

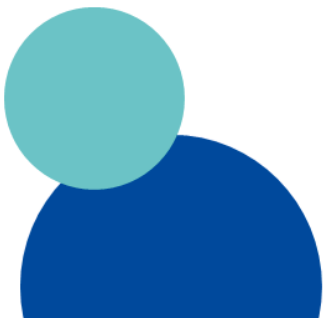


Waverley Borough Council
Housing Service
Compensation Policy

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Lead Officer / Team: Service Improvement Team



1. Document Information & Governance

Approval & Publication:

Approving Body	Approval route requirement	Publication Type	Publication requirement	Review frequency	Document owner	Next Review Date
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V2.1	Draft	March 2024	Full review	AH

Impact Assessments and Consideration:

Impact Assessment Type	Required / Not Required	Date Completed	Impact Assessments and Considerations Comment	Assessment Owner
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2. Document Statement

This policy explains the circumstances in which compensation, refunds and reimbursement payments are awarded. We aim for excellent customer service and acknowledge that sometimes our actions may cause inconvenience or financial loss to residents. When this happens, we shall ensure that residents are not disadvantaged by offering compensation and other remedies.

If services fail or fall below acceptable standards, we follow Housing Ombudsman Policy and Guidance on remedies (2022). We try to put matters right quickly and efficiently and try to resolve problems before the need for compensation arises.

3. Scope of Policy

- This policy applies to all current and former tenants, leaseholders (residents) and licensees
- Payments will not be made where it is identified that the matter does not fall within the Council's responsibility. Examples include tenant and leaseholder repair obligations
- In addition, compensation is not a replacement for home contents or leasehold building insurance. Tenants and leaseholders are responsible for arranging their own contents insurance for accidental damage to their belongings
- Where a debt is owed to the Council (e.g. arrears or service charges), compensation payments will be offset to pay the debt. Any credit remaining can be refunded to the resident. This does not affect reimbursement payments for costs incurred by the resident.

4. Definitions

- **Compensation Payments** are awarded where it is recognised by the Council that there has been a service failure which has caused inconvenience/loss to the tenant / resident
- **Discretionary Payments** cover associated expenses for tenants moving from their home permanently or temporarily. This applies when tenants are moving out and moving back.
- **Disturbance Payments** are statutory payments, the Council can give financial assistance towards tenants' removal expenses.
- **Right to Repair** is a statutory compensation scheme which enables residents to have qualifying repairs completed within a time limit or receive compensation where they have not been carried out within the prescribed time
- **Home Loss** payment is a statutory payment made to tenants or owner-occupiers who have lived in their property for a minimum of 12 months and are required to move home permanently because of redevelopment or demolition of their home. Payment is only payable where a displacement (move) is compulsory.

5. Policy Statement

Compensation will be considered, where services the Council is responsible for fail or fall below expected standards if this results in a direct financial loss or distress and inconvenience.

Where financial payments are appropriate, they are proportionate to the loss or inconvenience caused.

Some payments the Council makes are mandatory as set out in law. These include home loss payments and disturbance payments.

When compensation will be considered

- When certain qualifying repairs have not been completed on time
- When essential services set out in tenancy or lease agreement have not been provided
- When an appointment has not been kept and we have not informed the resident in advance
- When any room in the home cannot be used because of lack of repair
- Where we have not followed our policies
- Where complaint handling has been poor.

When compensation will not be considered

- Delays to repairs where the resident seeking compensation has failed to provide reasonable access
- Delays to repairs due to the need to obtain spare parts that we would not expect a contractor to have in stock and where residents have been kept informed of the timescales involved
- Delays where extra work is required, and the contractor has kept residents informed of the timescales involved
- Where the fault is caused by a third party or is something that the Council is not responsible for, and we can demonstrate that we have taken all reasonable action to resolve the matter e.g. leaks from a tenants or leaseholder's plumbing into the flat below
- Claims for loss of earnings to provide access for repairs or other services
- Claims from leaseholders for loss of rental income. Claims from sub-tenants of leaseholders.
- Circumstances beyond our control e.g. storm damage or flooding from extreme weather
- Delayed repairs to the communal areas of a building, except where the resident can demonstrate an impact on them. E.g. lift breakdown where there is no access to an alternative lift and a resident has restricted mobility
- Damage caused to a resident's possessions due to the negligence of the Council or its contractors. These claims should be submitted as public liability claims for consideration by the Council's insurance provider.

6. Types of compensation payments

Discretionary payments

These payments are set out in the Housing Ombudsman's guidance on complaint remedies, and the Council makes payments to compensate service failure, financial loss, or inconvenience. The Council offers standard amounts in line with the Housing Ombudsman's guidance for frequently occurring minor service failures which may not have had a significant impact on a tenant such as a missed appointment.

Refunds and reimbursements

These are payments the Council can make where a tenant or leaseholder can demonstrate financial loss. In these cases, costs must be reasonable, and evidence provided.

Mandatory Payments

6.1.1 Home Loss

Home loss payments may be made to tenants or owner-occupiers who have lived in their property for a minimum of 12 months and are required to move home permanently because of redevelopment or demolition of their home. Home loss payment is only payable where a displacement (move) is compulsory. This is payable in line with the law.

6.1.2 Disturbance

Disturbance payments may be made to tenants who must move to another property temporarily or to people who have lived at a property less than 12 months and must move home permanently. This payment is for reasonable moving costs. Disturbance payments cover 'reasonable expenses' incurred during the move. Where people who are displaced from properties that have had specified structural modifications for disabled people should include an amount equal to any reasonable expenses incurred by the person entitled to that payment in making comparable modifications to the alternative dwelling to meet the needs of that disabled person.

6.1.3 Improvements

At the end of a tenancy the Leasehold Reform, Housing and Urban Development Act 1993 gives secure tenants the right to compensation for certain tenant financed improvements that have had the written permission of the Council.

6.1.4 Right to repair

The Right to Repair Regulations covers specific repairs, if these are not carried out within that time you may be entitled to compensation. You can find details of which repairs are covered on our website. If your repair is covered by the Regulations and the contractor does not fix it within the time limit, please contact the Council, and if the repair is not completed within the second time limit (prescribed period) you may be entitled to compensation.

7. Requesting Compensation

Tenants eligible for compensation through mandatory payments will be supported by the housing team to ensure compensation is received.

Other types of compensation will be assessed through the complaints process (see related information below).

8. Formal Redress

Requests for compensation are often made through the Council Complaints procedure. Complaints unable to be resolved are dealt with by the Independent [Housing Ombudsman Service](#).

9. Document Improvement

The Council welcomes comments and feedback on its policies and procedures. Please contact the Housing Service Improvement Team if you have any comments.

10. Related information

Other Related Council Policies / Information

More information on the Council's complaint procedure can be found on the Waverley Borough Council website [complaints page](#).

Other Documents

[The Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](#)