

# **HALTON HOUSING TRUST**

## **COMPENSATION POLICY**

*Date due for Review :*

### **Introduction**

This policy looks to set out how Halton Housing Trust ('the Trust') deals with issues relating to claims for compensation made by customers, or someone acting on their behalf. There are differing ways in which the Trust may have to consider such compensation claims.

The Trust will need to consider some claims for compensation under relevant legislation, such as:

- the Right to Repair;
- the Right to Compensation, for home improvements;
- Home Loss and Disturbance Payments, due to redevelopment or improvement works.

The Trust is only obliged to pay compensation where it is legally responsible for the loss or damage suffered by the customer. The Trust may consider other claims for compensation on a discretionary basis. In general, this would be where there has been a service delivery failure, and it is felt that the customer has suffered actual monetary loss and/or has been seriously inconvenienced by a considerable delay in an action being carried out.

In view of the nature in which claims for compensation generally arise, there are obvious links between this policy and the Trust's Enquiries, Compliments and Complaints Policy and the Repairs, Maintenance and Improvement Policy.

### **Policy Statement**

#### **Basic Principles**

Whatever the nature of a customer's claim, the Trust will ensure that :

- it acts reasonably and fairly at all times when considering the claim;
- it looks at all claims on their own individual merits; and
- where the Trust is liable to pay compensation, it will always aim to reach an agreement with which the customer is satisfied.

*Date Adopted :*

### Methods of Compensation

Compensation may be given to customers in two main ways:

- Monetary – this would be a payment to the customer of an agreed amount.
- A Goodwill Gesture - where the customer is compensated in a non monetary way. This could include such things as:
  - a letter of apology;
  - decoration or gift vouchers, flowers/ box of chocolates etc up to a certain value; or
  - any other appropriate gesture.

Any form of compensation, whether in monetary terms or as a goodwill gesture, will be made by the Trust on a 'without prejudice' basis, and on the understanding that it is in full and final settlement of the claim.

**N.B. Before making a compensation payment, the Trust reserves the right to clear any debt owed by the customer to the Trust out of the proposed payment. This includes rent arrears. This requirement may be waived only where the Trust is legally responsible for the loss or damage incurred by the customer and/or this action would cause significant hardship. If this is not the case and the offset is made, the customer would then receive any remaining balance.**

**Where an offset is being considered for a customer with rent arrears, the following criteria will apply:**

- **payments would only be offset against rent arrears where these relate to financial compensation for inconvenience or failure of service;**
- **payments towards the cost of replacement of or damage to customer's goods or belongings will not be offset against rent arrears unless the express written consent of the customer has been obtained.**

### The Right to Repair and the Right to Compensation

The Trust will ensure that it adheres to relevant legislation and the requirements of the Housing Corporation Circular 33-94 when dealing with any claim for compensation made under the Right to Repair and Right to Compensation.

### Home Loss and Disturbance Payments

Where a customer is to be permanently displaced to allow the Trust to carry out redevelopment or improvement work, any Home Loss payment for which the customer is eligible will be made in accordance with the formula set out in Section 29 of the Land Compensation Act 1973 (as amended by the Planning Act 1991).

Disturbance payments will cover any reasonable costs that are incurred when a customer is required to move by the Trust. This can include the cost of removals, any disconnection and reconnection charges, mail redirection etc, and if appropriate storage costs.

### Discretionary Payments

Date Adopted :

Author : Mike McCue

The Trust appreciates that the majority of discretionary payments will be made to try to make amends for inconvenience caused to, and/or to minimise the level of dissatisfaction felt by, a customer as a result of a service failure.

It will not always be the case that an actual claim has to be made by a customer for an offer of compensation to be made by the Trust. In its Enquiries, Complements and Complaints Policy, the Trust states that:- *“At any stage of the Complaints Procedure an apology or even a payment for compensation may be offered. The Trust will normally only offer compensation*

*payments where it considers the complainant has suffered actual monetary loss or considerable delay in an action being carried out.”*

There are various scenarios under which discretionary payments may be considered; examples of which can include:

- The customer does not receive the standard of customer service expected of the Trust.
- Failure to keep a pre-arranged appointment that has been made in writing. (24 hours notice must be given to cancel an appointment).
- Failure to respond to a complaint within the timescales set out in the Trust’s Enquiries, Complaints and Compliments Policy and Procedures.
- Inappropriate communication on matters affecting the customer.
- Incorrect handling of an application to the detriment of the applicant.
- Inadequate quality of work.
- Inconvenience whilst completing work.

This list is not exhaustive and discretionary payments may also be considered in situations where expectations regarding other customer service standards have not been met.

### General Exclusions

There are certain eventualities which the Trust has decided will **not** be covered under its Compensation Policy.

These are:

- Any claims for personal injury/negligence and associated compensation will be referred to the Trust’s Insurers to be dealt with under the Public Liability Claim Procedure agreed with them.
- Any sums paid by the Trust are not intended to compensate for loss of earnings or similar.
- The Trust cannot accept responsibility for any claim for compensation that arises directly because the customer doesn’t have their own contents insurance. The Trust will always encourage customers to take out insurance cover for their own possessions.
- The Trust will not accept liability for damage caused to property through flood, fire or other such incidents. The Trust will expect customers to have taken out their own insurance to cover such eventualities.

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- Claims for property damaged as a result of unforeseen failures in the building structure where the Trust or its agents are not at fault will not be considered under this policy.
- The Trust will not be held directly responsible where the fault is that of a third party. For example, for damage caused as a result of major improvement works being carried out to an unsatisfactory standard by any contractor(s) working on its behalf. However, where the customer experiences problems in pursuing the claim with the contractor, the Trust will liaise , and where necessary will deal direct with the relevant contractor(s) on behalf of the customer to get the best possible resolution for all parties.
- The Trust will expect any claims for serious maladministration to be considered by the Independent Housing Ombudsman once its own Complaints Procedure has been exhausted.

### **Implementation**

All complaints that come into the Trust are dealt with and recorded at a central point as outlined in the Trust's Enquiries, Compliments and Complaints (E,C & C) Policy, and will be administered by the Personal Assistant to the Executive Management Team.

After acknowledgement and as part of the initial screening process, any complaint which contains an implicit or expressly stated claim for compensation will be referred onto the Administration Manager in the Resources team.

The Administration Manager will liaise with and take advice from the Trust's Insurance Broker on how best to deal with the claim.

Where it is felt that there are insurance implications, and any claims for compensation made because of personal injury/negligence, will be referred onto the Trust's Insurers. These will be dealt with under the Public Liability Claim Procedure agreed with them. Where this is the case, the Administration Manager will advise the Personal Assistant accordingly. The Personal Assistant will then advise the complainant that their complaint will now be dealt as an insurance claim, rather than via the E,C & C Policy, and that all future dealings regarding their claim will be via the Administration Manager.

All other claims, where the advice from the Insurance Broker is that there are no insurance implications, will be referred back to the Personal Assistant and will be dealt with under the E,C & C Policy.

A flowchart has been attached to the end of this policy and a separate compensation guidelines document has also been produced to assist staff in dealing with claims. More details on how claims for compensation should be dealt with can be found in the Compensation Procedure Guide developed to compliment this policy.

### **Responsibility**

The Director of Resources will be responsible for the effective implementation of this policy.

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The Administration Manager will be responsible for dealing with any claims referred to and dealt with by the Trust's Insurers.

The Personal Assistant will be responsible for dealing with any claims dealt with through the Trust's E,C & C Policy.

### **Monitoring**

The Personal Assistant and Administration Manager will be jointly responsible for the recording and monitoring of any concerns raised under this policy. An annual report of cases will be made to the Audit, Performance and Quality Committee.

### **Consultation & Review**

This policy will be reviewed at least every twelve months to ensure that it continues to meet the working requirements of the Trust.

Employees in general as well as trade union or other staff representatives will be encouraged to take part in any review. Comments and suggestions on how this policy may be improved will always be welcomed.

### **Associated Documents**

Enquiries, Compliments and Complaints Policy  
Standing Orders and Financial Regulations  
Customer Care Policy  
Compensation Procedure Guide.

### COMPENSATION FLOWCHART



