

Compensation Policy

Policy reference	
Version number	V1.0
Date applies from	April 2023
Policy owner	Complaints and Feedback Lead
Next review Date	March 2024

Annual Checks

Policy owners should ensure that an annual check of hyperlinks, roles, and names is undertaken. These checks are in addition to formal review process. Please see Policy and Procedure framework guidance for further details.

UNCONTROLLED IF PRINTED

Aim of policy

This policy outlines how we will provide a fair and proportionate response to managing tenant compensation claims to ensure ForHousing complies with all statutory and regulatory compensation obligations and provides an accountable and fair system. ForHousing will not promise anything that we cannot deliver or that would cause unfairness to others.

Our approach follows Part 6 of The Housing Ombudsman's Complaint Handling Code, March 2022, which is dedicated to 'Putting things right', and also called "remedial action".

We want to positively impact the lives of our social housing tenants. This policy will make sure that we listen to tenants and work with them if services fall below our published standards.

This policy applies to all properties where ForHousing is the landlord, including Shared Ownership and Leasehold properties. This policy also covers market rent, where ForHousing are the owner and ForLiving are the landlord.

Related legislation and regulation

[The Housing Ombudsman's Complaint Handling Code, March 2022.](#)

Policy

Introduction

ForHousing aims to provide high quality and tenant-focused services and work with tenants to resolve any issues together before the need for compensation arises. We always want to do better so if services fail or fall below our published standards, then we will aim to put them right. There are a number of remedies available to put a situation right and ForHousing will consider offering a financial or non-financial remedy when a tenant has been adversely impacted due to an action or omission on our part, including:

- inconvenience, distress, or detriment
- unnecessary time and trouble
- loss of amenities including heating, hot water, mains power for an extended period
- loss of use of part of a property
- financial loss

We will ensure value for money by applying the most cost-effective outcome for both tenants and ForHousing.

Non-financial remedies

The right remedy depends on what has gone wrong in an individual case and may include one or more of the following:

- an acknowledgement that things have gone wrong, including an explanation of any shortfalls in service and what we have done or are doing to rectify and learn from this
- a sincere apology
- a change of decision or policy
- repair works to remedy the problem if the issue is repairs related

- a goodwill gesture, for example a bunch of flowers, in recognition of the situation

Financial Guidelines

Compensation is considered in a number of categories:

1. **Mandatory payments**, where we are required by law to compensate, payments will be made in line with statutory requirements. Payments include:
 - a. statutory home loss payment, made to tenants or owner-occupiers required to move home permanently.
 - b. disturbance allowance, made to tenants required to move to another property; and
 - c. right to repair scheme, which covers specific repairs that should be completed within a set time limit.
2. **Discretionary payments**, it is important that tenants are compensated fairly where we have failed to deliver our published service standards, e.g.
 - poor complaint handling;
 - delays in providing a service;
 - failure to provide a service that has been charged for;
 - failure to meet target response times; and
 - failure to follow policy and procedure.

Discretionary payments also take into consideration the upset, discomfort, worry, frustration, or uncertainty caused to the tenant. Discretionary payments will be made in line with ForHousing's Compensation Guidance document.

3. **Quantifiable loss**, it is important that customers are compensated fairly where they have experienced an actual financial loss, such as:
 - increased energy bills;
 - replacing damaged furnishings; or
 - decoration costs.

Any costs must have been reasonably incurred and evidence of loss/receipts must be provided before a payment is made. Any award will take into account wear and tear and compensation will not be paid on a new for old basis.

4. **Ombudsman determinations**, ForHousing will fully comply with any Ombudsman determination to pay compensation for maladministration or service failure.
5. **Complaints**, compensation will be considered as part of any complaints investigation in which it is found that either:
 - specific financial losses have been incurred; or
 - a tenant has had to live in poor conditions for longer than is reasonable due to a service failure by ForHousing.

Exclusions

There are situations where a remedy is not appropriate and will not be offered, for example:

- claims for personal injury;

- damage caused by circumstances beyond ForHousing's control (e.g., through storm or flooding);
- damage caused by third parties not working on behalf of ForHousing;
- where a claim can or should be made on home contents insurance and where damage has not been caused as a result of the actions or omissions of ForHousing or a contractor working on our behalf. ForHousing's customers are expected to have all relevant personal insurance cover in place e.g., insurance for their furniture, decoration and their personal possessions against accidental damage, loss, fire and water damage, burglary etc.
- lost, stolen, broken, or damaged possessions through no fault of ForHousing;
- where the issue was caused because of negligence by the tenant or their failure to comply with the terms of their tenancy or lease such as not providing access to complete required work; where damage has been caused as a result of the actions or omissions of a landlord or contractor working on its behalf
- Damage to decoration - some repairs may damage a tenant's decorations. We will always attempt to 'make good', however if we are unable to source an 'exact match' to the existing decoration we would not offer compensation; and
- loss of earnings.

Once an offer of compensation has been agreed, and bank details received, payment will be made within 20 working days.

If a tenant is deceased, we require evidence that the person acting on their behalf is the executor or administrator of their estate before any compensation is paid. This evidence would normally be in the form of a Grant of Probate.

How to make a compensation claim

Tenants can make a claim for compensation in several ways:

- by telephone;
- in person; or
- in writing, by letter or email and
- online via the website

It is the tenant's responsibility to provide the necessary evidence to support their claim.

How the policy will be delivered

This policy will be delivered by all teams within ForHousing and is monitored through the Customer Feedback and Improvement function.

It is part of all manager roles to understand and cascade the policy and guidance to their teams.

We always want to do better so complaints, and the learnings from complaints, are part of departmental meetings.

Learning and service improvement will be identified and captured by department leads as part of complaints review to ensure we remain tenant focused.

Remedies will be recorded through the customer relationship management (CRM) system and reported via a complaints dashboard which is available to teams and managers across ForHousing.

Related documents

- Complaints Policy
- Decant Procedure
- Repairs and Maintenance Policy
- Repairs and Maintenance Procedure
- Customer Care Policy
- Unreasonable Behaviour Procedure
- Remedies Guidance
- Complaints Handling Guidance
- Compensation Guidance

Inclusive Decision-Making Framework (IDMF) analysis

Date of approved IDMF analysis	28/04/2023
Actions taken forward to mitigate any potential negative impact	NA

Data Protection Impact Assessment

Data Protection Impact Assessment (DPIA)

Under the UK GDPR and the Data Protection Act 2018, you are required to carry out a DPIA when developing a new Policy or Procedure that will have a widespread or serious impact on data held on individuals. Careful consideration should be given as to whether the policy or process will have an impact on any processing of personal information that is large scale, involves profiling or monitoring, decides on access to services or opportunities, or involves sensitive data or vulnerable individuals. Information and support regarding this can be obtained from the Data Protection Officer (DPO).

Has a DPIA been completed?	Yes
If a DPIA has been completed, was the DPO consulted?	Yes
If a DPIA has been completed, were any risks identified?	No
If risks were identified as part of the DPIA process, have mitigation actions been identified?	N/A

Consultation and business intelligence

As a member of the Housing Ombudsman Scheme, we are required to comply with the

requirements of the Housing Ombudsman's Complaint Handling Code which was updated in March 2022.

As part of the review of the policy we involved a third-party specialist on compensation regulation.

Consultation has been completed with the Complaints Handling Network which contains representatives from all frontline teams. Consultation has also been completed with the Director of Income Maximisation, Director of Neighbourhoods, Head of Maintenance & Head of Compliance.

Monitoring arrangements

There will be continuous monitoring of compensation payments through the Power BI dashboards by the Customer Feedback and Improvement function.

Financial compensation will be captured as part of the case record, and this will be regularly reported as part of ForHousing's internal governance.

Compensation payments will be visible through the Complaints Dashboard.