

Cheshire West & Chester Council

Council Housing

Compensation Policy

Issue date: July 2024

Review date: July 2027



Cheshire West
and Chester

1. Management Information

Approval Date:	July 2024
Next Review Date:	July 2027
Policy Owner:	Janet Lawton, Head of Housing Delivery
Responsible Service Area:	Council Housing Management Board
Responsible Director:	Director of Economy and Housing

2. Introduction

We recognise that we do not always get things right and this policy aims to outline the approach we will take to redress, including when considering paying compensation, either as part of a service request or complaint.

3. Aim of Policy

This policy outlines how we will provide a fair and proportionate response to managing compensation to ensure it complies with all statutory and regulatory compensation obligations and provides an accountable and fair approach. Each case will be considered on its individual merits and discretion will be applied, while promoting consistency. The Council recognise that it must take responsibility for any detrimental or damage caused to an individual or their property and belongings by a third party (contractor) working on its behalf.

The Councils approach will follow guidance provided by the **Housing Ombudsman Service – Compensation Policy – Guidance for landlords.**

The Council will insure the buildings, but it doesn't cover home contents and personal belongings. Tenants and leaseholders are responsible for arranging their own household contents insurance. Tenants and leaseholders are advised to use comparison websites to find the best deal for their circumstances.

4. Strategic context

This policy helps the Council to meet the following national and local strategic aims.

Social Housing Regulations Act 2023 – Consumer Standards

- Transparency, Influence and Accountability Standard

[CWAC Borough Plan 2024 – 2028](#) - sets out how the Council will work with all its residents to build a stronger future where the Council and residents all play their part in creating thriving, caring and sustainable communities.

The Borough Plan has six missions as follows:

- Starting well - The best start for the borough`s children and young people, with improved opportunity, a healthier start, greater resilience in families and the best possible support and care when it is needed.
- Tackling hardship and poverty - More people feel more financially secure as the causes and impact of hardship and poverty are addressed by working alongside residents.
- Resilient people living their best lives - Local people are enabled to flourish, be healthy, happy and independent for longer in supportive communities.
- Opportunity in a fair local economy - Local people and businesses contribute to and benefit from a strong and fair local economy.
- Neighbourhood pride - Residents live in well maintained, connected and safe places with good and affordable homes.
- Greener communities - Individuals, public services and businesses take action to move to tackle the climate emergency, achieve net zero, protect the natural environment and adapt to the impact of climate change.

[Together with Tenants Charter | Cheshire West and Chester Council
Tenant Engagement Strategy 2025-30](#)

5. Definition and legislation

The act or state of compensating or providing redress to a tenant or leaseholder to restore a person to the position they would have been in had a service failure not occurred.

Legislation

Statutory / regulatory and standards which underpin the policy:

Housing Ombudsman Complaint Handling Code 2024

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code>

The Social Housing (Regulation) Act 2023

<https://www.legislation.gov.uk/ukpga/2023/36/contents/enacted>

The Building Safety Act 2022

<https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted>

Data Protection Act 2018

<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

The Equality Act 2010

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Localism Act 2011

<https://www.legislation.gov.uk/ukpga/2011/20>

Housing Act 1985 and 1996

<https://www.legislation.gov.uk/ukpga/1996/52>

Landlord and Tenant Act 1985

<https://www.legislation.gov.uk/ukpga/1985/70>

Homes (Fit for Human Habitation) Act 2018

<https://www.legislation.gov.uk/ukpga/2018/34/contents/enacted>

Defective Premises Act 1972

<https://www.legislation.gov.uk/ukpga/1972/35>

Housing Health and Safety Rating System (HHSRS) 2006

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

Pre-Action Protocol for Housing Disrepair Cases (England)

<https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/guidance-on-pre-action-protocol-for-housing-conditions-claims-and-service-complaints/>

Regulator for Social Housing Consumer Standards

<https://www.gov.uk/government/collections/regulatory-standards-for-landlords>

Housing Ombudsman Service - Compensation Policy Guidance for Landlords

<https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/compensation-policy/>

Guidance on Pre-Action Protocol for Housing Conditions Claims and service complaints.

<https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/guidance-on-pre-action-protocol-for-housing-conditions-claims-and-service-complaints/>

This policy does not apply in the following situations:

- where a customer is taking legal action against the Council, via a disrepair claim and the proceedings have been issued to court. These cases will be managed by the Council's Legal Team.
- where there is, or has been, a payment ordered by a court or competent tribunal in respect of the same issue.
- claims for personal injury, claims of this nature will be signposted through to the Council's insurance process.
- issues that would be covered by insurance claims.
- issues involving a member of staff covered by Human Resources policies.
- where items are reported stolen, in such circumstances, the theft should be reported to the police.
- any issues caused by a third party not working for the landlord.
- extreme weather conditions during the duration of the works and additional work/days are necessary to complete the job to the required standard.
- claims for damage or loss caused by circumstances beyond the Council's control (e.g., through storms, fires, or flooding);
- planned improvement works unless the works took unreasonably longer than expected;
- to reimburse a customer for time off work, loss of wages or loss of employment whilst visits are undertaken, which includes the use of annual leave.
- where the issue was caused because of negligence by the customer, their lifestyle choice, or their failure to comply with the terms of their tenancy or lease such as not providing access to contractors to complete work resulting in damage to the property and/or personal belongings;
- damage to internal decorations, caused by works to maintain the property.

- any impact on a tenants own fixtures and fittings because of improvements or upgrades we are making to our properties. For example, we are installing new windows and a customer needs to remove their own blinds as they no longer fit the new frame.
- if a customer has not taken reasonable steps to limit the damage caused in their home. For example: if a tenant decides not to cover, move out of the working area or remove items when it is made clear that they could be damaged.
- alleged damaged items that are not available for inspection (removed or replaced before the Council could view them) or there is no conclusive photographic evidence to support the claim.
- we will not reimburse the costs of water lost in draining down to make a repair or electricity for power tools.

Each case will be considered on its merit and other remedies besides compensation payments are available to put things right.

6. How the policy will be delivered

This policy will be delivered by all teams within the Council's Landlord Service and is monitored through the Business Support and Performance function.

Compensation awarded through complaints will also be managed by the Business Support Team. Remedies will be recorded through the housing management system (QL) and reported via the complaints dashboard which is available to teams and managers across the Landlord Service.

Each case will be considered on its merit and other remedies besides compensation payments are available to put things right.

In many cases, the Council will consider other forms of redress, either separately from or in conjunction with an offer of compensation, such as an apology as a means of remedying a service failure or complaint and if appropriate practical actions, such as offering to undertake repairs or redecoration which would otherwise be a customer's responsibility) and gestures of goodwill (e.g. vouchers. chocolates, flowers).

In certain circumstances the Council recognise that paying compensation is a fair and proportionate redress. The amount will be informed by the duration of a problem, extent or severity of any service failure and impact. We are committed to providing excellent customer services, which are fair, equitable and inclusive. As such, we will endeavour to understand and make any reasonable adjustments required for tenants/leaseholders in line with the Reasonable Adjustment Statement and the Equality Act 2010. Any reasonable adjustment provided will be recorded and kept under active review.

There are several remedies available to put a situation right and staff will consider offering a non-financial or financial remedy when a tenant/leaseholder has been adversely impacted due to an action or omission on our part, including:

- inconvenience, distress, or detriment.
- unnecessary time and trouble
- loss of amenities
- loss of use of part of a property
- financial loss

Non-financial remedies

The right remedy depends on what has gone wrong in an individual case and may include one or more of the following:

- an acknowledgement and apology that things have gone wrong, and the customer and/or household members have been impacted together with an explanation of any shortfalls in service and what we have done/are doing to rectify and learn from this.
- reconsidering or changing a decision
- repair work or other remedial actions.
- changing a policy, procedure, or practice

Types of Financial Compensation

The Council operates this policy on the assumption that tenants/leaseholders have home contents insurance in place. The Council will award financial compensation in four categories:

Mandatory Payments: the most common payments would be-

- Statutory home loss payment. A person is entitled to a home loss payment when they are displaced from a dwelling in consequence of the compulsory acquisition. The amount of Home Loss Payment you could receive is set by Government each year.
- Disturbance. A payment made to compensate the occupier for the reasonable expenses in moving from their home.
- Improvements. If you have made any improvements that have increased the value of the property you are purchasing under the Right to Buy Scheme these will not be included in the valuation of the property, so you don't pay twice.
- Payments under the Right to Repair scheme. The Right to Repair scheme covers specific repairs, known as 'qualifying repairs' which cost less than £250, is likely to jeopardise the health and safety of the tenant and should be done within a set time limit. If FCHO does not carry them out within the time limit there may be an entitlement to a monetary form of compensation unless a different solution is found. A list of qualifying repairs is attached at Appendix 1.

If the repair is not completed within the timescales, a customer may be entitled to £10 plus £2 per day for every day the repair remains outstanding up to a maximum of £50 unless another remedy is accepted. There is no entitlement to any compensation if repairs were obstructed, it was unsafe to carry out the repair, or access could not be gained or was refused.

Checks will be completed to ensure there are no other statutory payments due at the time of the compensation offer.

Quantifiable loss: that can be calculated or estimated in monetary terms and does not cover sentimental value. We will consider whether the customer has experienced an actual financial loss, because of the Council's action or inaction, for example:

- Increased heating bills, e.g. due to running temporary heaters or dehumidifiers
- Having to pay for alternative accommodation or take away food,
- Paying for cleaning or carrying out repairs where it has been proven that a landlord has failed to meet its obligations,
- Damage to customers' personal property (customers advised to claim on their contents insurance). We may offer to support the customer, pay a policy excess or consider paying compensation if the damage has been proven to be caused directly because of the actions or omissions of the Council or a contractor working on its behalf,
- Damage to internal decorations, not caused by works to maintain the property.

Any costs claimed should be incurred and evidence will be requested, such as receipts.

Discretionary payments: We may make payments for time, trouble, distress and inconvenience, considering whether this is considered minor £0-£50, moderate £50-£250 or severe £250-£500, such as:

- poor complaint handling
- delays in providing a service e.g. in undertaking a repair.
- failure to provide a service that has been charged for
- temporary loss of amenity
- failure to meet target response times.
- loss of use of part of the property
- failure to follow policy and procedure.
- unreasonable time taken to resolve a situation.

Ombudsman determinations

The Council will fully comply with any Housing Ombudsman Service determination to pay compensation for maladministration or service failures.

Once an offer of compensation has been agreed, payment will be made to the customer within 15 working days, following the receipt of bank details.

If a customer is deceased, we require evidence that the person acting on their behalf is the executor or administrator of their estate before any compensation awarded is paid. This evidence would normally be in the form of a Grant of Probate or Letters of Administration (if no will is in place).

In applying this policy, we will manage customers' expectations and ensure that we do not cause unfairness to others. We will also ensure that any remedy we offer clearly

sets out what will happen with a clear timeframe (in agreement with the customer where appropriate). It is the responsibility of the complaints handler to ensure that what is agreed is delivered.

How to make a compensation claim

Customers can make a claim in several ways:

- By completing the online form: [Find the answer - Section 1 - Self](#)
- By writing to the Council Housing Service: Cheshire West and Chester Council, Council Housing, Wellington Road, Ellesmere Port, CH65 0BZ
- Over the phone by calling: 0300 123 8123
- In person by calling into The Portal, Wellington Road, Ellesmere Port

It is the tenant's/leaseholder's responsibility to provide the evidence to support their claim. Where the facts are not in dispute and damage has been caused directly because of the actions or omissions of the Council or a contractor working on our behalf, consideration will be given to reimbursement without the need for the tenant/leaseholder to make a claim.

Claims should be made no later than six months after the damage or loss has been incurred.

Assessing a compensation claim

In assessing a claim for compensation, the following factors will be considered:

- the severity of the time, trouble and inconvenience suffered because of the service failure and whether this was foreseeable by us.
- whether we have already provided non-financial compensation e.g., repairs carried out.
- an assessment of whether the loss or inconvenience could be reconciled in any other manner by the customer.
- any known costs that have been incurred
- recognition of any failure to follow policies and procedures.
- the time taken to resolve the matter.

All offers of compensation will be awarded in line with Housing Ombudsman Service Remedies guidance, this ensures we are applying the policy appropriately and consistently.

The Council will ensure that any communication and information will be provided to the tenant/leaseholder in their preferred method to meet accessibility needs.

7. Equality and reasonable adjustment statement

We value diversity and work to create an inclusive environment for customers and staff, where everyone has access to the same opportunities. We welcome our responsibility to comply with equalities legislation and regulatory requirements that relate to equity, diversity and inclusion and aim to do more. Through our activities we

aim to remove systemic barriers to equal opportunities and eliminate all forms of discrimination, harassment, and victimisation within our organisation.

We are committed to providing excellent customer services, which are fair, equitable and inclusive. As such, we will endeavour to understand and make any reasonable adjustments required for customers in line with our Reasonable Adjustment Statement and the Equality Act 2010. Any reasonable adjustment provided will be recorded and kept under active review.

8. Related Documents

Complaints Policy
Decant Policy
Repairs and Maintenance Policy
Repairs and Maintenance Procedure
Unreasonable Behaviour Procedure (Under Review)
Remedies Guidance
Compensation Guidance

9. Equality Analysis

Results of EA / Actions taken forward to mitigate any potential negative impacts	Inform that this policy can be provided in alternative formats. Inform about the ongoing equality and diversity training for staff in the delivery of this policy.
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See appendix 2 for full Equality and Diversity Impact Assessment.

10. Consultation and Business Intelligence

The policy was created in consultation with the Council's tenants leaseholders and staff. As a member of the Housing Ombudsman Scheme, we are required to comply with the requirements of the Housing Ombudsman's Complaint Handling Code 2024.

11. Monitoring and review

The Council Housing Management Board has responsibility for the monitoring and review of this policy. This policy will be reviewed every three years starting from the date it is approached and adopted.

There will be continuous monitoring of compensation payments through the dynamic dashboards by the Business Support Team. Financial compensation will be captured as part of the case record, and this will be regularly reported as part of Council's internal governance.

This policy will be reviewed annually, or where there have been significant changes to regulation, legislation, operations, or best practice to warrant a further policy review.

12. Approval and Review History

The approval route for all policies and procedures is via the Cabinet Member for Homes and Planning who has delegated powers for policy approval from the Council's Executive Cabinet.

Version	Approved by	Date
Approval	Cabinet Member for Homes and Planning	02/07/2024

13. Document Revision History

Date amended	Version	Key Changes
12/04/2024	1	Original version: Aligned with the introduction of the Housing Ombudsman Service (HOS) Complaint Handling code 2024. This Policy also supports the recommendations made by HOS in their compensation policy guidance.
28/06/2024	1.1	Revised version following tenant feedback: <ul style="list-style-type: none"> • Improvement of layout to policy document. • Additional information within the Exclusions Section around damages. • An explanation of Quantifiable Loss. • Additional information on mandatory payments. • Additional information in the How to make a compensation claim section around communication and information. • Made clear that this policy document can be provided in alternative formats. Informed about the ongoing equality and diversity training being provided to staff in the delivery of this policy.
16/09/2025	1.2	Revised version to take into account the insourcing of the housing management service from ForHousing.

Appendix 1 - Right to Repair Qualifying Repairs

- Total / partial loss of electric power.
- Unsafe power or lighting socket or electrical fitting.
- Total / partial loss of water supply.
- Total / partial loss of gas supply.
- Blocked flue to open fire or boiler.
- Heating or hot water not working between 31 October and 1 May.
- Heating or hot water not working between 1 May and 31 October.
- Blocked / leaking foul drain, soil stack or toilet.
- Toilet not flushing (if there is only one toilet in the property).
- Blocked sink, bath or basin..

- Tap cannot be turned
- Leak from a water pipe, tank or cistern.
- Leaking roof. • Insecure external window, door or lock.
- Loose or detached banister or hand rail.
- Rotten timber flooring or stair tread.
- Door entry phone not working.
- Mechanical extractor fan not working

Appendix 2 – Equality and Diversity Impact Assessment

Area of activity or change	Compensation Policy
IMDF Approval	Allan Batty, Senior Housing Policy Officer

STAGE ONE - SCOPING	Outlines the decision that is being made any why
STAGE TWO - RESEARCH	Outlines the collaboration and research that will inform this decision
STAGE THREE - FINDINGS AND NEXT STEPS	Considers how learnings from research and engagement are being embedded, the potential impact of the decision on different people and how these can best be managed.

STAGE ONE – SCOPING	
Consider points such as: <ul style="list-style-type: none"> Where has the proposed activity or change come from and why is it needed? Why is it important to the Council? How will this affect the tenant / customer journey or colleague experience? 	What activity or change is being proposed and why? <ul style="list-style-type: none"> Review new policy to ensure it meets the requirements of staff, the Council and its tenants and leaseholders Review new policy to ensure that it complies with best practice guidance including Housing Ombudsman Consult with tenants and leaseholders
	What benefits are you trying to achieve? <ul style="list-style-type: none"> Policy to consider all requirements Policy to be clear about being developed by best practice guidance Policy to be informative, to be clear and in plain English Meet the needs of staff, tenants and leaseholders
STAGE TWO – RESEARCH	
Consider points such as: <ul style="list-style-type: none"> What groups or individuals will you approach to discuss this? How will you ensure that these people are diverse and representative? (See Equity and Diversity table in stage three) Is there any data you can look at to support you? 	Who will help develop your thinking so that different experiences and perspectives are included? <ul style="list-style-type: none"> Consultation with tenants and leaseholders using closed facebook page. Undertake an equality impact assessment to identify any positive and/or negative impacts on protected characteristics.
	What research will you do to inform your understanding? <ul style="list-style-type: none"> Review all relevant requirements, including good practice Incorporate guidance from the Housing Ombudsman Service.

STAGE THREE – FINDINGS AND NEXT STEPS

Consider points such as:

- What have people told you are some of the key issues?
- What good practice is happening in other organisations?
- What changes are you planning to make because of the things you've found out?

What have you learnt from your research and engagement?

- Consultation with tenants and leaseholders informed on minor changes to the policy which is recorded in the final document.

How will you embed what you've learnt into your activity or change?

- Make relevant minor changes to the policy
- Inform within the document that this can be provided in alternative formats.
- Inform about the ongoing equality and diversity training being provided to staff in the delivery of this policy.
- In addition to the above, enhanced scrutiny has been introduced to ensure that compensation payments are fair and proportionate. All compensation offers over £250 are reviewed by the Complaints Lead to align with policy. Additionally, compensation offers at Stage 2 are reviewed and signed off by the Executive Management Team (EMT) during Stage 2 review meetings.

Equity and Diversity - Not everyone has the same access to opportunities or services, and the things that make us different – such as the characteristics listed below – can affect our experiences and outcomes. Therefore, it is important to consider how different people could be impacted by any activity or change we want to bring about.

How could the proposed activity or change affect people with these characteristics (positively or negatively)?		-		+
Age (Younger or older people)	The new compensation policy will aim to provide a much more customer focused approach when required to compensate a customer, this can be done w when they are dis-satisfied and no matter what age the tenant making the complaint is, they should feel listened to and supported throughout the process.			
Caring responsibilities (Parents and those looking after an older or disabled person)	The new compensation policy will aim to support colleagues to compensate customers in an efficient and effective manner and in line with the Housing Ombudsman Service Code of Guidance. For customers with additional caring responsibilities, the new policy has key points within the compensation journey to keep customers updated on the level of compensation being awarded.			
Digital inclusion (People without access to digital platforms or devices)	Compensation will be paid in line with the Code of Guidance which takes into account those people without access to digital platforms or devices.			
Educational attainment (People who have experienced barriers to formal education)	The new policy needs to consider how the award of compensation will ensure that customers in this category will access information about the level of compensation being awarded, as communication in written format may not be suitable and place customers who struggle to read for example, in a detrimental position.			

<p>Ethnicity, race and nationality (Including migrants, refugees and asylum seekers)</p>	<p>For customers in this characteristic group, they need to be confident that they will be treated fairly and listened to and need to be able to log a complaint in the same way as other customers. Information about the award of compensation needs to be available in different languages and translators made available if needed.</p>	
<p>Financial inclusion (People experiencing financial barriers or challenges)</p>	<p>Customers who are dis-satisfied with a service may need to be compensated to ensure that they are not negatively impacted from a financial perspective. Whatever a tenant's financial status is, they should expect to receive the same standard and be considered for compensation in a fair and consistent manner and this will form the basis of the remedies and compensation policy.</p>	
<p>Marriage / civil partnership (Legal union between different-sex or same-sex couples)</p>	<p>Whatever customer's marital status, they should receive a consistent and fair service when being awarded compensation. The process of awarding compensation should not negatively impact any one and so being married or in a civil partnership should not be an issue and this will be reflected in the new policy.</p>	
<p>Mental health (People with a mental disability or ill-health)</p>	<p>We need to ensure that customers feel comfortable and confident that should be adversely effected in any way as a result of our fault they are compensated. If a customer is living with mental health issues, the way in which colleagues liaise and work with the customer may need to be adjusted, to ensure that the customer feels supported and listened to appropriately. This again will be reflected in the new policy.</p>	
<p>Neurodiversity (Such as people with ADHD, Autism, Dyslexia, Dyspraxia)</p>	<p>Our approach to customers in this characteristic group needs to be very similar to that for mental health – we need to be able to support our neurodiverse customers and understand how to do this. Training will again play a key role in supporting colleagues to do this and will need to be part of the bespoke training packages developed and will be reflected in the new policy.</p>	
<p>Physical health (People with a physical disability or ill-health)</p>	<p>Customers with a physical disability or ill-health need to be confident that any award of compensation will be managed in a timely and effective manner so that it does not negatively impact on their health. We also need to ensure that if an award of compensation involves a repair and maintenance issue for example, that the tenant is still able to access their home how they need to.</p>	
<p>Pregnancy and maternity (Someone who is pregnant or has recently given birth)</p>	<p>Customers who are pregnant or recently given birth should not be negatively impacted by the changes being made to the compensation policy. Customers should be clear on the process of when an award of compensation will be made.</p>	
<p>Religion, faith or belief (All religions and faiths, including people with no religion)</p>	<p>Through improved processes related to data that we hold, we will have a greater understanding in terms of the religion/belief of customers. This data will be used by the complaints team to ensure we tailor services to suit the needs of customers with different religious beliefs. Examples include understanding religious activity and</p>	

	knowing to check with the tenant if an appointment is appropriate on certain days or times of day.	
Sex (Men and women)	Customer profiling data, including gender, will be collated, stored and utilised to ensure that services are equitable, making the award of compensation fair and consistent for all customers.	

Managing positive and negative effects	
<p>Consider points such as:</p> <ul style="list-style-type: none"> • Do you need to escalate any issues or seek legal advice? • Can you see any opportunities to promote or celebrate positive outcomes? • How will you build monitoring into the implementation of your activity or change and who will you report to? 	<p>If potential negative effects have been identified, how will any harm be reduced or avoided?</p> <p>All characteristics should feel valued and listened to when being awarded compensation and this will be detailed within the new policy. We will continually review the award of compensation made to ensure that the end result produces the high-quality service we are striving for, for every one of our customers and is reflected within the policy.</p>
	<p>If potential positive effects have been identified, how can we ensure these are realised?</p> <p>The complaints team will be asked to continually reflect on whether the awarding of compensation is consistent and supports the positive impact we are aiming for, for all customers.</p>
	<p>How and when will the impacts of your activity or change be monitored moving forward?</p> <p>The policy will be reviewed by the Complaints Panel annually and as part of the Housing Ombudsman Service Complaints Self-Assessment process.</p>

