additional measures with the worker to ensure adequate supervision.

2. Claims

Home sharers must inform the adult's worker or, in his absence, the supervisor within five (5) working days of theft or damage caused by the adult in care. Home sharers must discuss the situation with the adult's worker prior to reporting the incident to police. The agency will respect the home sharer's decision.

The adult's worker will verify the damages incurred and take photos as necessary within 24 hours of being notified of the situation by the home sharers.

Home sharers must inform their insurance broker of any claim that exceeds \$100.

Home sharers must submit a written request to the supervisor via the adult's worker or the resource worker, depending on the nature of the claim. This report must include the following:

- The name of the adult in care, the date that home sharers notified the agency of the situation and the name of the adult's worker;
- The date and circumstances surrounding the incident, and the supervision provided;
- A description of damages (photos) and two (2) professional estimates for repair or replacement;
- The date the insurance company was notified and their response.

The supervisor will study the request and notify the worker of the decision regarding reimbursement. The worker will notify the home sharers of this decision.

Any claim that does not meet the five (5) working days timeline described in the policy and guidelines for reimbursement to home sharers will automatically be refused by the agency.

Definitions

Ex gratia : Wide discretionary power for public authorities to grant as a measure of equity in the assessment of a claim for damages, at the management's discretion, and the refusal to grant such compensation does not seem to be the object of a judiciary control (excerpt of the legal chronicle, November 2008)

Home sharers : A family consisting of one or more persons in which a service agency places a person with an intellectual disability who has no relationship with this family, so that this person resides there and receives care, support and supervision for which the home sharers will be paid by the service agency.