

Compensation Policy – Request to Undertake Consultation (Housing, Maggie Ward)

Synopsis of report:

A draft Housing Services Compensation Policy is submitted to Committee with a proposal to carry out a 2 month consultation exercise with stakeholders.

Following this a report with the results of the consultation will be brought back to committee seeking approval for immediate implementation

Recommendation:

Members approve the Housing Services Compensation Policy (Appendix A) for consultation

1. Background

- 1.1 The Housing Ombudsman published its Complaints Handling Code in July 2020 requiring landlords to carry out an assessment of their compliance with the code by 31st December 2020. This was carried out and this Committee approved the Housing Complaints Policy in January 2021. Both the Housing and Local Government Ombudsmen require landlords to have appropriate remedies in place where compensation is appropriate. It is important to have a consistent and proportionate approach to compensation within an approved policy.

2. Report

- 2.1 This report requests approval to carry out a consultation exercise for the draft Compensation Policy, which is attached at Appendix A.
- 2.2 Compensation is discretionary, and any claim will be considered on its own merit. It may be considered when a service failure is identified, or at any stage of the Council's complaints procedure. The Council may discuss the situation with the customer, and their view as to what would be an acceptable remedy will be considered.
- 2.3 The following will be taken into consideration when considering compensation payments;
- Quantifiable Costs – where the resident can evidence incurred costs due to service failure, reimbursement of reasonable costs may be appropriate.
 - Whether the Council has failed to act reasonably in accordance with the law or its own policies and standards.
- 2.4 The award of compensation will be approved by senior officers to ensure that it is consistently awarded and managers are aware of service failures leading to the need for compensation and can ensure the circumstances leading to this are addressed.
- 2.5 The amount of any compensation will depend on the severity of the impact, to be awarded and the proposed authorisation levels are detailed in Figure 1. Compensation levels will be subject to an annual uplift subject to CPI+1% in line with current rent increases.

- 2.6 These compensation levels have been set in accordance with the Guidance on Remedies published by the Housing Ombudsman.

Figure 1

Level of impact	Inconvenience cause	Compensation up to maximum of	Authorisation level
	One instance of mild inconvenience caused by RBC	£100	Manager
	A succession of service failures and/or the problem has not been resolved within a reasonable timescale	£250	Head of Housing Services /Head of Technical Services
	Serious or prolonged service failure resulting in severe stress, disruption, inconvenience, or loss of income	£500	Corporate Head of Housing

3. **Policy framework implications**

- 3.1 The Housing Complaints Policy commits to provision of compensation where appropriate and this supporting compensation policy will ensure compliance with this is achieved in a proportionate and consistent manner.

4. **Resource implications/Value for Money**

- 4.1 Until we have formally adopted this policy and seen the impact in the opening year it is difficult to predict with any accuracy the level of payments that will be made. However, it is hoped that by adopting a formal Complaints policy it will reduce the level of payments currently being paid through disrepair claims.

5. **Legal implications**

- 5.1 Adopting a proportionate and consistent compensation policy for complaints will promote settlement and avoid further challenges .

6. **Equality implications**

- 6.1 An Equality Screening was carried out (Appendix B) and it was determined that a full impact assessment is not required as this new policy is being put in place to have a positive impact on all tenants by ensuring that complaints and service failures are compensated as appropriate in a fair and transparent way.
- 6.2 There is no evidence that tenants with any of the nine protected characteristics will be negatively impacted by this policy. Rather, it is anticipated that this policy will promote equality.
- 6.3 It is therefore considered that the Council will comply with its Public Sector Equality duty when endorsing this Policy and a full impact assessment is not required at this stage.

- 6.4 Compensation payments will be recorded and monitored to ensure consistency in payment levels and tenants accessing compensation. A report will be made annually to this Committee on compensation paid to residents.
- 6.5 Compensation will be awarded in a flexible way. Where tenants are on means tested benefits and have suffered loss the compensation may be provided in the form of a voucher to enable the recipient to replace items, or the Council may purchase items on their behalf to ensure they are not disadvantaged by cash payments into their bank account.
- 7. **Environmental/Sustainability/Biodiversity implications**
- 7.1 None
- 8. **Consultation Strategy**
- 8.1 The Consultation will be open for 8 weeks following Committee approval of the process, the results to be reported to committee with the final policy in September 2022. It is proposed to publish the consultation on our website.
- 9. **Timetable for Implementation**
- 9.1 The policy is to be implemented upon Committee approval.
- 10. **Conclusions**
- 10.1 Members are asked to approve the draft Compensation Policy (Appendix A) for consultation.

(To resolve)

Background papers

None