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2. Introduction

- 2.1. We, and the contractors working on our behalf, work to agreed service standards and aim to address issues promptly to prevent complaints and compensation being necessary. We strive to deliver a high-quality service but don't always get it right. This policy outlines what actions we will take to put things right.

3. Remedies

- 3.1. Where something has gone wrong, we will acknowledge this and set out the actions we will take to put things right. These can include:
- Apologising.
 - Acknowledging where things have gone wrong.
 - Providing an explanation, assistance or reasons.
 - Taking action if there has been delay.

- Reconsidering or changing a decision.
 - Amending a record or adding a correction or addendum.
 - Paying compensation.
 - Changing policies, procedures, or practices.
- 3.2. We will always seek a remedy to restore the resident to the position they would have been in had the failure or loss not occurred. Where this is not possible, compensation or an alternative suitable remedy may be considered. Where compensation is the appropriate form of redress, we will ensure that payments are fair and proportionate, whilst being applied consistently and recognise that each case should be considered on its individual merits.
- 3.3. Factors to be considered when deciding on remedies can include:
- How long a situation has been going on for.
 - How often something happened.
 - The severity of any service failure or omission.
 - The overall impact on the resident.
 - The resident's particular circumstances or vulnerabilities.
 - Our responsibilities and jurisdiction.
- 3.4. When considering what is reasonable and proportionate, we will check when we became aware of a situation, whether we acted in line with our policies, and whether anyone else, including the resident, contributed to the issue or delay.
- 3.5. Where a debt is owed to the Council (e.g., arrears or service charges), compensation payments may be offset to pay the debt. Any remaining credit can be refunded to the resident. This does not affect statutory payments, reimbursement payments for costs incurred by the resident or payments awarded by the Housing and Local Government and Social Care Ombudsman Services.
- 3.6. We will review the levels of compensation regularly in line with best practice, guidance from the Housing and Local Government and Social Care Ombudsman Services and Consumer Price Indices.
- 3.7. Any payment or other form of compensation offered under this policy is not an admission of liability by the Council.
- 3.8. This policy is designed to work alongside our Complaints policy, aligning with the Social Housing Regulator's Transparency, Influence, and Accountability standard.
- 3.9. As members of the Housing Ombudsman Scheme and the Local Government and Social Care Ombudsman Scheme, we adhere to their Complaint Handling Codes.

4. Scope

4.1. This policy applies to:

- Tenants and leaseholders of Lewisham Council.
- Landlord services provided by Lewisham Council's Housing Service directly or through contractors.
- Properties managed by Lewisham Council.
- Applicants for a Council home via the Housing Register or statutory homelessness functions.
- Individuals affected by a property we own or manage.

Note: Some remedies apply only to specific tenures.

5. Exclusions

5.1. Compensation payments may not be given for:

- Personal injury claims.
- Damage beyond our control (e.g., storm or flooding).
- Problems caused by third parties not working for Lewisham.
- Claims where the resident is advised to use their contents insurance.
- Extreme and unforeseen conditions where all reasonable steps were taken.
- Claims pursued through legal proceedings or liability insurance.
- Claims older than 12 months unless exceptional circumstances apply.
- Disrepair claims managed through separate processes.

6. Compensation Payments

There are three categories of compensation payments:

6.1. **Mandatory (statutory):** These are payments the Council is legally required to make with no discretion over the amounts, they generally apply to residents that have a secure tenancy with the Council. Examples include home loss and disturbance payments, payments under the Right to Repair scheme and payments for 'qualifying improvements' to a secure tenancy.

- 6.2. **Reimbursements or Refunds:** Also known as 'quantifiable loss payments', these are payments given where the service failure has resulted in a measurable loss to the resident. Examples include increased heating bills due to disrepair, paying for alternative accommodation, cleaning costs, or repairs where Lewisham has failed to meet its obligations. Costs must be reasonable and evidenced.
- 6.3. **Discretionary Payments:** Also known as ex-gratia or symbolic payments. These are payments made to make right a matter or complaint where there is no legal obligation to do so.
- 6.4. Examples where this might be awarded would include:
- for significant 'time and trouble' in making a complaint,
 - substantial impact from the loss of a service.
 - 'goodwill' awards in non-fault situations such as in an emergency or recovery from an incident.
- 6.5. When deciding on the appropriate amount for discretionary payments, we will consider the severity of the service failure and associated impact. We will take individual circumstances into account, and each case will be considered on its own merits.
- 6.6. **Guidance for Staff:** We will provide guidance for our staff to ensure consistency in implementing this policy. This will help them to identify situations where discretion may be applied, and the methods for calculating and agreeing such awards, in line with those made by the Housing Ombudsman, Local Government and Social Care Ombudsman, and other relevant bodies.

7. Claiming compensation and making a complaint

- 7.1. A complaint does not always need to be made to claim compensation, and we encourage a resident to start by discussing their concerns with the relevant service/provider, to hopefully come to an early agreement.
- 7.2. However, where it is not possible to resolve the matter or a resident is unhappy with the outcome, they may want to make a complaint.
- 7.3. This can be made by:
- By telephone: 0800 028 2028
 - Online: <https://lewisham.gov.uk/myserVICES/housing/council-homes/complaints>

- By email: housingcomplaintsandenquiries@lewisham.gov.uk
- Face to face with a member of staff
- By letter: Lewisham Council Housing Complaints and Enquiries, Laurence House, 1 Catford road, SE6 4RU

8. Assessing the impact of a service failure and vulnerability

- 8.1. When assessing compensation payments, the Council will consider what impact a service failure has had on a resident and their household, considering any relevant vulnerabilities.
- 8.2. The Council has set out its definition of a vulnerable resident in our Vulnerable Residents Policy. [Lewisham Council - Housing policy library](#)
- 8.3. Examples of vulnerability where a resident may have been significantly impacted and where additional compensation maybe awarded because of the impact caused may include:
 - Poor management of anti-social behaviour where a complainant has a mental health condition may make the situation harder to cope with.
 - Residents with young children who experience an extended period in temporary accommodation because of repair delays, causing significant inconvenience and upset.
 - Delayed repair response/completion may have a disproportionate impact on a resident because it impacts a health condition/disability).

9. Monitoring, controls, and learning

- 9.1. This policy is implemented through internal processes we have in place to administer and monitor complaints and compensation, as well as the measures to process statutory and contractual awards.
- 9.2. Compensation and other remedies linked to a complaint are recorded and analysed as part of learning and continuous improvement to prevent repeat occurrences and help us improve our services. Complaints about contractors working on our behalf are also monitored, as part of the contract management arrangements. This ensures

services are being delivered effectively and helps to identify where they need to do better.

9.3. Remedies and awards will be analysed and monitored:

- By internal quality checks and audit trails.
- For effectiveness in addressing the issue and for consistency.
- By benchmarking our services against other housing providers.
- To identify equality implications and ensure we are providing fair and consistent services.

9.4. If a complaint is escalated to the Housing Ombudsman, we will comply with any recommendations in full and promptly, which could include the payment of compensation.

9.5. The Housing Ombudsman and Local Government Ombudsman regularly publish information about their decisions, whether on individual cases or patterns across the housing and public sector. We regularly review this information and use it to inform our learning, decision making and compensation payments for similar cases.

10. Legislation and good practice

10.1. Applicable legislation and regulation include but is not limited to:

- Housing Ombudsman Scheme and Code of practice, as well as spotlight/learning reports
- Local Government Ombudsman – including Guidance on remedies.
- Section 11 of the Landlord and Resident Act 1985
- Environmental Protection Act 1980
- Fitness for Habitation Act 2018
- Compensation for improvements – provisions under Housing Act 1985 (as amended)
- Secure Tenants of Local Authorities (Right to Repair) Regulations 1994
- Consumer standards including Transparency, Influence and Accountability standard (Regulator of Social Housing)

11. Equality, diversity, and inclusion

- 11.1. An equality assessment was carried out in the development of this policy and checked alongside the review of this policy. This concluded that implementation of this policy presented no barriers to accessing the service/process or unintentionally disadvantaging any protected group.
- 11.2. The principle of fairness and a range of remedies, including discretion, are built into the policy so that we do not have to apply a 'one size fits all' solution. This is applied for example when it comes to discretionary payments.

12. Communication and consultation

- 12.1. We will provide information on this policy and how we may calculate compensation on our website.
- 12.2. The review of this policy considered the updated Housing Ombudsman Service Complaint Handling code, and the Local Government and Social Care Ombudsman Complaint Handling Code. Both Codes were subject to wide consultation across the social housing sector and with residents.
- 12.3. We will report information on the remedies used to resolve complaints:
 - To residents – through our website, resident newsletters, and Annual Complaints and Service Improvement report.
 - To our Executive leadership teams and Members.
 - Through other agreed monitoring and scrutiny channels as agreed.
- 12.4. We have arrangements in place to protect the confidentiality of service users. Where information needs to be shared with our officers and partners to resolve a complaint or to deal with a compensation award, this will be in line with data protection requirements.

This replaces: Lewisham Housing Services Remedies, Compensation and Reimbursement policy January 2024. Updates to reflect the new statutory code and guidance from the Housing and Local Government and Social Care Ombudsman Service.

Date Approved: 09 October 2024 | **Next Review:** October 2025

Approved by: Executive Director of Housing

Policy owner: Director of Housing Resident Engagement and Services