Compensation Policy

Reference:	HS_POL_CP_1.1
Scope:	Housing Solutions Residents
Legislation/ Regulation:	Right to Repair Scheme 1994 Housing Act 1996 Right to Compensation for Tenants Improvements Scheme 2001 Land Compensation Act 1973 Equality Act 2010 Data Protection Act 2018 RSH Tenant Involvement & Empowerment Standard Housing Ombudsman Guidance on Remedies March 2019
Related Policies:	Complaints & Compliments Policy Repairs & Maintenance Policy Decant Policy Equality & Diversity Policy

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1. Policy Statement

1.1. Housing Solutions is committed to providing a consistently effective/efficient service to our residents. We acknowledge that when service standards are not met residents can be inconvenienced or suffer a loss as a result of our action or inaction and that in some instances compensation may be the most appropriate remedy.

1.2. This policy applies to all tenants and leaseholders of Housing Solutions who shall be commonly referred to as 'residents' throughout this policy, other than where the term 'tenant' is specifically used.

1.3. This policy outlines our approach to providing compensation to residents in a fair, consistent and proportionate way. The aim of the policy is to:

- Establish when we may award compensation
- Ensure compliance with any statutory or regulatory obligations
- Support the resolution of residents' complaints, putting right what has gone wrong and ensuring positive relationship with residents

2. Scope and Definitions

2.1. For the purpose of this policy there are three types of compensation:

- Financial Loss Payments : payments for unreasonable and evidenced financial loss(es) incurred by a resident as a direct result of a service failure
- Discretionary Compensation : this is discretionary and may be given where we decide a level of service, action or inaction is not in accordance with our service standards. This includes:
    - Recognition Gestures and Payments : discretionary gestures or payments made in acknowledgement of a service failure where practical actions alone are unable to restore a resident to their position prior to a service failure
- Mandatory Compensation Payments : payments predetermined by legislation and regulation.
- Service Failure : a service delivered does not meet our service standards or those set under our policies and procedures.

2.2. We are unable to consider claims for compensation where:

- Claims relate to incidents which happened over six months ago (in line with our Complaints and Compliments policy) unless there is a requirement under the mandatory compensation payment detailed above.
- Claims relating to services not provided by Housing Solutions or outside of our control
- Claims which are subject to tribunal or legal proceedings
- Claims which are covered by a resident's home contents insurance
- Claims which may give rise to a claim under our liability insurance (e.g. negligence or personal injury)
- Claims where service standards were met or where services had not been requested
- Claims where the fault is due to a resident's own action, inaction or wilful damage (including those of a family member, visitor or neighbour)
- The fault of a third party e.g., a utility supplier
- Short-term nuisance caused by building works
- Circumstances beyond our control e.g., severe weather

2.3. Compensation can be made in many forms. Except for situations where mandatory compensation applies, we will consider the following compensatory methods:

- Letter of apology
- Flowers/gift
- Vouchers
- Monetary payment
- Payment towards arrears balance

2.4. The scope of our Compensation policy includes but is not limited to service failures in relation to:

- Failure to carry out repairs within a set time
- Failure of our staff or contractors to keep appointments
- Failure to meet any of our service standards
- Damage to personal property or internal decoration
- Temporary loss of facilities including heating, water, cooking and bathing
- Home loss

2.5 Guidance is provided on appropriate levels of compensation accompanying this policy.

2.6 Compensation claims relating to perceived service failures will be handled and investigated in line with our Complaints & Compliments Policy.

2.7 In accordance with the terms of residents' tenancy agreements, residents are required to keep paying any required rent and/or service charges while any compensation claim is investigated or processed.

2.8 In all cases of compensation being awarded to residents, the extent of any failures by contractors or other third parties which may have contributed to the circumstances involved will be explored, with appropriate steps taken to obtain a practical resolution from them, a contribution of compensation or damages or both. The organisation's various insurances will also be reviewed to determine whether a claim may be made to reduce the organisation's financial liability.

3. Roles & Responsibilities

Role	Responsibilities
Board	The Board is responsible for approving and supporting this policy and (with a designated member of the Scrutiny & Improvement Team), for considering the matter of compensation as part of any complaint resolution at Stage 3 of the Complaints and Compliments Policy.
Executive Team	The Executive team are responsible for overseeing and monitoring the implementation and proper application of this policy.
Customer Service Manager	The Customer Service Manager is responsible for the management and reporting of compensation payments to the Executive Team.
Managers & Team Leaders	Departmental managers and team leaders are responsible for the proper application of this policy when dealing with complaints or when compensation requests are made.
Customer Service Advisor	The Customer Service Advisor is responsible for the co-ordination of complaints and recording of compensation payments and data processing.
All employees	All employees need to be aware of this policy and to ensure that any claim for compensation is dealt with quickly, effectively and in line with this policy and the accompanying Compensation Guidance.
Residents	It is the responsibility of our residents to provide honest and accurate information in relation to their claim and be willing to provide supporting evidence where reasonably requested. It is the responsibility of our residents to have home contents insurance and to claim on this insurance when it is deemed appropriate to do so. This policy is not intended to replace or compensate for a lack of such insurance.

4. Financial Loss Payments

4.1. Residents may be entitled to financial loss payments in the following circumstances:

- Loss of use of facilities or amenities
- Additional utility costs being incurred due to using substitute heating and/or dehumidifiers
- Damage to belongings (which is not covered by the resident's own contents insurance)
- Loss, or poor quality, of chargeable services
- Other financial losses as a direct result of a service failure

4.2 The accompanying Compensation Guidance for employees and Stage 3 Panel members considering the offer of compensation to a resident outlines the criteria to be applied and the amounts that may be payable.

5. Discretionary Compensation - Gestures and Payments

5.1. Discretionary gestures and payments are only considered where practical actions alone are insufficient to restore a resident to their position prior to a service failure. These will not always be financial, and in many instances, may be gestures such as:

- A personal visit to apologise
- A letter of apology
- Flowers
- A card

5.2 Where a financial recognition payment is considered appropriate by us, we will follow the Compensation Guidance.

5.3 Where a recognition payment is paid to a resident this will be via BACS. Should a resident be in rent arrears the payment will be paid directly onto the rent account unless there are exceptional circumstances.

6. Mandatory Compensation Payments

6.1. The mandatory compensation payments are:

- Right to Repair: we operate the Right to Repair Scheme which gives tenants the legal right to have certain urgent repairs completed within prescribed timescales. When these timeframes are not adhered to, a tenant may pursue a claim against us which could lead to compensation being paid if proven. The compensation is fixed by legislation at an initial sum of £10, plus £2 for every day thereafter that the repair is not completed, up to a limit of £50. A full list of qualifying repairs is set out in the Compensation Guidance
- Home Improvements: secure and assured tenants may be entitled to claim

recompense if they have carried out qualifying improvement work to their home after 1 April 1994, with express written permission from Housing Solutions. The improvement(s) may be subject to an inspection to ensure it has not deteriorated beyond reasonable wear and tear. Claims can be submitted no sooner than 28 days before, or 14 days after the tenancy comes to an end. Further details are provided in the Compensation Guidance.

- Home loss: may be paid when an assured tenant or leaseholder has to move permanently from their home to make way for demolition and/or development. This is a flat rate, as set by government, and will only be paid where the resident has been residing in the home for a minimum of 12 months. Further details are provided in the Compensation Guidance and Decant Policy
- Disturbance allowances: may be paid to compensate tenants and leaseholders to cover reasonable costs involved in moving to another property temporarily or permanently due to major repairs or demolition. This is paid in addition to a home loss payment for a permanent move. Further details are provided in the Compensation Guidance and Decant Policy

6.2. These payments are all covered under legislation which sets out clear criteria under which they are paid and the amounts that are payable.

7. Staff Training

7.1. We will carry out suitable induction and refresher training for all staff to ensure they are aware of this policy and its Guidance and our commitment to excellence in service delivery standards. All managers will receive specific training to provide the skills and knowledge to support this policy.

8. Equality & Diversity

8.1. Claims for compensation can be made to anyone in the organisation. In cases where English is not a resident's first or preferred language, we will make every effort to offer basic translation services to support the resident.

8.2. Where a resident has a communication difficulty, such as visual impairment, hearing impairment or literacy challenges, we will work with them to find the best way of communicating with them.

8.3. Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality Diversity & Inclusion Policy and the Equalities Act 2010. Housing Solutions works closely with its partners to ensure we have a clear understanding of our resident community with clear, regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability.

9. Confidentiality

9.1. Claims may be passed to us on behalf of a resident by another person acting on their authority. Personal data will not be disclosed to any third party without the prior written agreement of that resident. We may choose to make contact with the resident to confirm authenticity of the compensation claim.

9.2. We will keep all information about compensation claims confidential. We will not pass any information about an individual's claim to another person or organisation without seeking consent, unless the claim relates to the action/inaction of one of our contractors, and there is a contractual obligation for them to compensate the resident directly.

9.3. Under the Data Protection Act 2018 and UK General Data Protection Regulation (UKGDPR) all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or Board member; and
- sensitive organisational information.

9.4 Housing Solutions employees will ensure that they only involve other agencies and share information where there is a legal basis for processing that information.

10. Review & Monitoring

10.1. This policy will be reviewed on a three yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.

10.2. Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our Senior Management and Executive Teams and Board.

10.3. All compensation payments offered under this policy must be in line with the Compensation Guidance which supports this policy.