

# Complaints Compensation Policy



Sandwell  
Metropolitan Borough Council

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Purpose	To offer compensation to complainants who have been affected by failures in service and complaints handling.		

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## 1. Purpose

- 1.1 The aim of this policy is to provide a framework for offering compensation to tenants and residents where appropriate as part of the complaints process.
- 1.2 To offer reasonable compensation to tenants and residents who have been affected by failures in service, and to restore residents to the position they would have been in had the service failure not occurred.
- 1.3 This policy has been created to provide clarity and transparency in compensation offers.
- 1.4 It is intended that this will improve complaint handling and resident satisfaction, measured through tenant and resident feedback, as well as continued monitoring of the Housing Ombudsman Service determinations.
- 1.5 This policy will ensure we comply with the Housing Ombudsman Service's Complaint Handling Code.
- 1.6 This policy only covers discretionary compensation.
- 1.7 The complaints process, including the relevant timescales, can be found on the [Council's website](#).
- 1.8 Compensation Claims for loss, damage or injury will be considered separate to this policy in line with agreed procedures. Information can be found on the [Council's website](#).

## 2. Scope

- 2.1 Tenants, Leaseholders, Residents, Complainants.

### **3. What is Compensation to Sandwell Council?**

3.1 Compensation is a remedy in recognition of loss, suffering, or inconvenience. It may be a financial payment.

### **4. Policy Statement**

4.1 In most cases it is reasonable to resolve complaints and service failures by:

- Making a sincere and appropriate apology
- Arranging the appropriate services to rectify problems
- Sharing lessons learned and any changes made to procedures as a result of concerns raised with the resident

#### **4.2 Discretionary Payments**

4.2.1 These are financial payments made as redress for service failures.

4.2.2 Discretionary compensation payments will be considered on a case-by-case basis and on individual merits. It may be considered when a service failure is identified, or at any stage of the Council's complaints procedure. We may discuss the situation with the resident, and their view as to what would be an acceptable remedy will be considered.

4.2.3 Discretionary payments may be considered where the following has been identified:

- Delays to services
- Failure to provide a service that has been paid for
- Loss of amenity

- Poor complaint handling
- Failure to meet target response times
- Failure to follow policy and procedure
- Unreasonable time taken to resolve a situation
- Distress, frustration or anxiety experienced as a result of service failure or delay

4.2.4 Individual circumstances will be taken into consideration when awarding compensation, including any vulnerabilities which may affect the impact of failures on tenants and residents.

### **4.3 Quantitative Payments**

4.3.1 These payments may be made where financial loss has been incurred by tenants and residents as the result of a service failure or delay.

4.3.2 Quantitative payments must be demonstrated and evidenced by the complainant.

4.3.3 These payments will be considered on a case-by-case basis and on each case's individual merits. Only reasonable and demonstrable financial losses will be considered for compensation.

4.3.4 Quantitative payments may include (but are not limited to):

- Travel costs to access facilities unavailable in the property due to failure or delay in carrying out repairs
- Take-aways or increased food costs due to cooking facilities being unavailable
- Additional heating costs

### **4.4 Payment Amounts**

4.4.1 Each case and amount paid will be considered on its individual merits.

#### **4.4.2 Goodwill Payment – up to £100**

4.4.2.1 Considered where there has been no service failure and no financial loss to the resident, but they have experienced distress, frustration and/or inconvenience.

#### **4.4.3 Minor - £100-£200**

4.4.3.1 Considered where there has been a service failure that has caused distress or inconvenience to the resident as a result of time, trouble and delay.

4.4.3.2 These may be of short duration and have minimal impact.

4.4.3.3 The failure or delay may not have significantly affected the overall outcome of the complaint.

#### **4.4.4 Moderate to severe – above £200.**

4.4.4.1 Considered when no attempt has been made to put things right, or any attempt was not sufficient or not proportional

4.4.4.2 The failure has adversely affected the resident.

4.4.4.3 The failure may have a permanent impact on the resident.

- 4.5 Where tenants have experienced a loss of a facility or amenity in their home considerations for compensation may take the rent charge into account.

#### **4.6 Where Compensation May Not Be Considered**

- 4.6.1 Circumstances in which compensation may not be considered will include:

- Delays to repairs due to the resident not reasonably allowing access or engaging with services
- Delays to complaint handling due to the complainant not reasonably engaging with the process – complaints should be made within 12 months of the issue arising
- Damage that would be covered by the Corporate Compensation Policy
- Legal Action

- 4.7 Compensation payments will be at the discretion of the Housing Resolutions Team for amounts up to £100. Payments above £100 will need approval from a senior manager.

- 4.8 Compensation payments will be made directly to the complainant via BACS unless agreed otherwise with the Housing Resolutions Team.

### **5. Development of Policy**

- 5.1 This policy has been developed in consultation with complaints officers, housing policy and strategy officers and community partnership officers.

- 5.2 The views of complainants, tenants and residents should be considered.

## 6. Related Documents

- 6.1 This policy should be considered alongside the [Housing Ombudsman Complaints Handling Code](#) and the [Customer Feedback Guide](#).

## 7. Legal Framework

- 7.1 This policy has regard to the Housing Act 2004.

## 8. Equality and Diversity

- 8.1 An Equality Impact Assessment has been completed for this policy and is available separately.

### 8.2 Reasonable Adjustments

We are committed to ensuring that vulnerable people are not disadvantaged in accessing all our services and we carry out Equality Impact Assessments to ensure this does not happen.

There is no prescribed list of reasonable adjustments; the adjustment will depend on the individual's needs. We will discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable in the circumstances. We will not make assumptions about whether a vulnerable person requires any reasonable adjustments or about what those adjustments should be.

Customers can request that we make reasonable adjustments in the following ways:

- in person
- in writing for example by email, by post, text

- by telephone
- by a family member when we have been given permission to do so; and or
- a member of staff may suggest for one to be made, when they are aware it will support the customer needs.

We will treat all conversations with sensitivity, confidentiality and on a case-by-case basis. We will listen to a customer's needs and make every effort to meet requests for adjustments when it's reasonable to do so. Where we are unable to meet a request, we will explain why.

In the majority of cases we will be able to agree and deliver the required reasonable adjustment with a minimum of delay.

For more information, please refer to Sandwell's [Reasonable Adjustments Policy](#).

## 9. Monitoring and Review

9.1 This policy will be reviewed on an annual basis.

## 10. Policy Document Version Control

Version	Date	Description	Updated By	Approved By
1.0				
2.0				