



Remedies policy

Author: Customer Experience Team Leader

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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. This includes the homelessness and housing register services delivered by Colchester Borough Homes on behalf of Colchester City Council.</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>

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1. Introduction & purpose

At Colchester Borough Homes (CBH) we are committed to always providing a quality service to our customers. 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:

- explaining and helping when things don't go as expected
- saying sorry when we make mistakes
- acting if there has been a delay
- reconsidering or changing a decision
- correcting our records if they are wrong
- providing a financial remedy
- changing policies, procedures, or practices to make them better.

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.

Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the customer as a result. Detriment could include distress, inconvenience, the longevity of the issue, time and trouble taken and the vulnerability of the customer. Staff will bear in mind the overall impact on the customer and their individual circumstances.

We can provide a range of remedies, including both non-financial remedies and compensation. Financial compensation will not be appropriate in every case and alternative resolutions may be considered.

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. Tenants and leaseholders

We can only pay compensation if we have been at fault or at the discretion of an officer based on the individual merits of each case. Compensation will not be considered in the following circumstances:

- the fault is caused by a third party not employed by Colchester Borough Homes or is something Colchester Borough Homes has no control over.
- the incident was caused because 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.
- Loss of earnings for an appointment which is attended by mutual agreement.
- Claims being dealt with Colchester City Council's insurers.
- Matters that are not brought to our attention within a reasonable timeframe or where evidence of fault or loss is not provided.
- Where we have not been given the opportunity to put things right.

Financial remedies may be considered in the following circumstances:

- we have failed to complete an emergency or urgent repair 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. This will be in the form of a refund.
- a tenant is unable to use part of their home because repairs are required or are being completed. Depending on the level of service failure and impact on the use and enjoyment of the property, we may consider compensation equivalent to a partial or full rent refund for the period in question. This would be separate to any payments for time, trouble, and inconvenience.
- an individual or household is displaced under the terms of The Home Loss Payments (Prescribed Amounts) (England) Regulations 2019.
- we have damaged property or possessions.

Personal injury claims will be referred to our insurers.

3. Homelessness and housing register applicants

The specific laws and rules around how we treat homelessness and housing applications mean that any complaints about the decisions we have made need to go through a legal process. This means that compensation or other remedies for these individuals would usually fall under different provisions or policies.

For example, if you are homeless and offered temporary accommodation and feel this is unsuitable, you have a legal right to challenge this.

3.1 Authorisation limits

Payment amount	Authorised officer
Up to £100	Any staff member not mentioned below.
Up to £600	Customer Experience Team Leader, Senior Complaints Officer, Supervisors, Service Managers
£600 - £1,000	Corporate Management Team, Director
Over £1,000	Chief Executive (Board to be notified of payment)

3.2 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 completed by phone with the assistance of any staff member 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 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 acknowledgement 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.

Where group claims are made an appointed spokesperson must be identified to liaise on behalf of the whole group. Necessary permissions from all involved parties must be provided.

If it is necessary to refer the matter to our insurers, claims will be acknowledged and investigated directly by the insurers. Insurance claims by their nature can be a lengthy process.

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

If the claimant has any debts outstanding with Colchester City Council or Colchester Borough Homes, these may be deducted from the compensation payment. Compensation orders made by an Ombudsman Service cannot be offset against any monies owed. Direct payments will be made in relation to detriment caused.

3.3 Home insurance

Customers should have contents insurance in place to protect their furniture, belongings and decorations against fire, theft, or water damage. Customers will be referred to claim on their contents insurers in instances where this is appropriate, and Colchester Borough Homes is not at fault for any loss or damage.

Colchester Borough Homes makes it easy for tenants and leaseholders to insure their belongings under a special household insurance scheme. Staff should be aware of this scheme, and it should be actively encouraged.

3.4 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 or other alternative means.

3.5 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/> .

4. 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](#)
- [Remedies guidance - Housing Ombudsman](#)
- [Remedies guidance - Local Government & Social Care Ombudsman](#)
- [Guidance on complaints involving insurance issues](#)

5. Related documents

- Complaints policy
- Repairs policy
- Repairs guide.

Document control sheet

Title	CBH Remedies policy - November 2023
File location	httpssharepoint.com/sites/fnc/corpdoc/PolDevLib/CBH Remedies policy.docx
Consultation	<ul style="list-style-type: none"> • Task and Finish September 2023 • CMT October 2023
Approved	O & P
	15/11/2023
Next review	01/11/2026
Circulation method	SharePoint and website
Equality Impact Assessment	<p>Required Yes</p> <p>Latest 27/11/2023</p> <p>Review due 01/11/2026</p>

Document amendment history

Version	Type	Date	Notes
1.0	New policy	March 2014	<p>New policy approved by Operations Committee February 2014. Changes requested by DMT subsequently and circulated to Operations Committee in March 2014:</p> <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 because of CBH failure or mistake • Economic loss fixed at £15
1.1	Minor changes	January 2017	<p>Minor details amended to reflect organisational changes. Updated CBH contact details. Board approval amount to notification</p>
1.2	Minor changes	December 2020	<p>Changed name of policy from Compensation policy to reflect Ombudsman practice.</p> <p>Minor details amended to reflect changes to Ombudsman services, references and adding Home Loss Payments.</p>
2.0	New version	October 2023	<p>Amendments to reflect recommendations on Ombudsman best practice and Housing Ombudsman Complaint Code. Minor changes to authorisation limits</p>