

## **SPITALFIELDS CHA LTD COMPENSATION POLICY**

### **1. INTRODUCTION**

The Association aims to deliver a high quality housing management and maintenance service. However, it recognises that there may be occasions when an act or omission by the Association or its agents, or failure of service, results in the tenant suffering hardship, inconvenience or financial loss.

The Compensation Policy, which is part of Spitalfields CHA's tenant focused philosophy, gives tenants an opportunity to seek redress, and if upheld by the Association, allows for a compensatory payment to be made.

### **2. WHO IS ELIGIBLE TO CLAIM COMPENSATION?**

Tenants of the Association are able to claim under this policy. Other claimants are outside of the policy and would require specific Committee approval.

### **3. WHEN CAN COMPENSATION BE CONSIDERED?**

In general terms compensation can be considered where the Association has failed to keep to obligations contained in the tenancy agreement or lease, or where the quality of service offered is poor or the Association has been negligent.

Tenants should however always ensure that they have proper insurance cover, since this policy is not intended to act as an insurance policy.

### **4. PROCEDURE**

4.1 Tenants should first contact their housing officer. In the event that the tenant wishes to claim compensation, the housing officer should ask them to put the request in writing explaining details of the claim and why the Association is responsible.

4.2 Once the request is received the housing officer should acknowledge receipt within 5 working days. The claim should be recorded in the compensation/complaints log.

4.3 If after consideration the Housing Manager feels that there has been material loss supported by evidence and that the claimant has suffered through the failure of the Association and that compensation should be given and it is within the authorisation

limit [see 5] they should authorise payment. If the sum to be paid is over the authorisation limit they should report the circumstances to the Director or appropriate committee for approval in accordance with the authorisation limits set out in paragraph 5.

4.4A full written reply should be sent to the tenant informing them of the decision and, if appropriate, of the amount of compensation agreed within 15 working days of receipt of their claim.

4.5 In the case of loss of service/facility e.g. central heating, use of rooms, lift etc, compensation will be paid weekly by credit through the rent or service charge account.

In all other cases e.g. failure to carry out major repair works etc, a cheque will be sent. However, where there are rent arrears or other sums owed to the Association, any agreed amount of compensation will first be offset against this debt [where the tenancy is terminated through a possession claim based on the tenant's breach of obligation, the tenant will not normally be entitled to compensation].

## 5. AUTHORISATION LIMITS

Claims under £250 can be authorised by the Housing Manager. Any claims between £251 and £1,000 can be authorised by the Director. Claims between £1,001 and £2,999 can be approved by either the Chair or Secretary of the Association and in excess of £3,000 will require the approval of either Housing Services Sub-Committee or Policy and Resources Sub-Committee.

## 6. RIGHT OF APPEAL

6.1 If the claim is not upheld, the resident has the right of appeal.

If the tenant is unhappy with the decision of the Housing Manager, they may submit a written appeal to the Director.

The circumstances of this appeal will be considered by the Director and a member of the Housing Services Sub-Committee. The circumstances of the case will be considered together with the action taken and a written response will be provided to the tenant within 28 days.

The decision made at this stage is final.

6.2 If at the end of the appeals procedure the tenant is still not happy they are able to take their complaint to the Ombudsman, whose role is to ensure the Association has acted fairly and within its procedures.

7. REPORTING TO COMMITTEE

The Housing Manager will provide a regular report to Housing Services Sub-Committee on claims for compensation and their outcome.

- o o 0 o o -