



# Claims, goodwill, statutory & regulatory payments policy

## Policy statement

Selwood Housing is committed to providing a high standard of customer service. However, we recognise there maybe occasions when these services do not meet our standards or customer expectation. If this is the case and we are at fault we will be honest and acknowledge this.

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# Claims, goodwill, statutory & regulatory payments policy

## Purpose and scope

The purpose of this policy is to set out the principles through which Selwood Housing will manage, respond and assess claims for compensation, financial loss and goodwill payments resulting in a failure to meet our standards.

This will ensure that compensation or financial loss is calculated and administered in a fair and consistent way.

This policy will also set out how Selwood Housing will manage and respond to regulatory and statutory payments. To include the following:

- Discretionary compensation claims
- Goodwill Payments
- Right to Repair

It will ensure that claims are dealt with in a fair and equitable manner, and help managers, directors and board members to use their judgement objectively when dealing with requests or considering making a payment of compensation.

### **This policy does not cover:**

- Disrepair claims
- Insurance claims
- Personal injury claims
- Tenant improvement claims
- Home loss and disturbance payments

## Underpinning principles

Selwood Housing Group must comply with The Tenant Involvement and Empowerment Standard, and this policy is designed to ensure compliance with that Regulatory Standard.

There are two types of compensation that landlords make.



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1. Payments that we are obliged to make (statutory, regulatory or contractual).
2. Payments that we choose to make (discretionary).

These payments may apply to tenants, leaseholders, owner occupiers or other persons who come into contact with the work of Selwood Housing Group.

All claims and service failures will be investigated objectively and on their merits in line with our values.

## Policy details

### **Discretionary Compensation or goodwill gestures**

The main focus of any complaint is to resolve the substantive issues, and even where service failings have been identified, compensation is not always necessary or appropriate, but an apology is.

Compensation will not always result in a financial payment. Where discretionary low-level financial compensation is considered an appropriate option, in most cases it would not exceed £25 and for tenants in arrears would be added to their rent account. We will not under any circumstances make compensation payments in cash.

In determining the level of compensation, we will consider the following:

- The duration of any avoidable distress or inconvenience
- The seriousness of any other unfair impact
- Actions by the claimant or Selwood Housing which either mitigated or contributed to distress, inconvenience or unfair impact
- Efforts made by Selwood Housing to put things right

Payments will not be made if Selwood Housing has taken reasonable steps to remedy any service failure that has arisen due to unavoidable circumstances or matters outside of its control, or as a result of



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prevention or delays to the service delivery caused by the person concerned, or where they have contributed to this.

Payment will only be made once agreement has been reached with the affected party that the amount offered will bring the matter to a conclusion.

## **Compensation or goodwill payments**

On occasions where the investigator feels that compensation over £25 is appropriate as a gesture of goodwill or when a customer will seek financial compensation for things that sit outside any of the above or because they feel the compensation, they have been offered does not meet their expectations.

In these circumstances, a member of the management team can make a payment considered appropriate. These payments would depend on the circumstances of the case and the level of distress and inconvenience experienced by the complainant.

Examples are but not limited to:

- Loss of drinking water supply for a period exceeding 3 months,
- Where the customer has had to take excessive time from work, due a service failure on the part of Selwood Housing. (please note, Selwood Housing will not pay for loss of earnings),
- Claims for increased utility bills can be considered, in particular for those customers that are on key meters. (please note, every effort should be made to evidence additional costs)

Payment will only be made once agreement has been reached with the affected party that the amount offered will bring the matter to a conclusion.

## **The Housing Ombudsman service**

Acceptance of such a payment does not prevent the tenant or leaseholder (where we own the freehold) from contacting the Housing Ombudsman Service.



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If a complaint is referred to them, they will consider whether it was a reasonable offer in the circumstances of the case. The Housing Ombudsman Service only orders compensation when they have found that there has been maladministration. The amount depends upon the circumstances of the case and is usually for time and trouble bringing the complaint, or for distress and inconvenience experienced by the complainant.

## **Financial loss payments**

This policy is not intended to benefit the recipient but to ensure that they do not suffer any unreasonable financial loss because of a service failure.

Financial loss payments, in accordance to this policy, are evidenced and measurable payments based on the unreasonable financial losses suffered by a customer because of a service failure.

Financial loss payments are paid direct to the customer regardless as to whether the rent account is in arrears. Financial loss payments are made by cheque / BACS only unless the customer wishes the payment to be credited to their rent account.

## **Payment for damage to property/belongings and any associated costs**

It is Selwood Housing's responsibility to insure its buildings, and the occupier's responsibility to insure the contents of their home. If damage has occurred to a person's property/belongings as a result of a defect for which Selwood Housing is responsible, or as a result of negligence or alleged negligence by staff or our contractors, the person concerned may have a claim against us for the loss they have suffered. Such claims will be referred to our insurers for consideration. If the insurers consider that there is no liability, they will send the claimant an explanatory letter.

The relevant manager or group director will then consider whether in the circumstances a goodwill payment should be made.

## **Statutory & regulatory payments**

There are certain grounds on which people are or may be entitled to compensation.



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## **Right to Repair**

There is no statutory obligation on Selwood Housing to pay compensation to tenants under the Right to Repair Scheme. However, there is a contractual right included in the tenancy agreements of those tenants who transferred to us from Wiltshire Council in 1996 and 2001.

This contractual right is extended to our other tenants (not starter tenants or fixed term tenants) by way of this policy.

The Right to Repair Scheme covers specific repairs known as 'qualifying repairs', which cost less than £250 and should be done within a set time limit. The timescale of this period will be twice the stated response time of any of the qualifying repairs. If Selwood Housing does not carry these repairs out within that time, the customer may be entitled to compensation. A list of 'qualifying repairs' is set out in the Claims and Goodwill, Regulatory and Statutory Payments Procedure.

The amount of compensation should be moderate to reflect the delay in completing the repair and not the cost.

Reference to compensation for repairs that we fail to carry out within a set timescale is also made in the Repairs responsibilities offer.

## **Loss of use/facilities and amenities**

Customers may be entitled to financial loss payments if the customer is unable to use any part of the property or its major amenities as a result of unreasonably delayed repairs or major building works.

Financial loss payments can only be considered if the customer is cooperating fully with Selwood Housing and is doing nothing to delay completion of the works

i.e. failing to provide access or obstructing work.

Where the loss is due to planned improvements agreed with the tenant, financial loss payment will not be considered unless the works take unreasonably longer than promised.



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If the loss of use is the result of problems beyond Selwood Housing's control no financial loss payment can be made. Examples include, but not limited to; localised or national power cuts; repairs being carried out independently by utility companies; blocked street sewers or any other repairs being undertaken by third parties not acting on behalf of Selwood Housing.

Payments are based on a percentage of the rental charge for the period of each week, in excess of reasonable timescales, the room or amenity could not be used by the tenant.

Loss of use will be calculated on a weekly basis only; part week periods will be rounded up to the next full week.

## **Outstanding Debts to Selwood Housing Group**

Any amounts owed to Selwood Housing Group by the person to whom discretionary or statutory payment is to be made, will be deducted from any payments due.

## **Stage 3 panel hearing compensation**

Compensation claims decisions coming out of a stage 3 complaint hearing will be made by the complaint panel, made up of Selwood Housing Group Board Members.

If the complainant refuses the compensation offer, they have the right to take their claim to The Housing Ombudsman Service.

## **Claims against Third Parties**

Where Selwood Housing receives a claim against a third party, for example a contractor working on our behalf, we will actively enforce any contractual provisions and, where it is considered appropriate, pursue the claim on the person's behalf.

## **Payments**

Delegated Authority for Expenditure for Goodwill Payments and Settlement of Claims can be found in the Group Financial Regulations. Payments will not be made in cash.



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## Signposting

- Home loss payments (prescribed amounts) Regulations
- Land compensation Act 1973
- Leasehold reform, Housing Group and Urban Developments Act 1993
- The secure tenants of Local Authorities (Compensation for improvements) Regulations 1994
- The secure tenants of Local Authorities (Right to repair) Regulations 1994
- Tenant involvement and Empowerment standard – Regulator of Social Housing
- Claims, goodwill, regulatory and statutory payment procedure
- Decant Policy
- Decant Procedure
- Group Financial Regulations





## Decision-making record

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