Slough Borough Council Financial Remedies Policy

Executive Summary

The Remedies and Compensation Policy explain how Slough Borough Council will deliver fair, proportionate and transparent remedies where service failure, maladministration or delay has resulted in detriment, distress, inconvenience, loss of amenity or financial loss. It aligns with the Housing Ombudsman Complaint Handling Code (2024)and its Guidance on Remedies and compensation. Financial remedy forms one part of a wider remedies framework and does not replace the Council's responsibility to promptly put things right, acknowledge failings, learn from complaints, and prevent recurrence.

1. Purpose & Scope

This policy applies to Council tenants and leaseholders in relation to complaints under the responsibility of the Housing Ombudsman. It does not apply to other complaints.

2. Core Principles & Decision-Making Criteria

Remedies are intended to restore the complainant, as far as possible, to the position they would have been in had the fault not occurred. Financial remedies will be proportionate and applied consistently, taking account of the severity and duration of the service failure, any vulnerability or specific needs of the affected individual and their household, and the cumulative impact of the issue. Any financial remedy will normally be accompanied by an apology, a clear explanation of what went wrong, and appropriate service improvement actions.

The Council recognises that the purpose of remedies is to address injustice and put things right. Remedies will prioritise the restoration of services where possible and may include non-financial actions. The Council will use learning from complaints to prevent future injustice, and improve services, reflecting a commitment to learning from residents' experiences.

To ensure fairness and consistency, officers must apply this policy by referencing comparable cases, indicative compensation ranges and relevant Ombudsman guidance. Any decision to depart from the indicative ranges must be clearly justified and recorded. This approach supports the Council in meeting the Regulator of Social Housing's Transparency, Influence and Accountability (TIA) Standard, including requirement 1.6, by providing a transparent and accountable framework that links compensation outcomes to service failures.

When determining the appropriate level of compensation, officers will consider the severity of the service failure, including any distress, inconvenience, financial loss or risk to health and safety; the length of time the issue persisted after first being reported; the vulnerability or specific needs of the resident; any cumulative impact arising from multiple or repeated failures; whether the Council took timely and appropriate action once it became aware of the issue; and the level of service the resident could reasonably have expected. These factors are supported by indicative compensation ranges set out in the Compensation Framework Annex below, which officers must refer to when assessing cases.

3. Eligibility & Time Limits

Claims should normally be made within 12 months of the issue arising. The Council may exercise discretion where strict application would be unfair, including where vulnerability, ongoing failure or historic disrepair is evident. Claims must establish a causal link between Council for fault and harm.

Financial redress will normally not be offered when the Council has not been given an opportunity to put things right. For instance, if a tenant has commissioned a third party to undertake works to respond to a repair as opposed to reporting this to the Council, the Council is not expected to reimburse the tenant.

The Council's complaints process and arrangements for service requests are intended to be accessible to residents without the need to engage solicitors or other paid advisors. Residents should not need to seek advice to progress a complaint. The Council is unlikely to offer to reimburse the costs of legal and other advice, unless we consider there are exceptional circumstances.

Legal and insurance claims are outside the remit of the Council's complaints procedure. The Council may support a resident to make an insurance claim and where such advice and support has not been accepted, the Council may decline to offer any financial remedy for any loss that was deemed covered by that insurance claim.

4. Assessment Criteria

Assessments must also take account of unquantifiable financial loss, such as increased living costs or loss of normal use of the home, where this cannot be precisely evidenced but is a foreseeable result of Council fault. When determining impact, officers will consider the severity and duration of the service failure, its effect on daily living, any breach of repair obligations, known vulnerability, cumulative impact, and whether the Council acted promptly and appropriately once the issue was identified.

5. Types of Remedies

Details of compensation levels, indicative ranges, and calculation methods are set out in the Financial Remedy Framework Annex, which forms part of this policy, and officers must refer to the annex when making decisions.

6. Early Resolution

The Council will seek to resolve issues at the earliest opportunity and may make early offers where service failure is identified, including before a complaint stage has formally closed or where no formal complaint has been submitted. Any early resolution offer must remain under review and be reassessed if the impact increases; the issue persists, or new information becomes available.

7. Process & Timescales

The offer of a financial remedy must be reviewed and reassessed as cases progress to ensure any remedy remain proportionate to the level of impact. Reassessment should take place where earlier consideration underestimated the severity or duration of the issue and should not be limited to escalation at Stage 2.

Stage 1 complaints will be responded to within 10 working days, and Stage 2 complaints within 20 working days. Where a financial remedy is offered, payment will normally be made within 28 days. To avoid unnecessary delay, the Council may issue lower-value payments without requiring formal signed acceptance from the individual.

If the resident owes the Council money in relation to rent or service charges, the Council may offset any payment against this debt. However the Council will consider the fairness of this, in particular in the following circumstances:

- The arrears are in dispute
    - The arrears are the subject of the complaint
    - The Council has a legal liability to make the payment
    - The Council's failures resulted in the arrears
    - Offsetting payment will cause financial hardship

10. Right of review

Residents may escalate through the Council's complaints process and thereafter to the Housing Ombudsman. The Council will cooperate fully with investigations.

11. Governance, Monitoring & Learning

Departments will monitor complaints on an annual basis and report the finding to the Tenants Board and elected members and publish reports on an annual basis. This analysis will be used to strengthen consistency, improve decision-making and address any identified gaps in application of the policy.

12. Equality, Vulnerability & Reasonable Adjustments

The Council will consider vulnerabilities and make reasonable adjustments. Impact on disabled, elderly or medically vulnerable residents will be carefully assessed when determining remedies.

Annex A: Compensation Framework

This Annex sets out the Council's financial remedy framework, aligned with the Housing Ombudsman's Policy and Guidance on Remedies. Remedies are intended to put the resident, as far as possible, back into the position they would have been in had the service failure or maladministration not occurred and to allow the Council to acknowledge the impact its failures have had on the individual. Financial remedies should be considered alongside non-financial remedies, such as apologies, action plans, staff training, or service reviews.

Accurate record-keeping underpins all decisions. Inspection findings, photographs, reports and post-inspection checks must be recorded and retained to evidence the basis of compensation, support assurance, and demonstrate organisational learning.

1. Financial redress as a Remedy

A financial remedy is one of the range of remedies available where service failure, maladministration or delay has caused injustice. It is not a substitute for an apology, an acknowledge of what went wrong or a commitment to service improvements. It should be proportionate to the impact on the residents, taking account of individual circumstances, including vulnerability.

2. Loss of Use of the Property

Where a resident has lost the use of part or all their home due to Council fault, compensation may be calculated using a percentage of the weekly rent, reflecting the extent of the loss of amenity.

Loss of use	Indicative rent-based compensation
Partial loss of use of a room	10% – 25% of weekly rent
Major room loss or significant restriction	25% – 50% of weekly rent

Property uninhabitable	50% – 100% of weekly rent

5. Specific financial remedies for loss of service

The Housing Ombudsman has identified specific financial remedies for particular service failings. These figures provide a benchmark for fairness and consistency and should normally be reflected in Council awards unless there is a clear, recorded justification otherwise.

Service failure	Indicative compensation
Complete loss of heating and hot water	£15 per day
Loss of heating *or* hot water	£8 per day
Complete loss of power	£10 per day
Loss of lighting only	£10 per week
Missed appointment	£15 per appointment

6. Impact of Other Service Failings

Where service failings result in distress, inconvenience, or loss of confidence in the service, a financial remedy may be offered to reflect the impact of other service failings, taking account of vulnerability, duration, and cumulative effect.

Type of impact	Indicative range
Distress and inconvenience	£50 – £5,000+
Time and trouble	£50 – £1,500

7. Redress for poor Complaint Handling

Where poor complaint handling has caused additional injustice, avoidable delay or frustration, a financial remedy may be awarded in recognition of complaint handling failures, in addition to an apology and a commitment to service improvement in this area.

Indicative Financial Remedy by Severity

The following table summarises indicative compensation levels for non-financial injustice. These are guide ranges only and must not be treated as fixed.

Severity of injustice	Indicative level
Minimal impact	£50 – £250
Severity of injustice	**Indicative level**
Moderate impact or repeated failings	£250 – £1,000
Significant maladministration	£1,000 – £5,000
Severe or prolonged systemic failure	£5,000+

Additional Considerations

When determining remedies, officers must also consider:

- Finance and audit requirements, ensuring offers are evidence based and consistent with comparable cases, recognising that funding for remedies comes from the ring-fenced Housing Revenue Account, which is funded by rents.
- Insurance involvement, where damage, injury or significant financial loss may require referral and to avoid duplication of payments.
- Contractor performance, including delays, missed appointments, or damage.
- Decants and temporary accommodation, including travel, storage, utilities and disturbance payments.
- Resident vulnerability, including disability, mental health, age, or safeguarding concerns, may increase the level of impact.