



Policy: Compensation Policy

Approved by: Leadership Group / BHA Board

Date Approved: 02,11.22

Frequency of review: Annually

POLICY STATEMENT:

Broadland aims to provide an excellent service to all its customers. However, we recognise that on occasions, we may fail to meet our published standards or obligations to our customers.

We aim to address any failures quickly and give an apology but occasionally a tenant may have suffered as a result and compensation may be more appropriate.

This policy should be considered alongside the Associations Complaints policy

This policy has been developed to ensure BHG complies with current legislation, regulatory expectations and good practice, and will be subject to ongoing review.

SCOPE:

We aim to ensure that any compensation payments are fair and proportionate. We recognise that each case should be considered on its individual merits and that discretion and common sense need to be applied, while promoting consistency.

This policy aims to detail the circumstances under which compensation maybe considered.

Compensation may be in the form of one or more of the following :-

- a. An Apology
- b. Specific action by the Association
- c. Gesture of goodwill
- d. Financial compensation

- a. Did tenant contribute to the problem?
- b. What would be proportionate in the circumstances?

There are three types of compensation :-

- Discretionary
- Mandatory
- Quantifiable

Discretionary Payments

Examples of discretionary payments include:

- poor complaint handling
- delays in providing a service e.g., in undertaking a repair
- failure to provide a service that has been charged for
- temporary loss of amenity
- failure to meet target response times
- loss of use of part of the property
- failure to follow policy and procedure
- unreasonable time taken to resolve a situation

Mandatory Payments

Compensation will be paid in accordance with legislative requirements in the following circumstances :-

- **Home Loss** - Tenants who have lived in the property for 12 months and are required to move permanently due to demolition; redevelopment or disposal
- **Disturbance** - Tenant losses as a result of having to move to another property (either temporarily or permanently) whilst works are carried out to their existing home
- **Home Improvements** - Tenants who have carried out qualifying improvements (with written permission) maybe entitled to compensation when they terminate their tenancy.
- **Disrepair Claims** - Each case will be assessed on merit and compensation including costs will be payable where Broadland accepts liability or courts award an amount.

Quantifiable Payments

These payments are also known as reimbursement. Examples of where we will make payments include:

- Increased heating bills due to disrepair
- Costs associated with staying in alternative accommodation where Broadland has asked the tenant to move temporarily.
- Damage to belongings where Broadland or one of its contractors caused the damage.

Any costs being claimed must have been reasonably incurred and evidence of the costs will be required, such as receipts or invoices. Where damage has occurred, photographic evidence will be requested. We will compensate for current value and not full replacement cost.

Policy Owner: Executive Housing Director
Directorate: Housing

Revised by: Head of Housing
Verified by: Leadership Group

It is the customers responsibility to insure their possessions and property against accidental damage and theft. This policy is not intended to replace or compensate for the lack of contents insurance. BHA promotes the use of the National Housing Federations Home Contents Scheme which is designed for Housing Association residents.

Tenants will be expected to claim against their insurance policy unless it is obvious that Broadland staff (or their contractors) have been negligent.

Other Remedies

On occasions and through discussions with customers, it may be more appropriate to take another action to remedy a complaint. We encourage staff to take ownership of complaints and finding practical solutions to resolve them. This requires a flexible approach and may include offering the following:

- Undertaking small redecoration or repairs which would normally be the customers responsibility.
- Gestures of goodwill such as flowers or a gift card

These remedies may be separate from or in conjunction with an offer of compensation.

Situations where compensation cannot be claimed

We will not pay compensation in the following circumstances:

- claims for personal injury or impact on health
- repairs or claims that would otherwise form part of their home contents insurance
- where the situation has occurred due to a customer neglecting or damaging their home or carrying out alterations without permission from BHA.
- claims for damage caused by circumstances beyond a landlord's control (e.g., through storm or flooding)
- problems caused by a third party not working for the landlord
- customers taking reasonable time off work to allow repairs to be carried out as per the tenancy agreement.

Calculating compensation payments

The attached compensation values table 1 details the standard compensation awards we will pay relating to service failures.

In deciding if discretionary compensation is appropriate , we will consider the following:

- What has gone wrong?
- Can it be put right?
- Has the tenant received poor service?
- Has the tenant suffered any loss or damage as a result?
- Has the tenant (or members of their Household) had to endure unsatisfactory conditions as a result of BHA failure to act?

- What has been the impact on the tenant (or members of household), specifically considering protected characteristics.
- Desired outcome of customer.

We will refer to previous decisions and the Housing Ombudsman's Remedies Guidance to help us make fair decisions.

KEY STAFF RESPONSIBILITIES:

Board

The Board is responsible for ensuring the continued development of the Group and that all policies and procedures are adhered to. Board members will be involved in Stage 2 complaint panel meetings which involves awarding compensation. The board monitors compensation spend through Complaint reports every 6 months.

Senior management

The Senior Management Team are responsible for ensuring that policies and procedures are followed by all concerned, promoting an anti-discriminatory environment for all to work. Senior Managers respond to stage 1 complaints and are responsible for awarding compensation.

Staff

Employees are responsible for ensuring they are fully aware and adhere to the terms set out in the policy.

DEFINITIONS:

BHA – Broadland Housing Association

EIA – Equality Impact Assessment

RELVANT KEY LEGISLATION AND RELATED DOCUMENTS: (not limited to)

Legislation	Documents

<p>Housing Ombudsman’s Complaint Handling Code</p> <p>Equality Act 2010</p>	<p>Tenancy Agreement</p> <p>Income Policy Housing Ombudsman Remedies guidance</p> <p>BHA Complaints Procedure</p> <p>BHA Managing Unreasonable Complaints Policy and Procedure</p> <p>Equality, Diversity and Inclusion Policy and procedure</p> <p>RSH Tenant Empowerment Standard Recharge Policy</p> <p>Responsive Repairs Policy Decant Policy</p> <p>NHF Home Contents Scheme</p>
<p>Policy Owner: Executive Operations Director</p> <p>Directorate Operations</p>	<p>Revised b Assistant Housing Director Verified by: Leadership Group</p>

EIA – EQUALITY IMPACT ASSESSMENT:

The recent EIA for the Complaints Policy should be referred to for this policy.

IMPORTANT PRINCIPLES:

- Where the customer has outstanding debts with Broadland, the Association will offset any compensation payments against this amount, unless the customer can evidence, they have incurred costs as a result.
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- Tenants will receive compensation/reimbursement payments within 20 working days of accepting the offer, there may be a further delay if there is a bank holiday during this period.

- We will develop brief examples of previous compensation decisions, including reasoning so that we grow better internal consistency.

- In situations where there is no working toilet in a home, the decant process will be followed as the customer would need to move out temporarily.

- Customers can have their compensation paid to a chosen charity directly by BHA.

- Any compensation payments of £2000 or more will be reported to the Board.

Circumstance	Compensation Value
BHA or a contractor working on our behalf has caused damage to a resident's property; or damage has been caused by our failure to achieve a solution	The value of the repair /replacement of damaged property as outlined in the policy.
Where a complainant has had to spend an unreasonable or significant amount of time in pursuing the complaint	A flat rate of £25 (where the complaint is found to be valid).
A minor service failure or misunderstanding has caused inconvenience or offence.	A goodwill gesture or compensation of up to £25 in value.

<p>Loss of hot water and or heating.</p> <p>Based on complete loss of heating or hot water for the component failure. i.e., a combi boiler would result in the lack of heating and hot water and would generate compensation x1. A cylinder and traditional boiler failure would generate compensation x2.</p>	<p>£10.00 non-attendance within timescale, 'one off' payment plus £2 for each day the repair is outstanding up to a maximum of £50.</p>
<p>Temporary heater reimbursement if loss or partial loss of heating not repaired after 5 days.</p>	<p>£2 for each day the repair is outstanding up to a maximum of £50.</p>
<p>Loss or partial loss of sanitary provision, where only one available and alternative accommodation is not offered.</p>	<p>£10.00 non-attendance within timescale, 'one off' payment plus £2 for each day the repair is outstanding up to a maximum of £50.</p>
<p>The requirement for dehumidifiers to be supplied to dry out the home</p>	<p>£3 per day per dehumidifier</p>
<p>If a room is not habitable and cannot be used, BHA will pay compensation after 1 week of continued loss.</p>	<p>We will pay this compensation by reducing the rent we charge on the property, by the following weekly maximum amounts:</p> <ol style="list-style-type: none"> 1. Kitchen 20% of rent 2. Bathroom 20% of rent 3. Living room 20% of rent 4. Bedroom 10% of rent
<p>Home loss i.e., when a tenant has to leave their home because an improvement is being made to it,</p> <p>or because the land it is on is being redeveloped.</p>	<p>Compensation is calculated as set out in our Decant policy</p>
<p>Disturbance i.e., payments made to compensate tenants for reasonable expenses that they have had to pay in moving</p>	<p>Compensation is calculated as set out in our Decant policy</p>