



COMPENSATION POLICY



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Compensation Policy

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Purpose:

The Compensation Policy sets out Accent's approach to awarding compensation to our customers who have suffered some form of loss, inconvenience, or distress because of actions or inaction (such as a service failure or decisions made) by us.

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1. Introduction

The Compensation Policy has been developed to ensure we have a fair and transparent approach to the way we manage compensation claims made by our customers.

Our customers, their neighbourhoods and their communities are widely varied, diverse and multi-ethnic. We want to embrace this diversity, and make sure our homes and services meet the different needs and aspirations of all.

2. Scope

This policy focuses on the awarding of compensation and the different types of compensation available – discretionary and compulsory.

3. Our Approach

We will acknowledge all claims for compensation within 3 days and aim to reach a decision within 10 working days. However, as some claims may be complex, we may need more time to investigate, in which case we will contact the customer and agree a suitable extension.

Some compensation claims may be linked to a formal complaint, in which case any claim would not be finalised until the complaint has been fully investigated in line with our Complaints Policy. On rare occasions it may be needed to offer interim payments.

Home Contents Insurance

Customers are expected to arrange their own home contents insurance, which will cover them for loss of, or damage to, their personal possessions.

There may be no right to compensation from us where any loss or damage would normally be covered by a household contents insurance policy and where we have not been at fault.

There are two types of compensation:

Discretionary compensation

We may offer a discretionary payment in certain circumstances to customers to resolve a complaint. Circumstances may include:

- where a customer is required to temporarily move out of their home;
- where a customer is unable to use part of their home due to disrepair or service failure;
- where a customer has suffered inconvenience or disruption during works to their home carried out by Accent's contractors;
- where we have failed to meet our landlord obligations under the tenancy or lease;

- where we have failed to provide services, or the quality of the service provided has fallen below our agreed standards, including adequate response times; or
- refunding reasonable costs that a customer would not have incurred if not for our service failure.

Compulsory compensation

We will offer this type of compensation in cases that fall under our statutory and/or contractual obligations. This may include:

- where a customer has made improvements to their home;
- where specific repairs have not been completed by us; or
- where a customer's home is being demolished and they must move to new accommodation.

4. Awarding Compensation

Discretionary Compensation

Colleagues may offer good will (also known as 'ex gratia') payments to our customers who have experienced a service failure. These payments are not an acceptance of any legal responsibility.

These offers are intended as a full and final settlement of any claim. However, this does not prevent a customer from making a formal complaint or escalating an ongoing complaint to the Housing Ombudsman Service (or another Ombudsman service).

Each customer's situation will be considered on a case-by-case basis.

Compulsory (Statutory) Compensation

There is clear guidance in place for statutory compensation and for compensation following a decanting process.

Below are examples of circumstances in which our customers may be eligible for compulsory compensation:

- **Home Improvements**

A customer may be eligible for compensation for improvements they have made to their home when they end their tenancy.

In order to qualify for compensation, the improvement must be a qualifying improvement, the customer must have followed the required procedure and received the appropriate authorisation for the improvement to be carried out.

When considering compensation we will take into consideration the cost of the improvement, the number of years the improvement has been in place and the estimated life of the improvement.

We will give clear information to our customers as part of the Home Improvements application process.

- **Qualifying Repairs**

These are specific repairs which have not been completed within the agreed timescale and relate to any repairs we deem to be urgent or emergency repairs, and which may jeopardise the health, safety, or security of the customer if it is not completed promptly.

Our customers have the right to claim if we fail to carry out 'qualifying' repairs on two separate occasions within set service standards, where the repairs cost less than £250.

- **Decanting**

This is the process we follow when moving a customer out of their home, either on a temporary basis so that major work can be carried out, or on a permanent basis where the customer's home is going to be demolished.

A customer may also need to be decanted following an emergency such as fire or flood.

We will make statutory payments such as home loss or disturbance payments, where applicable.

Our Decant Policy gives further guidance, and this will be fully explained to any customer who is required to move out of their home.

- **Home Loss Payments**

A Home Loss Payment is a statutory compensation payment to a customer who must permanently move out of their home as a result of redevelopment or demolition. Payments may be made to customers who have lived in their home for a minimum of 12 months.

Home Loss Payments will be awarded in line with the following legislation:

- The Planning and Compensation Act 1991
- The Land Compensation Act 1973
- The Home Loss Regulations 2008

These regulations are reviewed frequently and should be checked before any payment is agreed.

Colleagues should always refer to Legal Services for assistance where a Home Loss Payments is required.

- **Disturbance Payments**

A Disturbance Payment is a statutory entitlement to cover the reasonable expenses of moving and setting up a new home when a customer must permanently move out of their Accent Home.

An assessment will be made based on the customer's circumstances to agree the amount of compensation to be awarded.

- **Expenses for Temporary Moves**

Where a customer must move out of their home on a temporary basis, they will not be entitled to a disturbance payment. They will, however, be entitled to reasonable expenses and the customer's circumstances will be assessed on a case-by-case basis.

Declining a Compensation Claim

Every request for compensation should be considered on its own merits. If we decline any part of a formal compensation claim, we will explain why.

Compensation may not be payable in the following circumstances:

- the loss or damage has been caused by the customer or a member of their family or a visitor to their home.
- a customer of an adjoining property causes the damage, for example a leaking washing machine.
- the customer has not reported the loss or damage within a reasonable timescale, has not retained damaged goods for inspection, and/or is unable to provide appropriate receipts for the losses incurred. (We will consider what constitutes a 'reasonable timescale' on a case-by-case basis, but would normally consider 28 days to be the maximum. In such circumstances, we may wish to make some form of compensation offer).
- where a contractor is unable to gain access to the customer's home to assess the damage and the cause of it.
- where we have kept the customer fully informed of unforeseen works or delays in works that are required.
- where there has been no negligence or failure on the part of Accent, although it may be appropriate to acknowledge any inconvenience caused to the customer.

There is no right to compensation where the contractor:

- has attended in the agreed timescale and is waiting for parts
- has attended and made safe or limited further damage
- is delayed for another reason outside of their control
- has been unable to complete the work for reasons of health and safety
- has been unable to gain access to the property through no fault of his/her own

If the customer is unhappy with the decision, it will be treated as a complaint (or an escalation of an existing complaint).

Complaints

Where the customer is not satisfied with the outcome of a claim for compensation, this may lead to them making a formal complaint. All complaints will be investigated and managed in line with our Complaints Policy.

Where the compensation claim is part of an existing complaint, the customer may request that the complaint is escalated to the next stage of the complaints process, where they are not satisfied with the outcome of the complaint investigation.

5. References

- Relevant legislation: Land Compensation Act 1973
- Relevant legislation: Housing Act 1985, s.11 (Right to repair)
- Relevant legislation: Planning and Compensation Act 1991
- Relevant legislation: the Home Loss Regulations 2008
- Accent's Decant Policy
- Accent's Compensation Procedure
- Accent's Complaints Policy
- Accent's Complaints Procedure

6. Requirements

The Compensation Policy must meet the requirements of relevant legislation (listed above). Colleagues will receive relevant training/briefings to ensure they have the knowledge and skills to deal with requests for compensation and to enable them to make fair and transparent decisions in line with our policies and procedures, and current legislation.