



Remedies policy

Author: Neil Appleton, Business Intelligence & Service Improvement
Manager

Version 1.2
December 2020

Glossary

Local Government and Social Care Ombudsman	<p>Free, independent government service which investigates complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services</p> <p>The Ombudsman is the final stage for complaints about councils and some other organisations providing local public services</p> <p>www.lgo.org.uk</p>
Housing Ombudsman	<p>Free, independent government service which investigates complaints about the housing organisations that are registered with them.</p> <p>Complaints can be taken to the Housing Ombudsman once tenants and leaseholders have exhausted the landlord's complaints process.</p> <p>www.housing-ombudsman.org.uk</p>

Contents

1. Introduction & purpose	4
2. Policy details	4
2.1 Authorisation limits	5
2.2 Claim process	5
2.3 Apologies and goodwill gestures	6
2.4 Right to appeal	6
3. References	6
4. Related documents	6
Document control sheet	7

1. Introduction & purpose

At Colchester Borough Homes (CBH) we are committed to providing a quality service to our customers at all times. We recognise, however, that there are times when services do not meet the standards customers can expect. When this happens we aim to provide fair and proportionate remedies to customers.

Remedies can be categorised as:

- A. apology
- B. correction of the defect
- C. financial redress: compensation or refund of costs incurred.

We will aim to apply a suitable remedy at an early stage when service failures occur. The remedy will demonstrate our commitment to getting things right first time and learning from feedback from our customers.

We can provide a range of remedies, including both non-financial remedies and compensation. We aim to apologise for mistakes by way of a telephone call or personal visit. Financial compensation will not be appropriate in every case.

The aims of this policy are to ensure that:

- We provide a consistent, fair and proportionate response to service failures, whilst recognising that each situation needs to be considered on the merits and particular circumstances of the claim
- Practical solutions are explored completely to remedy the situation
- Financial compensation is properly assessed, monitored and controlled.

2. Policy details

We can only pay compensation if we have been at fault. Compensation will not be considered in the following circumstances:

- the fault is caused by a third party not employed by CBH or is something Colchester Borough Homes has no control over
- the incident was caused as a result of negligence by the tenant or their failure to comply with the terms of their tenancy
- there is impending legal action against Colchester Borough Homes.

Financial remedies may be considered in the following circumstances:

- we have failed to complete an emergency or urgent on time and the tenant has provided reasonable access, in line with Right to Repair guidance
- something we have done or failed to do has resulted in financial loss

- we have not delivered a service for which customers are expected to pay a service charge
- a tenant is unable to use part of their home because repairs are required or are being completed.
- a tenant is displaced under the terms of The Home Loss Payments (Prescribed Amounts) (England) Regulations 2019
- we have damaged property or possessions
- our actions have caused personal injury.

Where actual or inferred personal injury is an issue, we will not comment or discuss the case with the claimant.

2.1 Authorisation limits

Payment amount	Authorised officer
Up to £100	Service Improvement Officer, Repairs Supervisor, Housing Manager
£100 - £300	Senior Manager
Over £300 up to £1,000	Director
Over £1,000	Chief Executive (Board to be notified of payment)

2.2 Claim process

To make a claim for financial compensation, complete the form online at <https://cbhomes.org.uk/contact-us/complaints-and-compliments/compensation/>. The form can also be requested by phone on 01206 282514, by email on complaints@cbhomes.org.uk or by post at Freepost Colchester Borough Homes.

The claimant will be asked to give as much detail as possible including dates and times, names and a description of each event. In most cases, the customer will be required to demonstrate the loss and value of loss to receive financial compensation.

When we receive a request for compensation, the service manager will consider what actions we could provide all or part of a suitable remedy. Where a service failure has taken place, we will discuss remedies with the customer.

Once the application form has been received, we will acknowledge it within five working days. We aim to agree claims for compensation within 10 working days of receipt of the claim. However, in some cases a claim may take longer if it requires a lengthy investigation or is to be referred to our insurers. We will let the claimant know if this is the case.

If it is necessary to refer the matter to our insurer, claims may take up to 56 days.

Compensation payments will be sent within four weeks of the date of our reply.

If the claimant has any debts outstanding with Colchester Borough Council, these may be deducted from the compensation payment.

2.3 Apologies and goodwill gestures

If we have made an error or provided unsatisfactory service, we will apologise to the customer. In cases where it is considered appropriate, a goodwill gesture can be made. This will be at the discretion of the service manager and can be made through a voucher payment.

2.4 Right to appeal

If a claimant is dissatisfied with the outcome of a request for compensation, they have the right to make a complaint. This will be dealt with under our complaints policy. Details of this policy can be found at <https://cbhomes.org.uk/contact-us/complaints-and-compliments/> .

3. References

- [Right to Repair Regulations 1994](#).
- Chartered Institute of Housing / HouseMark Complaints Charter
- The Home Loss Payments (Prescribed Amounts) (England) Regulations 2019
- [Remedies policy - Housing Ombudsman](#)
- [Housing Ombudsman Compensation factsheets](#)
- [Remedies guidance - Housing Ombudsman](#)
- [Remedies guidance - Local Government & Social Care Ombudsman](#)
-

4. Related documents

- Complaints policy
- Repairs policy
- Repairs guide.

Document control sheet

Title	CBH Remedies policy - December 2020					
File location	https://colchbh.sharepoint.com/sites/fnc/corpdoc/PolDevLib/CBH Remedies policy.docx					
Consultation	<ul style="list-style-type: none"> • CMT July 2020 • Resident Panel October 2020 					
Approved	CMT 01/12/2020					
Next review	01/12/2023					
Circulation method	SharePoint					
Equality Impact Assessment	Required	Yes	Latest	01/12/2020	Review due	[EqIA Review Due (Full)]

Document amendment history

Version	Type	Date	Notes
1.0	New policy	March 2014	New policy approved by Operations Committee February 2014. Changes requested by DMT subsequently and circulated to Operations Committee in March 2014: <ul style="list-style-type: none"> • Policy statement added • Appendix A for guidance only • Loss of major amenity does not apply to improvement works • Compensation only payable as a result of CBH failure or mistake • Economic loss fixed at £15
1.1	Minor changes	January 2017	Minor details amended to reflect organisational changes. Updated CBH contact details. Board approval amount to notification
1.2	Minor changes	December 2020	Changed name of policy from Compensation policy to reflect Ombudsman practice.

Version	Type	Date	Notes
			Minor details amended to reflect changes to Ombudsman services, references and adding Home Loss Payments.