

Compensation Policy

Customer experience division

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Contents

1. How much compensation
2. Compensation tariffs
 - a. Delay and distress
 - b. Time and trouble
 - c. Incurred costs
 - d. Loss of heating and hot water
 - e. Loss of a non-monetary benefit
 - f. Loss of value
 - g. Loss of opportunity
 - h. Professional fees
 - i. Interest
 - j. Ex-gratia or goodwill payments
3. Awarding and offsetting compensation
4. Review

1. How much compensation?

We determine the levels of compensation by the particular facts of the case, for example the amount of time the complainant has had to wait for a decision and the nature of the injustice.

2. Compensation tariffs

a. Delay and distress

Low Impact: The complainant has just cause but has not suffered significant inconvenience or distress as a result of the events. Low impact means the manager accepts the service has not achieved the expected standards. However, the impact is not greater than a reasonably tolerant person could be expected to accept and therefore the compensation constitutes a token in acknowledgement of the failure to perform.

Medium Impact: The events are clearly an injustice to the complainant and the service has failed to meet the required standards. A repeated failure by us to address the shortcoming, even of a low impact event, could give rise to consideration of medium impact level of compensation.

Major Impact: A serious failure in service standards. It could either be the severity of the event or a persistent failure over a protracted time or an unacceptable number of attempts to resolve and address the complaint. Major impact could also apply to expenses incurred by the complainant. We will only consider expenses appropriate to the event.

i. Delay: In delivering a service.

Low Impact of the delay	£250 per annum	Or £5 per week
Medium Impact of the delay	£500 per annum	Or £10 per week
Major Impact of the delay with injury to health	£1000 per annum	Or £20 per week

- ii. **Distress:** In some circumstances we will make a payment for distress. Distress can include stress, anxiety, frustration, uncertainty, inconvenience, worry or outrage. This should take into account the severity, length of time suffered, number of people affected (e.g. one person or a whole family) and vulnerability.

Low Impact of the distress	£250 per annum	Or £5 per week
Medium Impact of the distress	£500 per annum	Or £10 per week
Major Impact of the distress with injury to health	£1000 per annum	Or £20 per week

b. Time and trouble

We consider the extent of inconvenience a complainant has experienced to get a resolution to their problem.

Time and trouble is not the same as delay or distress. In assessing whether time and trouble compensation is payable relevant factors could include:

- The length of time, including response times by the council, taken to deal with the problem and the complaint itself
- The time and effort required from the complainant
- Any specific difficulty experienced by the complainant in dealing with the council
- The degree of inadequacy of the council's response to letters, phone calls or visits.
- Whether there has been an element of wilful action on the part of the council that has resulted in poor management of the complaint
- The level of minor unquantifiable expenditure incurred by the complainant such as significant post, telephone or travel costs, whether the complainant was acting on behalf of others in pursuing the complaint, as a representative of a tenants' group for example

Time and trouble	Minimum £50	Maximum £250
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c. Incurred costs

If the complainant has incurred costs, which would not have been necessary, but for the fault, it will usually be appropriate to reimburse the complainant. For example, costs of contractors' use of the complainant's gas and electricity.

d. Loss of heating and hot water

We acknowledge that heating and hot water outages should be dealt with separately to the normal compensation

procedure. These can affect many households linked to a district heating system and requires a consistent and fair approach to compensation.

For communal heating or hot water outages lasting longer than 24 hours the council will automatically pay £3 for each whole day for the duration of the outage. Many residents will resort to using electric fan heaters during outages (the council supplies many such heaters to households). This payment of compensation includes reasonable costs incurred by residents in relation to additional electricity usage. These payments will automatically be made to either the rent account or service charge account, dependent on tenure, once per quarter. The payments are additional compensation onto the accounts and not a reduction in charges. Payments will be made to service charge accounts, if private tenants or leaseholders wish to claim compensation they must do so from their landlord.

The council will also reimburse the heating and hot water element of rent paid for its tenants for the same period in the same manner. The payment will be made automatically paid into the rent or service charge account the quarter month after the outage.

For properties with individual boilers the same tariff will be applied when a complaint is submitted.

e. Loss of a non-monetary benefit

If we miss an appointment for a repair or an inspection, you may be entitled to compensation up to the value of £50. The same applies if you miss an appointment - we may charge you for compensation to our contractor.

You're entitled to compensation if all of these conditions are met:

- The repair had an appointment (not an emergency repair)
- The repair was for your home and not a communal repair
- You were home for the entire appointment slot and the contractor didn't attend during that time
- There was no good reason for us missing the appointment
- We didn't notify you in advance that the appointment was cancelled or rearranged

f. Loss of a non-monetary benefit

Where the access to a service or facility has been restricted or denied. For example, loss of the use of a room because of a major leak that has not been rectified in line with our own performance standards.

g. Loss of value

We do not normally pay for valuable items if they have been (or could have been) insured.

We only pay in exceptional circumstances and any award is paid without accepting liability that may compromise an insurance claim. We seek advice from our insurance section before making any awards for loss of value of over £200.

h. Loss of opportunity

If we are unable to remedy any loss of opportunity and an apology under the circumstances does not seem to be enough, we may pay compensation. For example, if we failed to consider a complaint for alternative accommodation due to an administrative error or the loss of appeal rights due to official delay.

Loss of opportunity	Minimum £50	Maximum £100
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i. Professional fees

In normal circumstances a solicitor is not required to lodge a complaint. Therefore if a complainant chooses to engage one the fees will not be reimbursed.

In some case, where the complexity of the issue or the vulnerability of the complainant lead to a professional person being required then consideration should be given to the reimbursement of professional fees.

This would only be considered in exceptional cases.

j. Interest

If we have held on to a complainant's money inappropriately we would pay the interest commonly applied by the county court.

k. Inappropriate legal action or the threat thereof

This applies to things such as benefits cases, possession orders or bailiff action.

Notice for seeking possession	£100
Court summons	£50 - £100
Suspended possession order	£300
Liability order	£100
Bailiff's letter (not threatening)	£50
Bailiff's letter (threatening)	£100
Eviction/removal of goods	No set amount but should be
Proportionate to the event	

l. Ex-gratia or good will payments

If we feel the complainant deserves something but cannot find an award to fit (i.e. within the criteria of a. to i. above), we will make a good will payment. This is not the same as a time and trouble payment and it will only be made in rare cases where we don't accept fault or liability but recognise unintended injustice.

3. Awarding and offsetting compensation

We will write to our customers and inform them of the total award amount. The letter will contain a detailed list of all the factors considered and the costs awarded for each factor. It will also explain that compensation will usually be offset against any arrears the customer owes to the council.

Awards of compensation are not subject to negotiation. It should be calculated in line with the above tariffs and payment should be made within four weeks of the date of the award being made.

The complainant will have the right not to accept the payment. They can choose to escalate to the next phase of the complaint procedure even if they accept the payment.

4. Review

This policy will be reviewed, including feedback from residents, stakeholders and the relevant bodies in 1 year.