

Compensation

Responsible Officer:	Assistant Chief Exec Resources
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Regulatory Standard:	Tenant Involvement and Empowerment
Version:	3

Compensation Policy

1.0 Introduction

1.1 Incommunities is committed to delivering excellent services to our customers and achieving our group vision of 'Improving Lives Incommunities'. We recognise that there may be occasions when things go wrong such as a delay in delivering a service or how a service is delivered; these will be referred to as a 'service failure'. When a service failure is identified, Incommunities may consider offering a discretionary compensation payment.

2.0 Scope

- 2.1 This policy does not apply to the following (but not necessarily limited to):
- Claims for personal injury and other claims which are covered under public liability insurance
 - Service Charge refunds
 - Disrepair claims
 - Claims within or previously decided through the legal process
 - Complaints under consideration or previously determined by the Housing Ombudsman Service
 - Statutory compensation, including;
 - Home loss,
 - Qualifying Improvements
 - Right to Repair
 - Disturbance allowance (As this is covered within Incommunities Group Decant Policy)

3.0 Statement of Intent

- 3.1 This policy outlines the circumstances in which Incommunities will consider offering compensation or goodwill payment. Incommunities will identify whether a payment is appropriate through customer feedback, during the course of delivering services or through the complaints procedure.
- 3.2 Payments made under this policy are 'without prejudice' where a customer has been unreasonably inconvenienced, to recognise any loss caused and to balance the level of dissatisfaction that a customer may feel they have received. This policy aims to ensure that any compensation or goodwill payment made in respect of service failure is fair, proportionate, transparent and consistent. It will do this by:
- Defining the different situations in which the payment in the spirit of this policy may be applicable.

- Considering each case individually and taking into account all factors relevant to the claim.
- Monitoring expenditure in relation to compensation.

4.0 Policy

4.1 Compensation for service failure

- 4.1.1 Incommunities will aim to use the most effect remedy for the issue reported. We may use our discretion when deciding whether a customer is eligible for compensation as outlined within this policy.
- 4.1.2 This is payment in circumstances in which there is not a legal liability, but where a complaint is upheld and/or there are circumstances where the association believes its actions or inactions have resulted in a service failure.
- 4.1.3 Before proceeding to make a financial reward, other remedies might also be considered as appropriate. A starting point would be to ask the customer what they feel will rectify the problem. If a customer has received a poor service we will not assume compensation will rectify the issue but will ask the customer what outcome would satisfy them.
- 4.1.4 The association will consider and investigate each case on an individual basis and take the following factors into consideration before reaching a decision on the type and amount of payment made:
- Whether the customers position can be re-instated;
 - Length of time it has taken the association to resolve the problem;
 - Any difficulties a customers has had in pursuing their complaint;
 - Disruption to the household;
 - Personal circumstances and setting;
 - If any additional costs have been incurred.
- 4.1.5 Payments may be made in respect of cost incurred arising directly from the service failure. This could include travelling costs, telephone calls, postage and lost wages, where the customer can provide evidence of costs being incurred.

4.2 Goodwill payments

- 4.2.1 In some circumstance a goodwill gesture can be offered where there is no legal liability to make a payment, nor a service failure. Payments made in these circumstances are voluntary, made out of a sense of kindness and usually under special circumstances. Examples could include: hardship, when someone has been the victim of a third parties' actions, or when a service suggestion will improve lives or provide a cost saving for the association.

4.2.2 Goodwill payments do not generally exceed £100 and could be in the form of:

- A payment
- Paying for a meal/takeaway
- Topping up energy supply
- Shopping voucher
- Flowers

4.3 Circumstances where we will not make payment

4.3.1 This policy is not intended to replace or compensate a resident's lack of contents insurance. Tenants are encouraged to take out home contents insurance for their furniture, decoration or personal possessions to insure them against accidental damage, loss of fire or water damage, burglary etc.

4.3.2 The association will not make a payment under this policy if we are unable to deliver services due to circumstances beyond our control. This may include:

- Exceptional weather conditions
- Accidental damage where the association has not done something wrong for example burst pipes, blocked drains or other events which could not have been predicted and or were not reported
- An alteration to the property carried out by the resident without permission and/or to an inadequate standard
- Loss or damage caused by the resident, visitors or third parties
- Where the resident prevents or delays the association in delivering a service or contributes in some other way to the service failure

4.4 Payment

4.4.1 All offers of payment under this policy will be made in writing. In general, payments of compensation will be made to the customer of an agreed amount by:

- Cheque/cash/bank transfer
- Vouchers
- Decoration pack
- Ex-gratia gesture

4.4.2 Where the customer owes money to Incommunities, any payment under this policy may be used to pay some or all of the debt. The association will not use payments in respect

of loss or damage (where for example the payment is to replace a damaged item or decorations) to pay a debt without the customer's consent. However, compensation for distress or inconvenience may be offset against the debt.

4.4.3 Payments will be calculated based on the circumstances of each individual case. The over-riding principle is that the amount awarded should be appropriate and proportionate.

5.0 Performance Management

5.1 Records of expenditure should be correctly coded and kept by each service manager.

5.2 Compensation in relation to complaints will be recorded centrally as part of the overall complaints monitoring.

5.3 The total amount spent on compensation will be recorded and included in reports on complaints produced annually to Operations Committee. The review will ensure consistency in payments and identify any patterns of service failure that need to be addressed.

6.0 Review

6.1 There will be an automatic review of this policy whenever there is a change of regulatory provisions or other best practice information becomes available that will impact on the policy. In any event there will be a substantive review of this policy every 3 years.

7.0 Associated Documents

- Incommunities Complaints Policy
- Incommunities Decant Policy
- Incommunities Equality & Diversity Policy
- Incommunities Repairs Policy
- Incommunities Chargeable Repairs Policy