Places to live. Space to grow.

Compensation Policy

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1 Introduction and Purpose

We aim to deliver excellent services, but if something goes wrong, we will take action to understand what happened and to put things right. Putting things right sometimes involves compensation. This policy explains how we will compensate.

It applies to anyone in receipt of, or affected by, our services. This includes residents who live in our homes, non-West Kent residents who live in our neighbourhoods and people who receive our community and support services.

2 Definition

Our definition of compensation is:

Something offered by us to say sorry and put right a loss or inconvenience we have caused.

3 Policy Statement

This policy will mainly be used alongside our complaints policy and most requests for compensation will be considered within the complaints process. Therefore, it will follow the same principles and timescales. We will also look at our other policies, procedures and standards. when deciding compensation claims. For example, if a compensation claim is for inconvenience caused by delays to a repair, we will refer to the Maintaining Your Home repairs standards and we will also be consistent and act with integrity when deciding on an award.

You can discuss compensation with any staff member, and they may proactively offer compensation if appropriate.

Compensation is offered at our discretion, except where we comply with statutory obligations, and is not an admission of liability.

Circumstances in which compensation will be issued:

1) Mandatory compensation payments (required by law)

- Home loss – payment if a tenant or owner-occupier (living in the property for more than 12 months) must move out permanently due to demolition or redevelopment.
- Disturbance – payment for reasonable moving costs if a tenant or owner-occupier (living at the property for less than 12 months) must move out permanently due to demolition or redevelopment.
- Tenant improvements - at the end of a secure tenancy, tenants can claim compensation for improvements made to their home that had approval.

2) Quantifiable loss payments (actual loss where West Kent's at fault)

- damage/loss of personal items
- increased utility bills as a result of West Kent

3) Discretionary payments (for inconvenience and goodwill)

- loss of use of part of the property or amenity
- delays in providing a service
- unreasonable time taken to resolve a situation
- poor complaint handling
- poor communication
- failure to follow our policies or procedures
- failure to provide a service that had been charged for
- to rebuild relationships or make a conciliatory offer

To make a fair and transparent decision, we will:

- decide if the loss or inconvenience was caused by us
- consider whether we acted reasonably and within our timescales once we became aware of the issue
- take your circumstances and views into account
- consider any additional impact to you in accordance with your needs
- ask for evidence (such as photos, receipts, utility bills, professional opinion)
- comply with statutory obligations
- refer to relevant case law or ombudsman decisions
- consider what's appropriate and proportionate to the loss or disadvantage
- decide what form of compensation is most appropriate (goods, services or money)
- consider alternative routes you could pursue - such as disrepair

We might not compensate for loss or inconvenience where it is:

- the responsibility of another party (for example, utility supplier, customer, or member of the public)
- subject to legal proceedings
- due to access being denied to us or our contractors to complete repairs.
- due to work carried out by the customer or where there have been unauthorised works.
- due to circumstances beyond our control e.g. severe weather
- provided for by our other policies such as the Move or Stay Policy
- covered by our insurance (such as personal injury claims)
- not our fault and it is your responsibility to have appropriate home contents insurance in place
- notified to us more than 12 months after the incident occurred
- to cover loss of earnings

4 Processing Compensation

Where a formal complaint has been raised, we will respond within **ten working days** from the point of receiving a claim, unless we have agreed a different timescale with you.

We will make compensation payments through BACS transfer, however if you are in rent arrears, we may pay the compensation amount into your rent account.

5 Learning

We will record all compensation. We will monitor, analyse and report performance and learning outcomes to our residents, senior managers and Board members.

6 Consultation

This policy is written using feedback from Housing Ombudsman cases as well as using Housing Ombudsman guidance on amounts of compensation. Compensation will be reviewed on a case by case basis to take into account the individual needs of our tenants and/or household and the impact caused to them. We have also used feedback from tenants and residents using our satisfaction survey feedback to ensure we provide clear accessible information on our complaint and compensation policy.

The Scrutiny Panel reviewed our complaints and compensation process and we will request that this is reviewed again in 2024/25 along with wider resident feedback.

RELATED POLICY DOCUMENTS AND SUPPORTING DOCUMENTS

Related Policies	Compensation Procedure Complaints Policy and Procedure