

## **Warwick District Council**

### **Compensation Policy**

#### **Compensation**

*The Council may consider awarding compensation if the standard of service is below the standard residents could reasonably expect and/or failures occur that fall outside of the Council's policies.*

*Officers responsible for complaint investigations will use the complaints process to consider compensation if service(s) fail to meet the expected standards. An evidence-based approach will be used when calculating and awarding compensation.*

*The following will be considered when deciding to issue a compensation award:*

- Whether the event has caused the resident financial loss or distress and/or inconvenience.*
- Whether a Council tenant has lived in poor conditions longer than is reasonable due to failure by the Council to deal satisfactorily with repairs that are its responsibility and which the resident has told the Council.*

*It is recognised there are instances where the distress or inconvenience caused by a failure in service can be made worse by a resident's individual circumstances. The Council will use its complaints process to understand whether there has been any unfair impact and, if so, the severity of this. Compensation calculations reflect the additional detriment that may have been caused due to these individual circumstances.*

#### **Exceptions for reimbursement**

*Residents will not be reimbursed if they decide to employ an individual contractor or tradesperson to complete work without getting written permission and agreement from the Council beforehand.*

*If a Council tenant undertakes any work on or in their home and it is deemed to be unsafe or non-compliant, the Council reserves the right to arrange for the work to be corrected and seek reimbursement costs from the tenant.*

*Utility costs, such as the water or energy used to carry out a repair, will not be reimbursed e.g. the water used in draining down a system, or the electricity used for power tools.*

*If a resident has any rent arrears or arrears for other Warwick District Council services, compensation awards will be paid towards these unless sufficient evidence of financial hardship is provided. If there are no such debts, compensation payments will be made directly to the complainants bank account.*

*Compensation payments awarded by the Housing Ombudsman Service (HOS) or Local Government & Social Care Ombudsman (LGSCO), separate from any compensation the Council may have already offered or paid, will not be offset against arrears, and will be paid directly to the resident.*

*To receive compensation directly to a bank account, residents will need to sign an acceptance form, providing their bank details and proof of ownership of the bank account to ensure that the payments can be made accurately to the correct person.*

*Payments will be arranged by the Policy, Performance & Complaints Manager, or their team, and made by BACS within 14 days of receipt of the signed acceptance form.*

### **Calculating compensation awards**

*When calculating compensation awards the following will be considered:*

- the duration of any avoidable distress or inconvenience.*
- the seriousness of any other unfair impact.*
- actions by the complainant or the landlord which either mitigated or contributed to actual financial loss, distress, inconvenience, or unfair impact.*
- the level of rent or service charges by the Council*
- Council policies and procedures and how they have or have not applied them*
- how the Council handled the associated complaint*
- whether there are any required awards relating to home loss (full or partial)*
- whether any resident belongings have been damaged*

### **Limitations of the compensation policy**

*The Council will not consider calculating or awarding compensation, or making remedies in the following circumstances:*

- Where the fault is caused by a third party or is something for which the Council is not responsible*
- Where the desired action would adversely impact another individual and/or their property*
- Where the resident's desired outcome for their complaint is disciplinary action to be taken against any employees. Any such scenarios will be managed in line with the Warwick District Council disciplinary policy.*
- Where a claim can be made on the resident's home contents or buildings insurance. However, insurance excess will be considered for complaints relating to recurring issues or delayed repairs where the resident is not at fault.*
- Claims relating to injury, damage or loss of personal property/belongings will be passed to the Council's liability insurers*

- *Issues that are the subject of tribunals or legal proceedings.*
- *Circumstances beyond Council control. For example, damage to flooring from extreme weather or any other natural disaster.*
- *Claims previously dealt with under the Council complaints and compensation/remedies policies.*
- *If a resident has not taken reasonable steps to limit the damage caused in their home.*
- *The Council do not compensate residents for loss of earnings, which includes the use of annual leave or needing to be available for a (reasonably booked) appointment.*