

Committee:	Cabinet	Date:	Thursday, 5 December 2024
Title:	Compensation Policy – Housing and Repairs Complaints		
Portfolio Holder:	Cllr Arthur Coote, Portfolio Holder for Housing		
Report Author:	Simone Russell–Strategic Director Housing Environment and Communities SRussell@uttlesford.gov.uk	Key decision:	No

Summary

1. This report recommends that Cabinet approves a Compensation Policy as part of its improved approach to managing complaints and ensuring compliance with the Housing Ombudsman’s Statutory Complaints Handling Code.
2. This report relates to compensation in respect of complaints about the housing landlord service. Once embedded into the complaints handling management approach for the housing landlord service, consideration will be given to expanding this policy to include all complaints about council services i.e. those which are under the auspices of the Local Government and Social Care Ombudsman.
3. This was an area where the Council was not previously compliant with the Code. An action plan to achieve compliance was drawn up by officers and presented to Cabinet on 13 June 2024.

Recommendations

4. Cabinet is asked to approve the new Compensation Policy. The draft Policy is attached as Appendix 1.

Financial Implications

5. There are financial implications associated with this report. The amount of compensation which will be paid in the future cannot be determined at this stage, however the Strategic Director will work with the Finance Director to ensure that a notional amount is factored into next year’s HRA budget, based on historical data on previous complaints. The new repairs and maintenance contract/clienting arrangements are expected to result in improved services and as such, reduced complaints. This Policy sets out a framework for payments, which will ensure a consistent approach to payments.

6. It is proposed that guidance is produced for managers which sets out an appropriate level of compensation which can be awarded at service level. There will be monthly monitoring by the Strategic Director of Housing, Environment and Communities, to understand trends in compensation payments so that service areas can be challenged on recurring themes.
7. Compensation payments made since 2022 in respect of complaints about the housing landlord services were:

2022-23	£2532.77
2023-24	£1016.00
2024-25 (to date)	£1225.00

Background Papers

8. Housing Ombudsman Complaints Handling Code 2024 – can be found here: [Complaint Handling Code 2024 | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk/complaint-handling-code-2024)
9. Housing Ombudsman requirements for Compensation Policies [Compensation policy | Housing Ombudsman \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk/compensation-policy)
10. Uttlesford District Council Complaints Policy (Housing Services) can be found here [Complaints, compliments and feedback on housing services - Uttlesford District Council](#)

Impact

11.

Communication/Consultation	<p>There has been, and will continue to be, communication and consultation with tenants on the management of complaints within UDC in general and specifically, UDC’s compliance with the Code.</p> <p>The Tenants and Leaseholders Panel considered the draft policy in their meeting on 23 October and save for some minor comments which have now been integrated into the draft policy, the Panel was supportive of the proposed approach.</p>
Community Safety	<p>There are no impacts in relation to community safety.</p>

Equalities	The complaints process will be accessible to all residents, regardless of their background and protected characteristics, and follow on actions will be appropriate to the diverse needs of residents. An Equalities and Health Impact Assessment has been carried out. This is attached as Appendix 2.
Health and Safety	There are no direct impacts in relation to health and safety.
Human Rights/Legal Implications	Compliance against Code is linked to the Social Housing Regulation Act 2023/Tenant Satisfaction Measures. Non-compliance may be self-referred to the Regulator of Social Housing by the Housing Ombudsman and the Council's approach will also be subject to scrutiny by the Regulator as part of the new housing inspection regime.
Sustainability	There are no direct impacts in relation to sustainability.
Ward-specific impacts	All Wards.
Workforce/Workplace	There are no direct impacts in relation to the workforce/workplace.

Situation

12. The Housing Ombudsman published its Statutory Complaints Handling Code in February 2024. UDC Officers have reviewed the Council's approach to managing complaints in light of the Statutory Code and submitted the Council's self-assessment in June 2024, following approval by Cabinet.
13. The revised Code is more prescriptive in some areas than previous versions. As such items of non-compliance have been identified which previously were not given the same level of consideration. An action plan was developed, and actions have now been completed. One of the actions was to develop a new Compensation Policy which reflected the guidance published by the Housing Ombudsman.
14. The Compensation Policy will be published on UDC's website and will be referred to in the next edition of Housing News.

15. A protocol will be developed for all staff involved in responding to complaints. This will set out clearly the level of authority devolved to Team Leaders up to Directors when approving compensation payments.
16. Training will be provided to officers, and it is recommended that Members are briefed on the policy, so they are well-informed when dealing with casework.

Risk Analysis

17.

Risk	Likelihood	Impact	Mitigating actions
Non-compliance with the Code would result in intervention and enforcement by the Housing Ombudsman and the Regulator of Social Housing	1 – The Compensation Policy has been updated to ensure compliance with the Code.	3 –Regulatory enforcement, reputational damage and in some cases orders to pay compensation to residents for non-compliance with the Code.	Launch the policy, publish the policy and train staff on using the policy – train/brief contractors so that they understand the policy.
Financial detriment to the council due to compensation claims	3- Residents will and should be eligible for compensation where a complaint is upheld and where there is a loss arising from the complaint.	3 – It is difficult to quantify the amount of compensation to be paid – the new policy will ensure a consistent approach to compensation payments.	Improve service delivery to reduce the amount of compensation to be paid. The new repairs contract includes a requirement for the Contractor to pay compensation for missed appointments. Training for staff on complaints handling (currently in progress will reduce the risk of paying compensation for poor handling of complaints).