

Compensation Policy

Version Control						
Version	Date drafted	Date approved	Approved by	Date Reviewed	Next review date	Owner
Final	27.8.20	17.9.20	Board	N/A	17.9.23	Operations Director
2023 Review				30.10.23	30.10.26	Operations Director

1. Introduction

- 1.1 Westmoreland Supported Housing Limited (WSHL) is a registered provider of supported social housing for adults. Customers hold assured shorthold tenancies and we provide landlord services such as housing management, repairs and maintenance and the care and support is provided by a Care Provider. Occasionally compensation will be appropriate where our services fall short or where we are legally required to do so.
- 1.2 This policy sets out our approach to compensation to tenants or other customers of WSHL.

2. Legal and Regulatory responsibilities

- 2.1 Land Compensation Act 1973 (as amended by Planning and Compensation Act 1991)
- 2.2 Right to Repair Section 121 of the Leasehold Reform, Housing and Urban Development Act 1993.
- 2.3 Homeloss payment regulations (2018)
- 2.4 Relevant legislation is all that legislation either by way of Common Law, Act of Parliament or Statutory Instrument which relates to this policy and is in force at the relevant date.

3. Definitions

- 3.1 Compensation – money is paid to someone in exchange for something that has been lost or damaged or lost facilities.
- 3.2 Homeloss – statutory payment for the distress and inconvenience of losing a home.
- 3.3 Disturbance – statutory payment to cover the costs of moving.

4. Scope

- 4.1 This policy applies to all tenants and customers of WSHL. It covers payments that we are required to pay through law and those that are discretionary where we will make a goodwill payment. It does not cover occasions where legal proceedings are underway nor where an insurance claim is made.

5. Our approach

- 5.1 We are committed to providing a high quality housing service to all our customers. We will work with our customers to develop service standards which will set out levels of service customers can expect, however sometimes things go wrong. When we have failed to meet our promised standards and a customer has been inconvenienced or suffered loss, we will consider making a compensation payment. Compensation will also be paid where we have a legal obligation to do so.
- 5.2 All compensation will be approved by the Operations Director or another member of the Executive Team and confirmed in writing to the customer. Compensation can only be paid to a customer directly or their appointee.
- 5.3 We will consider each case for compensation on an individual basis. We will take all of the circumstances into consideration including the following:
- The loss and/or inconvenience incurred
 - Duration of the situation
 - The seriousness of the loss/inconvenience
 - Any actions taken by the customer
 - Levels of compensation paid in similar situations, either by WSHL or others

6. Discretionary compensation

- 6.1 Discretionary compensation are goodwill payments where we do not have an obligation to make a payment.
- 6.2 Discretionary payments will be considered where:
- We fail to deliver a service to our usual standard and as a result a customer has incurred loss or inconvenience
 - The damage is a direct result of WSHL's actions such as accidental damage

- A customer cannot use rooms or services in their home because of a repair problem that is our responsibility, and is not part of planned maintenance or upgrade work.
- An extensive repair requires the customer to be temporarily re-housed
- No other form of redress is available

6.3 Any claims for compensation will be paid in line with the table below

Service failure	£25
Accidental damage	At replacement cost subject to proof of purchase
Loss of room or facilities including water, power and gas that has not been repaired in our published timescales	25% of the weekly rent (exclusive of service charges), pro rata to a day rate if less than a week.
Additional fuel costs if we provided temporary heating between October and March	£2 per day

In addition, the Operations Director or other Executive Team member can approve one off payments outside the table above if it is deemed that the standard compensation amounts do not provide fair redress for the individual situation.

6.4 We will not normally pay compensation in the following situations; where:

- There is service failure, but reasonable access had not been given to carry out our services
- A loss is due to the negligence of the customer, due to the neglect of a third party or that is beyond our control
- A loss is due to a missed appointment
- There are ongoing legal proceedings
- The claim should be made through our insurers. Our insurers will settle any claim and it will not be dealt with through the compensation policy, such as personal injury or damage to personal possessions.
- Where a service that has been paid for as part of a service charge but has not been delivered or fails to meet our standards. We will make an adjustment to the following year's service charge.
- A claim should be made through a customer's home contents insurance. Any compensation payment made by WSHL is not intended to replace or compensate for a lack of contents insurance on the customer's part.

7. Homeloss and disturbance

- 7.1 Homeloss may be paid when a customer has to move permanently from their home to make way for demolition and/or redevelopment. This is a flat rate payment as set by the government and is only payable when the customer has lived in the property for a minimum of 12 months and is equally shared between all customers.
- 7.2 Disturbance may be paid when a customer has to move to another property either temporarily or permanently due to major repairs or demolition. This payment is in addition and separate to homeloss and covers the reasonable costs incurred in moving such as removal costs, re-direction of mail and transfer of phone services etc.

8. Dealing with claims

- 8.1 We aim to deal with claims for compensation efficiently and sympathetically. Each case will be considered on an individual basis taking into account all known circumstances and supporting evidence or documentation supplied. Where evidence is requested and is not supplied, we will not be able to consider the claim.
- 8.2 Compensation will normally be offset against rent arrears, service charge arrears or other debts owed, unless reimbursement is being made for loss and damage or costs reasonably incurred.

9. Monitoring and review

- 9.1 All compensation payments will be recorded and where appropriate compensation data will form part of our complaints monitoring to compare our performance. Reporting to Board will be done as part of the annual complaints report.
- 9.2 We will actively review cases where discretionary compensation has been paid to ensure that we are learning from such situations.
10. This policy will be reviewed every three years.
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