



Putting things right: Redress Policy (Housing Services)



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1. Introduction

Wigan Council is committed to providing high quality services that place the voice of our customers at the heart of delivery. Understanding the experiences of our customers is key to continuously improving our service standards and putting things right when they don't go as planned, we recognise that there will be occasions when customers may suffer some disadvantage, inconvenience, or loss because of our actions or mistakes and that in some instances compensation or redress may be appropriate.

Wigan and Leigh Homes came back into Wigan Council in 2017, since then there have been several changes to Housing Regulation. This Policy has been developed to comply with these changes, in particular the updated changes to the Housing Ombudsman and Social Housing Regulator codes of practice. The development of this policy has also provided the opportunity to amalgamate several existing policies to ensure there is consistency and transparency in how we operate.

It should be noted that items that are not related to housing will be considered under the Corporate Policy. If there is any conflict or ambiguity in the terms of this policy, legislation will prevail.

2. Policy Statement

This policy sets out a co-ordinated framework in relation to resolving issues and complaints involving compensation and redress for housing-related matters to ensure that they are handled fairly in a transparent and efficient manner.

This policy applies to our housing tenants, licensees, leaseholders and others accessing housing services, and covers both discretionary compensation, which relates to loss, damage, or inconvenience due to a failure in service and statutory (obligatory) compensation, other forms of redress and allowances for disturbance.

Financial compensation or other form of redress are not automatic and will not apply where the service failure or mistake has not caused any inconvenience and has been easily and quickly remedied. The level of compensation should be reasonable, justifiable, and proportionate and reflect value for money. Each claim will be considered on an individual basis and consider all relevant known circumstances and supporting evidence.

As a Local Authority and Social Landlord, Wigan Council are engaged in an ongoing review of all our policies and procedures to ensure we can provide

appropriate support to all our customers, particularly those who are most vulnerable, during this challenging time. Details on the various forms of support available can be found on the Council's website:

<https://www.wigan.gov.uk/Council/The-Deal/Deal-Communities/Here-for-you/Index.aspx>

3. Policy Objectives

This policy will:

- Outline the Council's approach to financial compensation and other types of redress, which provides resolutions fairly and efficiently.
- Establish principles and practices in the Council's operation of the policy to ensure there is a consistent approach that considers each case holistically and provides scope for the appropriate use of discretion.
- Empower officers to secure outcomes that are fundamentally restorative in nature, aiming to both restore the complainant to the position they would have otherwise been in had a disturbance, service failure, maladministration, or unfortunate consequence of an action taken by the Council had not occurred, and acknowledge any additional adverse impacts experienced.
- Ensure that considerations for compensation and/or redress are proportionate to the issues they seek to correct.
- Outline clear guidelines as to how potential financial and non-financial means of redress and compensation are assessed and provided.
- Ensure accountability, whereby the Council and other parties take appropriate responsibility for any actions, whether enacted by that party directly, or by an agent acting on their behalf.
- Ensure that the Council continually learns from customer experiences and feeds this learning back into the development of policy and practice in the future.

4. Scope and Responsibilities

4.1. Scope

Whilst primarily focused on housing-related matters, the scope of this policy will also cover large number of other work areas that have the potential to impact on tenants, licensees, leaseholders and other accessing housing services. This means that the policy covers various forms of compensation including:

- Statutory compensation schemes required by law.
- The Council's approach to discretionary compensation, including quantifiable financial loss, and other negative impacts which are not necessarily financial nor quantifiable.
- Wider forms of redress which may be non-financial in nature but are aimed to rectify a situation.

The policy is applicable to the following:

- Wigan Council tenants, licensees, and leaseholders.
- Parties eligible for statutory compensation falling within scope of this policy, such as for Home Loss or Disturbance.
- Parties who have due cause for a valid grievance for a housing-related issue involving Wigan Council.
- Former or prospective tenants, leaseholders, and licensees.

Except for statutory compensation schemes outlined in this policy, the policy will exclude any cases where legal proceedings against the Council have commenced, for these cases the Council will liaise with the party or their solicitors as appropriate in relation to their legal claim.

Additionally, the policy does not cover claims for personal injury, damage, or other loss which requires the utilisation of the Council's insurance cover and/or the Tenants Home Contents Insurance Policy. All claims for costs, damages, or injury due to alleged negligence the Council, its officers, or an agent working on the Council's behalf should be referred to the Council's Insurance Section. In such circumstances, claimants are advised to seek independent legal advice and support.

Furthermore, the policy will not apply to problems caused by a third party not working for or instructed by the Council, nor may it apply to circumstances wholly beyond the Council's control, for example, damage due to storm or flood.

4.2. Responsibilities

Each employee of Wigan Council has a responsibility to adhere to the provisions and requirements of this policy in line with the Be Wigan Staff Behaviours insofar as is appropriate for their role.

The Senior Management Team with responsibilities for housing-related services falling under scope of this policy must ensure provisions are in place for the adequate oversight and execution of the provisions of this policy.

Responsibilities of Council officers, not all of which will necessarily apply to all officers, may include:

- Acting at all times in a professional manner and in-line with the principles, practices, and procedures outlined in this policy, and ensuring that a consistent approach is taken whilst also ensuring the appropriate use of discretion.
- Ensuring that staff exercising the provisions contained within this policy are appropriately trained and supported by colleagues to apply and deliver the policy professionally and to a high standard.
- Providing clear information, guidance, advice, and support, to those persons falling under the scope of this policy, helping them to meet their responsibilities, and using simple English as appropriate to ensure accessibility. This does not extend to legal advice.
- Engaging with stakeholders in an open and accepting way, listening and considering a range of views.
- Taking a robust and transparent approach to all activities concerning dispute resolution and the evaluation and provision of compensation and redress.
- Complying with any other such practices, procedures, or principles as requires by primary or secondary legislation, or by best practice guidance from the Government, Official Regulators, or established sector stakeholder organisations.
- Authorisation of claims made under this policy.

5. Legislative and Policy Context

Consideration in developing this policy has been given to the following items of legislation, all of which can be viewed directly at:

<https://www.legislation.gov.uk/>. The items of legislation below are not intended to form an exhaustive list and should be understood in reference also to any associated amending or replacement legislation or Statutory Instruments, Regulations, Bylaws or Orders.

- Local Government Act 2000
- Land Compensation Act 1973
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Housing Act 1996
- Section 124 of the Housing Act 1988
- Sections 153A, 153B and 138C from Part V of the Housing Act 1985

- The Secure Tenants of Local Housing Authority (Compensation for Improvements) Regulations 1994
- The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994
- The Home Loss Payments (Prescribed amounts) (England) Regulations

Additionally, this policy is designed to comply with wider regulatory requirements or good practice frameworks as provided by other governmental and non-governmental agencies or organisations. This includes guidance as provided by:

- The Regulator of Social Housing – National Standards
- The Housing Ombudsman, notably the Housing Ombudsman’s Complaint Handling Code: <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>

This Policy also sits within a wider policy context within the Council, and should be understood in-line with the following associated policies or guidance:

- Wigan Council Complaints Policy: <https://www.wigan.gov.uk/Council/Contact-us/Council-Complaints.aspx>
- Wigan Council Tenant Contents Insurance: <https://www.wigan.gov.uk/Resident/Housing/Council-homes/Contents-insurance/Home-contents-insurance.aspx>
- Wigan Council – Housing Standards for Tenants: <https://www.wigan.gov.uk/Resident/Housing/Council-homes/Repairs/Letable-standard.aspx>
- Information for Tenants: <https://www.wigan.gov.uk/Resident/Housing/Council-homes/Your-tenancy/index.aspx>

6. Our Approach to Compensation, Redress, and Remedy

In line with Wigan Council’s ‘Be Accountable’ commitment, the goal of the Council’s approach is to take ownership, restore our tenants back to the position they would have otherwise been in had an issue not occurred, and provide additional remedies if appropriate in acknowledgement of any consequential adverse impacts caused, such as distress and inconvenience.

The contents of this section do not prejudice any more specific considerations to be taken regarding individual housing-related circumstances.

6.1. Guiding Remedies

When looking to remedy a situation, Wigan Council may consider a wide range of solutions, including financial compensation, and non-financial redress. Not all of these will be appropriate in every case but will depend on the merits of the given case.

A non-exhaustive list of the forms of remedy the Council will consider is given as follows:

- **Transparent Apology**
- **Acknowledgement and Explanation**
- **Demonstration of Learning**
- **Committing to Actions**
- **Compensation**
- **Ex-Gratia and Discretionary Financial Redress**
- **Non-Financial Redress and Goodwill Gestures**

6.2. Guiding Principles

Our guiding principles are set out below, these ensure that all cases are treated with the level of attention and importance they deserve, in a consistent and fair manner, whilst allowing for discretion across decision making:

- **Restorative** – Ensure that any resolution offered to parties by the Council is restorative in nature. By this we mean that that outcome should restore a party to an equivalent position they would have been in, had an issue not occurred.
- **Proportionate** – All activities undertaken to resolve an issue will be proportionate to the impact and adverse effect caused on relevant parties. In doing so, actions, redress, and decisions will all aim to put right any failures or negative impacts in a manner proportionate to the adverse effects felt and caused.
- **Fair and Consistent** – All cases falling under the scope of this policy are dealt with in a fair and consistent manner.

- **Transparent** – Wigan Council will ensure that all decisions taken, and information recorded are both available and appropriately explained to all parties to ensure clear and open communication in a way that parties know what is expected of them.
- **Professional** – Wigan Council will deliver the highest professional standards for its tenants throughout all its activities in dealing with any cases at hand.
- **Accountable** – Ensure that due consideration is given to the accountability of all parties involved in each dispute or issue, where the Council is at fault this will be acknowledged and clearly communicated. The Council will also ensure that its activities are open to public scrutiny, primarily by way of the publication of this policy, with clear and accessible mechanisms and procedures put in place to appeal decisions where appropriate.
- **Targeted** – In dealing with issues falling within scope of this policy, the Council will ensure that resources are utilised effectively to ensure that resolutions and redress provided resolve the case at hand.

6.3. Guiding Practices

In recognition of the dual needs for both a consistency in approach, and for the Council to apply appropriate discretion as is reasonably required, this policy outlines practical considerations that will apply to all cases falling under the scope of this policy.

(i) Establishing the facts

The Council will robustly establish the facts in a fair and balanced manner and will investigate what went wrong, the culpability of parties involved, the period over which parties were impacted by the actions, or inaction, of the Council, and the severity and compounding of any impacts. The facts of each case will be clearly recorded.

(ii) Taking a person-centred view/approach

The Council will take a person-centred view and consider the circumstances of the individual affected respecting how different individuals can be adversely impacted by the same events and understanding the unique view of everyone in determining the right outcome.

Furthermore, any evidence or submissions provided by a third-party professional relating to the complainant's situation will be listened to by the Council.

(iii) Providing honest assessments of accountability

The Council will assess how each party may or may not have contributed to any delays or failures to resolve the issue at hand. For example, this could include where a Council tenant has unreasonably withheld access for repair work, or where the Council has unreasonably failed to meet agreed upon timescales.

In some cases, the liabilities of parties may be clear, this is likely the case with regards to the entitlements and requirements of statutory compensation schemes. However, it may be the case that each party has, at times, and often unintentionally, caused unnecessary obstructions to earlier resolutions.

Where the Council determines that the actions (or inaction) of a party is sufficient to warrant a change in the remedy offered, this will be clearly explained in any final determinations.

(iv) Considering non-quantifiable impact

The Council will take account of the non-quantifiable impacts upon parties which may be considered as universally adverse regardless of the specific circumstances of any individual party and ensure that these considerations are fairly reflected in its decision making. Such considerations could be categorised by considerations as to 'time and trouble' and considerations as to 'distress and inconvenience'.

(v) Judging cumulative and compounding impact

In assessing cases, the Council will consider whether that are reasonably any cumulative or compounding impacts upon parties, with a view to ensuring these are fairly reflected in resolutions and remedies offered.

(vi) Considering all options for a bespoke form of redress

The Council will ensure that a range of means of redress are considered, with a view to ensure that the final resolution offered reflects the individual circumstances of a given case and thereby provides the most appropriate form(s) of redress and compensation.

(vii) Ensuring transparent case management and active communication

The Council will endeavour to ensure that cases are managed transparently, honestly, fairly, and with the highest degree of

professionalism that residents should rightfully expect from their local authority.

In doing so, the Council commits to:

- Providing honest and reasonable timescales for claims and complaints to be assessed.
- Providing honest and reasonable timescales for communication throughout the duration of claims and complaints prior to the point of resolution.
- Recording all information received or obtained which is relevant to the issue and maintaining a case file in-line with corporate retention schedules.
- Supplying a detailed and transparent assessment of each case, the Council's offer of redress to resolve the issue, and a clear explanation of how such a resolution was arrived at and determined.
- Learn from our findings to improve future service delivery.

7. Statutory Compensation

There are circumstances which compensation is payable by the Council as part of statutory obligations.

7.1. Right to Repair Payments

Right to Repair compensation is covered by this policy under The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994. Compensation is payable where we, as a landlord have failed to complete an emergency or urgent repair within the prescribed timescales and the tenant has provided reasonable access, in line with the Right to Repair guidance.

Compensation is also payable where a council tenant is unable to use part of their home because repairs are required or are being undertaken. Qualifying repairs under the Right to Repair regulations must cost less than £250 to carry out.

More details are available in Appendix 1.

7.2. Home Improvement Payments

Secure tenants may claim compensation for improvements they have carried out to their homes when they are ending their tenancy. Permission must have been obtained for a 'qualifying improvement' and receipts or

invoices should be provided for the works carried out as well as proof of permission. The amount payable is up to £3000.

Payments will be adjusted for undue wear and tear or any defects with the improvement present at the end of the tenancy. Compensation for improvements is calculated based on the notional life of

the improvement, divided by the cost of the improvement, minus the number of years of notional life left.

Any claims for Improvement compensation must be made in writing between 28 days before the tenancy is due to end and no later than 7 days after the tenancy has ended.

More details are available in Appendix 2.

7.3. Home Loss Payments

Home loss payments under this policy should be made to tenants who have lived in their property for a minimum of twelve months and are required to move permanently because of redevelopment or demolition of their home. Reasonable moving costs should also be made to those who are required to move temporarily or permanently.

7.4. Basic Loss Payments

A Basic Loss Payment is payable to a person who has a qualifying interest in land, whose interest is acquired compulsorily to the extent that they are not entitled to a home loss payment in respect of any part of the interest.

7.5. Disturbance Payments

The provision of Disturbance Payments is intended to compensate occupiers for the reasonable expenses and inconvenience they occur from having to move from their home or land. Those eligible for a Home Loss Payment may still be entitled to a Disturbance Payment.

7.6. Other Statutory Compensation Schemes

A wide range of statutory compensation schemes in relation to land and housing matters exist, and not all are included in the content of this policy. Though a statutory compensation scheme may not be included, it may nonetheless be reasonable to include under the identified scope of this policy.

In such circumstances, the Council will take an approach to its consideration and administration of such wider statutory compensation

schemes in-line with the approach, principles, and practices as outlined in this policy.

We will strive to adhere to the stated aims of this policy, and all legal requirements, whilst also ensuring that we promote, rather than fetter, the use of appropriate discretion.

8. Discretionary Compensation

Compensation may be made where there has been a loss of facilities, such as heating or hot water. Goodwill payments may also be made when there has been a failure of service which has caused delay or distress.

The level of compensation will be proportionate with the level of time, trouble and inconvenience, due Wigan Council's action or inaction. Discretionary compensation will be determined and assessed for the service delivery in which the complaint has been received.

If we fail to meet our published service standards, we will look to put things right. Non-financial remedies are usually appropriate in the first incidence, and we will not offer compensation in every instance. Compensation and / or goodwill gestures may be appropriate to cover loss, inconvenience or to demonstrate the Council's apologies. Compensation will be proportionate, and all factors will be taken into consideration, such as household vulnerabilities.

8.1. Quantifiable Loss Payments

Quantifiable loss payments may be appropriate in circumstances where a person can evidence that they have incurred costs or financial loss they otherwise would not have, due fully or in-part to the service failure or maladministration of the Council, or unfortunate consequence of action taken by the Council for a specific and legitimate aim.

The Council will consider all reasonable claims of quantifiable loss as part of remedying a situation in line with the principles set out in this policy, some examples of how this may be approached are set out below.

8.1.1. Running Additional Utilities or Appliances

In instances where a tenant has reasonably and necessarily had to use additional utilities or appliances that they otherwise would not have needed to use, the Council may re-imburse, fully or partially, the cost of running these utilities or appliances.

The running cost of a utility or appliance will be taken as the appliance's wattage multiplied by the amount of time it is on and running, and the

cost of the electricity. The Council will require evidence of these factors. Additionally, the Council may only partially compensate the quantifiable running cost where the utility or appliance was on and running for a greater length of time than necessary.

8.1.2. Additional Travel Costs

Where a person has been temporarily rehoused by the Council, and is able to demonstrate that they have incurred significant additional travel costs due to the relocation, the Council may deem it appropriate to compensate fully or partially.

Supporting evidence will be required, and the level of eligible compensation payable will be proportionate to what can be satisfactorily evidenced.

8.1.3. Replacing or Repairing Damaged Items or Disrepair including decor

Recompense may be offered to assist both new and existing tenants. However, this does not remove the need for tenants to adequately insure the contents of their homes from damage or extend to damage or has neglected the interior decoration of the property by the tenant. Scenarios eligible may include:

- I. A property has been allocated and it does not meet Wigan's Lettable Standard.
- II. Work that has been carried out by a contractor working on behalf of the Council, has caused excessive damage to the interior decoration of the property
- III. Following a fire or flood that has been caused by the failure of a component.
- IV. To assist tenants with the cost of decorating their home following major work.

8.1.4. Loss due to Non-Payment

This is only applicable where there is agreement that monies are owed. In the event a discretionary payment has been agreed the Council relating to loss due to non-payment, the Council will also consider if there are any monies owed to the Council.

If money is owed to the Council by the customer, the Council will agree whether to offset any discretionary payments against the balance owed. The reasons for this decision will be discussed and clearly set out in correspondence.

8.2. Discretionary Payments - Other

Alongside quantifiable financial loss, the Council also recognises that issues can cause unnecessary and avoidable inconvenience, distress, detriment, or other unfair impact to be felt by tenants. Therefore, the Council considers that in some instances it may be appropriate to provide redress to reflect these impacts, whether or not the Council has already compensated for actual, quantifiable financial loss and taken action to return a tenant to the position they otherwise would have been in were it not for the effects of any maladministration by the Council.

When determining amounts of discretionary compensation payments, the Council will consider the emotional impact felt by tenants, alongside the impacts of unnecessary time and trouble experienced by the tenant. The Council will also consider the severity of a failure or maladministration, the severity of its impact, and the degree of culpability of parties involved.

8.2.1. Unquantifiable Financial Loss

Sometimes it is apparent that there has been a significant financial loss to the tenant because of the landlord's maladministration, but it is not always possible to quantify this. Whilst it is generally reasonable to ask a tenant to provide evidence of the costs they have incurred, there may be occasions where no such evidence is available.

Where the Council is satisfied that, on the balance of probabilities, a tenant has incurred costs but has not been able to evidence this and it is not possible to provide a reasonable estimate, as the landlord may pay an amount in recognition of the fact that the tenant has incurred costs that would not have arisen had the maladministration not occurred.

8.2.2. Temporary Loss of Facilities

A 'loss of facilities' refers to a room that provides a substantial amenity or is provided for function, for example a kitchen or bathing facilities.

The approach to calculating compensation for loss of facilities should be consistent to ensure the service is delivered effectively for example, if a six-room property has two rooms that are considered unusable due to disrepair, and this causes significant inconvenience to the tenant, compensation shall be calculated as follows:

Total rooms	Six
Rooms 'lost'	Two
Percentage of rooms 'lost'	33%

Daily rent	(weekly rent x 52 weeks / 365 days)
33% of daily rent	Per day compensation

The Council will not pay compensation for loss of facility in the case of regular contractual repairs, planned, or major improvement works or routine maintenance that is part of a contractual obligation.

Compensation for delay may be payable between the target date for completion and the date the work is finished.

8.2.3. Lift Failures

Compensation is payable for lift failure when:

- there is no access to another lift in the same block, and
- the lift has been out of service for more than seven consecutive days, AND / OR
- there has been 3 or more instances of lift failure during a 1-month period (irrespective of the duration of each outage).

Compensation will not be paid to tenants living on the ground floor of a building.

Compensation is not payable for an individual becoming trapped within a lift, barring exceptional circumstances such as when the time taken to respond to a lift trapping significantly exceeds normal timescales.

8.2.4. Refunds

(i) Heating

Tenants can apply for a refund for heating costs when a heating supply controlled by the Council fails during the heating season for two consecutive days or more (or after 24 hours in the case of vulnerable tenants).

Refunds are based on the gross weekly charge.

On occasion, during periods of extreme hot or cold weather, the Council may choose to adjust the period when it turns on and off its communal heating systems. The heating season will be adjusted to reflect this.

Refunds apply to tenants only, as leaseholders will receive a lower service charge to reflect loss of heating during the outage.

(ii) Hot Water

A refund applies when a tenant has a Council controlled hot water supply and has had no hot water for three consecutive days or more (or after 24 hours in the case of vulnerable tenants). Refunds are based on a proportion of the gross weekly charge and the length of time the service was unavailable.

Refunds apply to tenants only, as leaseholders will receive a lower service charge to reflect the loss of hot water during the outage.

(iii) Heating or Hot Water Compensation

Compensation is payable when the loss in supply lasts for three consecutive days or more (or in excess of 24 hours for vulnerable tenants), or there is a loss in supply three or more times within a consecutive three-month period.

The supply may include:

- Loss of heating for a landlord-controlled system during the recognised heating season for tenants.
- Loss of hot water for a landlord controlled hot water system for tenants.
- Loss of heating for an individual system for tenants.
- Loss of hot water for an individual system, except where a working immersion heater is available for tenants.

Compensation will be paid to cover increased electrical costs experienced by customers from using alternative methods of heating (such as storage heaters) or generating hot water (boiling kettles) during periods when their landlord controlled heating or hot water supply is unavailable.

9. Information and Data Management

In operating this Policy, the Council will collect and hold information, including personal data, such as case files and incident reports, containing personal information (names, addresses, contact details, etc), and timelines of events.

In some cases, the Council will also collect and hold copies of photos, video recordings, text/online messages, emails, tenancy agreements, etc., to use as an evidence base for any decisions or actions taken.

The Council will also maintain complete records of all claims, assessments, decisions, and payments.

Records will normally be held in electronic format, but may, on occasion, be held in hard copy.

The Council holds personal data in accordance with the General Data Protection Regulation (GDPR).

The Council will hold personal data as set out in the Data Privacy Primary Notice and Privacy Notices.

The Council will retain information in line with the relevant Retention Schedules.

10. Equality and Diversity

As a Council we value diversity and aim always to promote inclusion and fairness. We are committed to ensuring that everyone has the same opportunities and that our residents feel they belong. A key element of the Deal 2030 is to create 'fair and inclusive' arrangements where we commit to having different conversations to understand our residents better, their hopes, aspirations, and needs, to ensure we can support different communities and ensure all our residents can live happy and fulfilling lives.

Equality and diversity are of fundamental importance to services provided regardless of a person's protected characteristics under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, religion pregnancy and maternity, race, belief, or sex). All must be treated with respect. The Council treats everyone it houses, serves, and employs, fairly, and encourages others to do the same.

In meeting the aims of this policy, the Council will provide information that is clear, accessible, and in an appropriate format (such as translated into another language, or in large print). Where appropriate, Council Officers will assist tenants in making a claim for compensation, by, for example, helping to complete paperwork. This policy provides assurance that compensation is offered in a fair and consistent way.

11. Making a Claim for Compensation

Residents who wish to make a claim for compensation should ordinarily follow our normal complaints process which can be found on our website:

<https://www.wigan.gov.uk/Council/Contact-us/Council-Complaints.aspx>

A request for Compensation will be managed in line with our Complaints Process and the same timescales will apply.

However, claims for forms of statutory compensation may be required to follow a process as prescribed by legislation. Where a claim for statutory

compensation is to be made, the Council will provide the claimant with details of the prescribed process. Where there is no prescribed process, the Council will manage the request in line with its ordinary Complaints Process.

Compensation will only be paid once we have received a signed settlement form, and we reserve the right to offset any compensation payment against any amounts owed by the customer to the Council subject to mitigating circumstances. Where monetary compensation is awarded, the customer will be advised of the amount to be deducted as part of the settlement agreement. The settlement agreement will also set out how the compensation will be paid, usually by BACS payments to the customer's own bank account.

Where damage has been caused directly because of the actions or omissions of the Council, or a third party working on its behalf, consideration will be given to reimbursement without the need for the customer to make a claim at further inconvenience and cost to themselves, in particular where the facts are not in dispute. However, the same process will still need to be followed by the Council to ensure transparency and consistency.

More details on the approval process for compensation payments in complaints is set out in Appendix 3.

Recovering compensation from third parties

If compensation is offered and paid because of actions by a third party working for the Council, we will attempt to recover the amount involved by liaising with the contract manager. Where compensation will be sought from a third party this should be clearly stated in the settlement form.

Appealing a decision

If a customer is dissatisfied with the outcome of a request for compensation, they can appeal and escalate through the normal complaints process.

Persons looking to appeal an action or decision by the Council in relation to a form of statutory compensation may have recourse to appeal the decision formally through the courts. Where this is the case, the Council will provide that information with the details of their final decision.

12. Monitoring and Review

This policy will be reviewed every 3 years or as required following the release of updates to or new guidance or legislation.

Compensation cases and amounts will be monitored by the Customer Voice and Experience Team and reported as part of their complaint data reporting. At least 10% of all compensation claims will be audited annually for the prevention and detection of fraud.

Responsibilities for the monitoring of the policy are outlined in the scope and responsibilities section of this policy.

Version	Date	Author	Rationale
0.1	May 2024	Housing Strategy Team	New Policy

13. Further Information and Accessibility

For further information or questions regarding this policy, including for copies of the policy in alternative formats, please contact us using the following details:

- Email: housingstrategy@wigan.gov.uk
- Telephone: 01942 489204
- Address: Wigan Council, Strategic & Private Sector Housing, PO Box 100, Wigan, WN1 3DS.

Appendix 1 – Right to Repair (for local authority tenants)

Local authority tenants are eligible for compensation under the Right to Repair regulations if the Council fails to carry out a repair within the specified timescale and

after a second request again fail to complete the works with the specified time. A maximum of £50 compensation can be claimed if any of the repairs listed below are not completed within the specified time. The actual amount will be £10, plus a daily rate of £2.

Repair Type	Time in Working Days
Total Loss of Electrical Power (unless due to utility company)	1 day
Partial loss of electric power (unless due to utility company)	3 days
Unsafe power or lighting socket or electrical fitting	1 day
Total Loss of Water Supply (unless due to utility company)	1 day
Partial Loss of Water Supply (unless due to utility company)	3 days
Total or Partial Loss of Gas Supply (unless due to utility company)	1 day
Blocked flue to open fire or boiler	1 day
Heating or Hot Water not working (between 31st October & 1st May)	1 day
Heating or Hot Water not working (between 1st May & 31st October)	3 days
Blocked/leaking foul drain, soil stack or toilet	1 day
Leak from water or heating pipe, tank or cistern	1 day
Tap cannot be turned	3 days
Insecure external window, door or lock (not including communal)	1 day
Blocked flue to open fire or boiler	1 day
Blocked soil stack or toilet (where there is no other working toilet in the property)	1 day
Loose or detached banister or handrail	3 days

Leaking roof	7 days
Door entry system not working (preventing entry to block)	7 days
Toilet not flushing (where there is no other toilet in the property)	1 day
Rotted timber flooring or stair tread	3 days
Mechanical extractor fan in internal kitchen or bathroom not working	7 days

Appendix 2 – Right to Compensation for Improvements (for secure local authority tenants)

Compensation will only be payable for costs that have been fully covered by the tenant.

Notional Life	Improvement carried out
20 years	Loft and/or cavity wall insulation Double glazing or other external window replacement of secondary glazing
15 years	Rewiring Provision of power and lighting or other electrical fitting (including smoke detectors)
12 years	Bath or shower base Wash-hand basin Toilet Central Heating
10 years	Kitchen Sink Cupboard Storage in Bathroom or Kitchen Work Surface for food preparations Insulation of pipes, water tank or cylinder Any object which improves the security of the dwelling, excluding burglar alarms
8 years	Draft Proofing or external doors and windows
7 years	Thermostatic radiator valves

Appendix 3 – Approval process for compensation payments in complaints

The investigating officer will establish the amount to be offered for compensation in line with the Compensation Policy and best practice guidance provided from the Local Government and Social Care Ombudsman or the Housing Ombudsman.

When compensation is agreed within our complaints process, we ensure that this has been signed off by the Corporate Manager for Customer operations and the relevant Corporate Manager or Director for Housing.

Once the amount due has been agreed internally, the investigating officer will offer the amount to the customer, if this amount is accepted, acceptance will be required in writing.