

Compensation Policy

Regulation and Legislation	This policy links to the Regulator of Social Housing Tenant Involvement and Empowerment Standard, Localism Act 2011
Approved by	Executive Team – June 2020
Supporting documents	Complaints policy Complaints and dissatisfaction procedure Compensation procedure
Scope	<p>This document outlines our policy around awarding compensation and redress for incidents or failures in services where we are responsible. Together with our complaints policy, it provides a consistent framework for us to use when considering and handling customers' complaints and reports of dissatisfaction.</p> <p>Payments made to customers relating to home loss or disturbance, temporary moves or property improvements are covered in the appropriate policies listed in this document.</p>
Reference to "Orbit" means Orbit Group which consists of Orbit Group Limited, Orbit Housing Association Limited, Orbit Homes (2020) Limited, Orbit Treasury Limited and Orbit Capital Limited.	

1. Introduction

- 1.1 Our aim is to provide an excellent service to all our customers. However, we recognise that there are times when we fail to meet the high standard we have set. If we fail to meet the level of service we expect to deliver, we aim to put things right. At times, this may involve paying compensation.
- 1.2 The Tenant Involvement and Empowerment Standard says landlords must have a clear and accessible complaints procedure. This compensation policy supports our complaints policy and allows us to deal with customers' issues fairly and appropriately.
- 1.3 This policy links to our customer promise and makes sure we keep to the Regulator of Social Housing Tenant Involvement and Empowerment Standard and the Localism Act 2011.

2. Policy Statement

- 2.1 We will consider each claim for compensation on its own merit and, while compensation may sometimes be appropriate, customers will have no automatic right to compensation unless it is statutory (as defined in 3 below).
- 2.2 We will aim to make sure we find practical solutions to the issue before we consider paying compensation or redress.
- 2.3 We will award compensation in a fair, consistent and transparent way.
- 2.4 We will not consider any claim for compensation from organisations we have a contract with to provide services. We will deal with these cases under the terms of the contract.
- 2.5 If we make any payments of redress we will pay it direct to the customer, whatever their level of rent arrears. We will make all other payments to their rent account if this is in arrears.
- 2.6 To receive compensation or redress, customers will need to sign an acceptance form. We will make payments by BACS.

3. Definitions

- 3.1 Statutory compensation is a payment that is made in line with regulations or legislation.
- 3.2 Residents of rented properties have the right to repair. This is a right to have certain qualifying repairs carried out by us and to receive compensation if we do not do these repairs within the stated time frames. There is a list of qualifying repairs in our compensation procedure. This policy only applies to leasehold and shared-ownership properties where the qualifying repair is one that we are responsible for under the lease agreement.
- 3.3. Compensation and redress are payments we make if a customer has experienced quantifiable loss as a result of any incident we are responsible for or anything we have failed to do.

4. Paying compensation

- 4.1 We will consider awarding compensation in line with our legal obligations. This includes payments made under the right to repair (see below).
- 4.2 We will not consider compensation for:
- ☐ anything that is the fault of a third party, such as utility companies (electricity, water, gas and so on);
 - ☐ anything beyond our control – for example, severe weather or if we have

- told the customer beforehand that the service will not be available
- ❑ insurance claims over £5,000 relating to financial loss, damage to third-party property or personal injury (we will deal with these in line with our insurance procedures or preliminary contracts);
 - ❑ issues that are the subject of tribunals or legal proceedings
 - ❑ claims over six months old; and
 - ❑ claims we have previously dealt with under our complaints policy.

5. Right to repair

- 5.1 We will keep to the Right to Repair provisions in section 121 of the Leasehold Reform, Housing and Urban Development Act 1993.
- 5.2 Right to repair only applies to repairs that we are responsible for completing under the lease or tenancy.
- 5.3 To qualify for compensation under the right to repair, the customer must report the repair to us properly and tell us that it was not completed by the due date. We will then issue a further order for the work. If the repair is still not completed by the second due date, we will pay compensation.
- 5.4 A list of qualifying repairs and amounts that we pay under the right to repair is available to all customers if they ask. The qualifying repairs are also listed in our compensation procedure.
- 5.5 Compensation under the Right to Repair will not be paid automatically, so we advise customers to contact us to make a claim

6. Compensation for damage

- 6.1 It is the customer's responsibility to have home contents insurance and we expect them to claim on this insurance where it is appropriate to do so.
- 6.2 We may award compensation in exceptional circumstances if there is damage to a customer's property or their personal belongings.
- 6.3 We will only consider paying compensation under 6.2 if:
- 6.3.1 the damage is a direct result of something we have done or failed to do;
 - 6.3.2 the damage is the result of an incident in another property we own, and the incident is our fault; and
 - 6.3.3 we have proof of ownership of the damaged item (or items) from the customer and a value for each item.
- 6.4 If a customer believes that we or the contractors working on our behalf are responsible for the damage, they should normally claim compensation within one month of the incident that caused the damage. We will take the age and cost of the damaged items into account and pay a percentage towards these.

7. Compensation if our service fails

- 7.1 We may award compensation if the standard of service we provide is considerably below the standard customers could reasonably expect. We will decide whether to pay this compensation. We will only pay it if the customer has experienced financial loss or significant distress or inconvenience.
- 7.2 We will use our complaints and dissatisfaction procedure to consider compensation if our service fails. We will take the following into account when considering compensation.
- 7.2.1 Whether the event has caused the customer financial loss or significant distress or inconvenience.
- 7.2.2 Whether the customer has lived in poor conditions longer than is reasonable due to our failure to deal satisfactorily with repairs that are our responsibility and which the customer has told us about.
- 7.2.3 We will not pay compensation for cancelled appointments

8. Appeals

- 8.1 Customers cannot appeal against the level of compensation we award, unless they can provide clear evidence that we have awarded the incorrect amount, in line with this compensation policy. We will deal with all other requests for a review in line with our complaints policy.

9. Roles and responsibilities

- 9.1 The table below sets out who is responsible for delivering and monitoring this policy.

All staff	Dealing with customers' dissatisfactions if they are able to, and passing those and complaints to the Customer Relations Team if compensation is required in line with this policy.
Customer Relations Team	Calculating and offering compensation payments, using the compensation calculator. Recording and processing agreed compensation payments.
Customer Relations Manager and Team Leader	Approving and monitoring compensation payments in line with agreed limits and this policy.
Customer Relations Operations Manager	Approving and monitoring compensation payments in line with agreed limits and this policy, and monitoring the quality-assurance framework associated with this policy.
Head of Customer Experience	Approving and monitoring compensation in line with agreed limits, this policy and our overall budget management.

10. Performance controls and business risk

- 10.1 The Customer Relations Operations Manager, overseen by our Head of Customer Experience, will monitor how we are keeping to this policy. All employees are responsible for making sure they keep to and deliver this policy.

10.2 We will make sure we engage regularly with customers through our customer-engagement framework, to monitor whether this policy is effective.

10.3 We will report regularly on compensation and redress payments and trends to a range of people, including our:

10.3.1 Executive Management Team;

10.3.2 senior management teams;

10.3.3 directorate management teams; and

10.3.4 heads of service.

10.4 We will hold regular meetings with our contractors to make sure they are accountable for payments made as a result of their failings.

11. Essential information

11.1 All Orbit policies and procedures are developed in line with our approach to the following, data protection statement, equality diversity and inclusion (EDI) approach, complaints policy and our regulatory and legal obligations to ensure we deliver services in a lawful manner and treat people equally and fairly. Details of these are found on the declaration document for strategy policy and procedure summary and have been an integral part of the formulation of this document. Orbit's privacy policy can be accessed on our website www.orbitcustomerhub.org.uk/publications/policies/

EA	Equality analysis (EA) was completed in July 2019 and is available to view.
DPIA	A Data Protection Impact Assessment was approved in March 2020 and is available to view.
Consultation	Internal: Customer Services Leadership Team, Corporate Planning, Complaints Review Group (operational managers) and Head of Service. External: We have involved our customers in producing this policy by collecting information from the Complaints Service Improvement Group and analysis feedback received from customers through surveys as well as reviewing past complaints.
Applies to	All of the business

Document control

Status

Approved

Date Issued

July 2020

Version

1.

Revision

1

Title	Compensation Policy			ID178
Doc Type	Policy	Review Cycle	3 Yearly	
Circulation	All Departments	Classification	Public	

Author	Chelsee Hollihead	Sponsor	Louise Palese
Team	Customer Experience	Department	Customer Services

Approved by	Executive Team	June 2020
Last review		
Next Review (or sooner if changed)		Quarter 3 2023

Revision History

Version Number	Date	Comments / Reason for revision
Final V1.1	15/07/2021	Amendment to section 2.5 and 2.6 with consent from Chelsee Hollihead. We no longer issue compensation by cheque. In 2.5 remove, we may, and replace with "We will make all other payments to their rent account if this is in arrears".