



PO18 Compensation Policy

Approval

Approved by Tenants' Forum	May 2011
Approved by Board	May 2011
Due for Review	May 2013

Review undertaken

Resident involvement <i>As agreed with Tenants' Forum</i>	Portfolio Holder Approval
Equality Impact Assessment	Initial complete march 2011
Other consultation	Circulated for comment to SMT and Directors Group November 2010. Joint workshop with Cottsway HA and Soha tenants in Witney Oct 2010

1. Scope

This policy sets out Soha's approach to compensation. It defines compensation as a payment or gift made when we agree that we have not delivered a service to an acceptable standard and want to put things right. This may be the result of a claim for compensation, a complaint, or where a staff member identifies that we should give compensation. It includes situations where Soha, as a Registered Provider of Social Housing, has a statutory obligation to pay compensation to tenants. Soha may consider compensation in cases where we are not directly responsible, but where we wish to make a goodwill gesture. This policy does not cover contractual disputes.

We may pay compensation, as appropriate to customers, including tenants, leaseholders, shared owners, other people using our services, or to other stakeholders.

2. Aims

Soha aims to provide excellent services that meet customers' needs. If we fail to meet the level of service set out in our published standards, we aim to put things right. At times this may involve paying compensation.

We will apply our Compensation policy consistently and fairly, and will not discriminate against anyone on grounds of their race, colour, ethnic or national origins, religion, sexual orientation, disability, gender, age or any other matter which may cause a person to be treated with injustice.

3. Policy Statement

3.1 Soha will have procedures that set out clear standards and timescales for considering compensation

3.2 Soha will consider paying compensation where.

- We have a statutory obligation;
- There is damage to customers' furniture or personal property as a direct result of Soha's actions, failure to act, or the effects of an event in another Soha property. This will not be payable for any costs covered by an insurance policy, although any shortfall would be eligible.
- Soha's service has been substantially below the standard expected and has caused considerable inconvenience; or
- In exceptional circumstances, as a goodwill gesture, either as a result of a complaint or otherwise.

3.3 Soha will set a compensation budget annually and make every effort to manage compensation payments within that budget, considering VfM in each instance.

4. Implementation

Soha will consider each claim on its own merits and, while compensation may sometimes be appropriate, customers will have no automatic right to compensation.

Soha will aim to keep compensation payments to a minimum in line with Value for Money principles and does not view compensation as a "quick fix", but will address the causes of actions and processes that continue to give rise to potential compensation.

4.1 Statutory Obligations

- **Right to Repair**

Soha will comply with the Right to Repair provisions contained within section 121 of the Leasehold Reform, Housing and Urban Development Act 1993. A list of qualifying repairs and timescales is in the Residents' Handbook.

- **Compensation for planned or necessary disturbance**

We will compensate where we have to move customers for major planned works or in an emergency. This includes disturbance payments for Home Loss.

- **Right to Payment for Improvements**

Soha has procedures where customers can claim a payment for certain specified improvements which they have carried out during their tenancy. The customer must have written permission for the improvement from Soha otherwise the payment will not be payable.

4.2 Compensation for Damage to Property

Soha may pay compensation where a customer has incurred damage to property that they own or personal belongings if:

- The damage is a direct result of Soha's actions and or failure to act to a reasonable level within reasonable timescales; and
- The loss is not insured by the customer, Soha or a third party; or
- This may be the result of an event or incident in another property owned by Soha, where the event or incident is Soha's fault (e.g. flood from a pipe leak)

4.3 Compensation for Soha's Service Failure

Soha may pay compensation where the standard of service provided by Soha or its staff is considerably below the standard that could be reasonably expected. This compensation is at Soha's absolute discretion and will only be authorised if the customer has been substantially inconvenienced or incurred financial loss. Compensation of this nature will normally be considered as a result of the complaints process. If compensation is considered the following factors should be taken into account:

- Exceptional worry, distress or inconvenience has been caused by the events;
- Specific financial losses have been incurred;
- A customer or leaseholder has had to live in poor conditions for longer than is reasonable due to our failure to deal satisfactorily with repairs that are the landlord's responsibility.

4.4 Goodwill payments or gestures

In exceptional circumstances, Soha may make an ex-gratia payment. This will be entirely at Soha's discretion and does not imply any liability on the part of Soha.

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- Soha encourages customers to have home contents insurance and we expect them to claim on this insurance where it is appropriate to do so.
 - Soha reserves the right to make a compensation payment directly into a tenant's rent account if rent or any other debt is outstanding.
 - Where we pay compensation as a result of a fault which is a contractor's responsibility, Soha aims to recover this money.
 - Customers should normally claim for compensation within one month of any incident. They can claim in writing, by phone, in person or by email. The Chief Executive's PA is responsible for keeping a written record of all claims and the steps taken to investigate and resolve these. Soha's Insurance Policy PO04 covers claims from tenants that involve Soha claiming on its insurance policy.

5. Responsibility

The Chief Executive is responsible for the effective implementation of this policy and for making the final decision in all claims for compensation.

6. Appeals

We will deal with claims for compensation efficiently, sympathetically and expediently to reduce the potential for dispute between residents and us. However, where a resident disputes where compensation should be paid in particular circumstances, the amount of any payment, or any other aspect of how we administer the Compensation Policy, it is appropriate for the Complaints Policy to be invoked in the usual way.

7. Resident Involvement

Soha's readers group have read the reviewed policy and the Housing Management and Customer Services portfolio holders approved it. We will review this policy in line with the complaints policy and will involve tenants in this process. We will report to the Tenants' Forum each year giving full details on the compensation budget's expenditure.

8. Monitoring and review

We will send a report each year to the Tenants' Forum and Board. This report will show the nature, decision and time scales within which compensation was paid. Soha will keep a record of all changes made as a result of learning from compensation claims. We will continue to benchmark our performance with local similar housing providers.

9. Context

PO13 Complaints Policy
Housing and Regeneration Act 2008