



Uttlesford District Council Housing and Repairs

Compensation and Reimbursement Policy

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Document History			
Date	Amendments Made	By Whom	Approval
09/08/24	N/A	N/A	
<i>Version Number</i>		1	
<i>Reviewed By</i>		SR	
<i>Approval Body</i>		UDC Tenants and Leaseholder Panel UDC Housing Board/Cabinet	
<i>Date Adopted</i>			
<i>Next Review Date</i>		August 2026	

Compensation Policy – Housing Complaints

Aims and objectives

Uttlesford District Council (UDC) always aims to deliver high quality services which succeed first time however this does not always happen, and where this is the case, we will pay compensation which reflects the service failure to residents.

UDC will provide redress to restore a person to the position they would have been in had the service failure not occurred.

UDC will aim to ensure that compensation payments are fair and proportionate. When making decisions about the amount of compensation to be paid, UDC will take into account the Housing Ombudsman's latest guidance on landlords' remedies for complaints.

UDC will investigate complaints about service failure as set out in its Complaints Policy. The Council's Housing Complaints Policy can be found here; [Complaints, compliments and feedback on housing services - Uttlesford District Council](#)

Scope of policy

The policy covers individual households, rather than group or collective representations. Any person or household affected by UDC housing services, including but not limited to tenants and leaseholders are covered by the Council's Housing Complaints Policy and this Compensation Policy.

What this policy does not cover

This policy does not cover the following:

Statutory Compensation for home loss.

Please refer to UDC's Decant and Downsizing Policy [Decant and Downsizing Policy - Uttlesford District Council](#)

Direct compensation from contractors (from April 2024)

For example, where an appointment has been missed by the contractor. This is outside of the Council's Complaints Policy and forms part of the contractual obligations between the Contractor and UDC. However, any payments made by the Contractor may be taken into account by the Council when investigating complaints.

Compensation under the Statutory Right to Repair scheme.

For more information, please see [Right to Repair scheme - Uttlesford District Council](#)

Non-housing complaints

This policy does not apply to complaints outside of Housing. Please refer to <https://www.uttlesford.gov.uk/article/5501/Compliments-suggestions-and-complaints> for our Complaints Procedures for any other Council services.

Types of compensation covered under this Policy

Compensation falls into two categories – **actual quantifiable financial loss** and other **discretionary compensation**. Factors that will be taken into account when deciding the overall amount include.

Quantifiable loss can include, but is not limited to:

- The value of any damage to a tenants' belongings as a result of a service failure by UDC or its contractors or another representative of the Council.
- Any other financial loss caused as a direct result of service failure on the part of UDC or its contractors or another representative of the Council.
- Examples of quantifiable loss are included in the following section 'Compensation Calculations/Reimbursement'.

Discretionary compensation can include, but is not limited to:

- The impact on the tenant's living arrangements, quiet enjoyment of their home
- The duration of any avoidable distress or inconvenience caused by service failure
- The level of inconvenience caused during the investigation of the complaints, including late responses and lack of information provided by UDC during the complaints process, in particular, where UDC failed to respond to the complaint within the timescales set out in the Complaints Policy

The compensation calculation will be based on what is believed to be fair in the particular circumstances of the case. This includes the amount of financial loss and/or the level of impact, where there is not a quantifiable loss.

The Council gives authority to staff at different levels to agree the level of compensation paid. This enables decisions to be made promptly where possible. Compensation payments will be regularly reviewed by the relevant Director as part of the Council's approach to learning from complaints.

Compensation Calculations/ Reimbursement

UDC does not take into account any rent or service charge arrears when calculating compensation payments and will never retain compensation payments to reduce any arrears owing.

Below are examples of where compensation may be paid, however this list is not exhaustive.

Uninhabitable rooms/whole house – tenants will be awarded a payment when parts or all of their homes cannot be used because of our failure to take reasonable steps to carry out repairs in line with agreed timescales.

Where the property is uninhabitable until repairs are carried out, the Council will work with the household to agree alternative accommodation. The Council is legally required to pay compensation for home loss, which is outside the scope of this Policy. Please refer to UDC's Decant and Downsizing Policy. [Decant and Downsizing Policy - Uttlesford District Council](#)

Damage to the personal belongings of tenants, such as clothing, personal items, furniture or anything not covered by buildings insurance as taken out by the Council and where the damage

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was caused as a direct result of service failure on the part of UDC, its contractors or others delivering services on the Council's behalf. The Council will not expect residents to claim against their own insurance in these circumstances.

Working time lost and/or the cost of childcare arrangements as a direct result of the service failure.

Heating/ Hot water systems failure – a payment towards the service charges may be agreed by UDC if the loss of hot water or space heating fails and an alternative form of heating is not provided within the required timescale.

Loss of water supply – this will be considered where the loss of supply is because of a failure or omission by the council.

Other reimbursement – as it is not possible to cover all situations/ eventualities in this policy UDC will use discretion in reimbursing for other incurred expenses or loss.

When calculating compensation payments UDC may ask the complainant to provide evidence of the financial loss, where this can reasonably be provided. For example, loss of earnings, childcare costs, value of items of lost or damaged, extra heating costs etc.

Discretionary payments – these may at times be awarded depending on the individual circumstances and each case will be considered on its own merits. UDC will always consider every factor when calculating discretionary payments such as the effect/impact on household members due to their circumstances and/or protected characteristics such as age or disability.

Tenants' Actions and Circumstances

Uttlesford District Council will take into consideration any actions by tenants which may have contributed to the situation. Examples of this may include carrying out an action such as an unauthorised repair or modification to their home without the Council's prior consent, failure to report a repair, or bring other relevant matters to the Council's attention within a reasonable timeframe, failing to respond to the Council's attempts to make contact, refusing access to the Council or its representatives/ contractors.

For more information on tenants' responsibilities, please refer to our guide on reporting repairs [Report a repair - Uttlesford District Council](#).

Financial Redress (Compensation) Guidelines

This is based on guidance provided by the Housing Ombudsman <https://www.housing-ombudsman.org.uk>. The below does not include compensation payments by contractors for missed appointments or other failings as set out in the contracts between UDC and Contractors.

Financial award	Finding	Impact on tenant	Circumstances
£20 increasing to £40	Failed visit from contractor	Tenant having to arrange to meet contractor	If the contractor fails to attend an appointment and does not notify the tenant in advance, £20 compensation will be offered to cover the inconvenience to the tenant. This

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			increases to £40 upon two failed visits
£50-£100	Service Failure	Minimal duration may not have significantly affected the overall outcome for the tenant. Examples include distress, inconvenience, time and trouble, delays in getting matters resolved	<p>There was a minor failure by Uttlesford District Council in the service it provided, and it did not appropriately acknowledge or put things right in the agreed timescale.</p> <p>This may include failure by UDC to respond to a complaint in line with the Council's Housing Complaints Policy</p>
£100 - £600	Maladministration	No permanent impact	<p>Uttlesford District Council failed to acknowledge its failings and/or failed to address the detriment to the tenant and/or the offer was not proportionate to the failings</p> <p>This may include failure by UDC to respond to a complaint in line with the Council's Housing Complaints Policy</p>
£600 - £1000	Maladministration/ Severe maladministration	Significant physical and/or emotional impact	There was a severe failure which had significant impact on the tenant or the circumstances for severe maladministration apply but the offered amount is at the lower end of the scale
£1000 +	Severe maladministration	Severe long-term impact	Serious failings by Uttlesford District Council, in their service or a series of

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			significant failures. The failures may have accumulated over a significant period of time.
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KEY CONTACTS

- **Lead Officer:** Housing Operations Manager/Director of Property (Housing)
- **Service Area/Directorate:** Strategic Director, Housing., Environment and Communities
- **Lead Member:** Member Responsible for Complaints/Housing Portfolio Holder

LINK TO OTHER POLICIES

Policy Name	Link
Housing Complaints Policy	Complaints, compliments and feedback on housing services - Uttlesford District Council
Right to Repair Scheme	Right to Repair scheme - Uttlesford District Council
Decant and Downsizing Policy	Decant and Downsizing Policy - Uttlesford District Council

LINK TO CORPORATE PLAN PRIORITIES

Corporate Priorities	Yes/No
Putting residents first	Y

APPENDIX A – Equality Impact Assessment
To be completed