

## Appendix D

### Housing Compensation Policy - Consultation feedback and proposals

The following comments have been selected to represent the all of the issues raised through the consultation feedback. A proposal for action is provided for discussion. Comments that were out of the scope of the review such as complaints about specific housing services have not been included.

<b>Consultation feedback</b>	<b>Proposal for action</b>
1. <i>The policy needs to be stronger and really explain where the money is coming from.</i>	We will update the draft policy to explain that compensation payments for housing service failures are made from the Housing Revenue Account.
2. <i>It makes no reference to building insurance and how and when leaseholders should access this rather than seek compensation from the council</i>	We will make it clearer in the policy when residents should submit a building insurance, or a public liability claim and when they should claim compensation. We will also provide guidance in our tenant and leaseholder handbooks and on our website.
3. <i>Damage caused by one leaseholder/leaseholder landlord on another leaseholder needs to be considered (I have suffered frequent flooding from a poorly maintained rented property above me).</i>	We will provide more guidance on this situation within the compensation policy and in our handbooks and other communications.
4. <i>You are not considering time off work for visits and time spent chasing up the matter when nothing is being resolved.</i>	We will seek guidance from the Housing Ombudsman service and ensure that what we offer is in line with their remedy scheme. In some circumstances it will be appropriate that compensation is offered in recognition of impact.
5. <i>I feel that the higher level (of exgratia payment) should be higher. If someone has experienced distress and the repair has impacted on a person's mental health the impact is higher than that before damages.</i>	Since carrying out the consultation the Housing Ombudsman has issued new guidance with increased bandings and we will update our bandings to match. We will make the policy clearer that each case will be considered according to the impact the service failure had when assessing the most appropriate remedy.

	We are in the process of amending our complaints template so that residents are required to provide details of the impact when they make a complaint so that we can make a fairer assessment of compensation as part of the process.
<i>6. Compensation figures feel too low</i>	During work on this policy the Housing Ombudsman published new guidelines on remedies and compensation levels. We will revise the levels in the policy to reflect the Ombudsman's guidance.
<i>7. Please clearly define the categories of impact for exgratia payments with examples and regular reviews based on inflation</i>	We will update the policy to explain that when determining a compensation award, an assessment may identify several ways in which a resident has been impacted, resulting in awards for each of the component parts of the overall event. We will also update the policy to include more examples within each of these categories. We will also add a commitment to the policy to undertake an annual review of compensation levels
<i>8. Claims process simplification: Simplify the claims process. Consider an online portal with guided steps and a helpline</i>	We will simplify the claims process as part of our implementation plan and provide training to staff.
<i>9. Communication: Offer alternative methods beyond the website such as printed materials, community sessions and hotline numbers.</i>	We will provide information on this policy and how we calculate compensation using various methods such as on our website, leaflets and via resident newsletter
<i>10. Bias. A 3rd party external/independent moderator should deem what fair and reasonable is.</i>	We will ensure the sign-off process is robust and includes sign-off by senior managers, at the level appropriate to the compensation awarded. We will also update the policy to explain that where a resident disagrees with the level of compensation, they have the right to make a formal complaint or escalate any offer made on a complaint to the next stage. In some cases, the next stage may be for the resident to escalate the matter to the Housing Ombudsman.

<p>11. <i>The staff are incompetent to resolve any issues, and they lack training to know their own procedures, therefore I don't feel they will resolve anything.</i></p>	<p>We will provide training to staff as part of the implementation of this new policy and ensure the process has appropriate management oversight.</p>
<p>12. <i>There is a mention of the resident not providing "reasonable access" as a reason to deny compensation. The term "reasonable" can be subjective and might need clearer definition to prevent disputes. Clearly define "reasonable access" in the policy.</i></p>	<p>We will provide a definition of reasonable access as part of the policy.</p>
<p>13. <i>How to apply e.g. in writing, email or letter options(informally) , is there a particular standard format, also if via a complaint after stage 1 or 2?</i></p>	<p>As part of our implementation plan, we will ensure the application process is made clear.</p>
<p>14. <i>Where a debt is owed to the council (e.g., rent arrears or services charges) compensation payments will be offset to pay the debt. Any credit remaining can be refunded to the resident. Compensation should not be withheld against debt.</i></p>	<p>We will remove this from the policy and ensure it is aligned with the Housing Ombudsman's requirements</p>
<p>15. <i>I am against any compensation point blank! Such compensation schemes are well meant but we do currently no longer have time or budget to offer such services. From my perspective the resource spent on such compensation schemes would be much better spent on getting operations right and encouraging feedback. Administratively WH would only get caught up in tasks that will do nothing to improve repair services.</i></p>	<p>The Housing Ombudsman expects landlords to have a compensation policy which provides guidance on when it will consider offering discretionary compensation.</p> <p>The Council does not have such a policy, and this has been identified as a need as part of the commitments outlined in the Councils Fairer Westminster strategy.</p>
<p>16. <i>As issue that has not been resolved should be fast tracked in addition to receiving compensation</i></p>	<p>We will make it clear in the policy that as part of the remedy we will seek to resolve any service failure as quickly as possible.</p>
<p>17. <i>The existing Ombudsman's procedure is a better guarantee of fairness and justice.</i></p>	<p>We will make it clear in the policy that the policy aligns with the existing Housing Ombudsman remedies guidance.</p>
<p>18. <i>If left open to interpretation by staff, nothing will change, it's just a written guise to make it look like you are being fair, in</i></p>	<p>We will ensure that staff are trained in assessing compensation and that the approval process is sufficiently robust to ensure compliance with the policy.</p>

<i>reality will it take place? There is no named staff accountability within the document</i>	
<i>19. When people can't read and write and are illiterate, I don't even know what I'm looking at certainly can't understand it</i>	We will make it clear in our policy and guidance to residents that Council Officers will assist residents in making a claim for compensation, for example, helping to complete paperwork or offering translation services. In addition, we will offer a plain English summary guide as part of the implementation plan.
<i>20. Is Westminster Council going to pro-actively offer compensation when they have failed to deliver, or is it up to the resident to apply?</i>	As part of the implementation plan, we will explore how we proactively offer compensation and make it clear in our guidance to residents.
<i>21. Unclear on payments to leaseholders, where property tenanted. Implies payments go to sub-tenant and not lessee</i>	We will update the policy to make it explicit that claims from sub-tenants of council leaseholders are excluded from this policy and that claims from sub-tenants should be made to their landlord.
<i>22. I don't think it has been as transparent as you think it is. In what part do you hold your contractors for not always completing their work.</i>	We will publish the comment and update the policy to explain if a compensation payment results from the failure of a contractor, the council will ensure payment of compensation from the contractor is reimbursed back to the council. However, payment to the resident will not be delayed by any attempt to seek reimbursement from the contractor.
<i>23. It doesn't set a time bar for complaints and for the housing department to respond leaving way too much uncertainty if ever and when the complaints will be taken into account.</i>	We will add timescales for claims to the policy to mirror the timescales in our corporate complaints policy.
<i>24. I'd like to know a lot more about HOW I would go about receiving it. HOW long would it take? What I'd need to provide as proof?</i>	We will provide guidance on how to claim as part of the implementation plan.
<i>25. Annual Compensation Reports Publish an annual report detailing number and value of compensation payouts, reasons and resolutions. This transparency builds trust and informs residents of common</i>	We publish an annual complaints report to Audit and Performance Committee and will provide information on compensation as part of that report. We will also analyse compensation payments and identify themes and learning as a result.

<p><i>issues and their resolutions. If you capture the areas geographically, this might also help with future service planning for service improvement.</i></p>	
<p><i>26. A lot of it still sounds very vague</i></p>	<p>We accept that assessing compensation based on impact means that it is not possible to publish hard and fast figures that residents should expect to receive in the event of a service failure. We will make the policy as clear as possible that it is important to explain the impact of any service failure when making a claim.</p>
<p><i>27. Council tenants living with issues caused by leaseholders' properties when councils can't access leaseholders' properties to stop ongoing damage.</i></p>	<p>We will explain the different responsibilities and liabilities more clearly in the policy so that tenants are clear what they should be able to expect.</p>
<p><i>28. No mention of resolution policy if tenant/lessee does not agree with proposed compensation. Assumes issue has been resolved - what happens if outstanding and promised resolution not delivered or poor quality?</i></p>	<p>We will publish the comment and advise residents have the right to escalate a matter through to the Housing Ombudsman service if they are not satisfied with the outcome of a complaint investigation and the compensation awarded.</p>
<p><i>29. Definition of Vulnerability The criteria determining what constitutes "vulnerability" could be expanded upon. Residents might benefit from a more detailed or comprehensive list to avoid ambiguity. Expand the list of vulnerabilities and provide clear criteria.</i></p>	<p>We will update the policy to expand on the vulnerability definition.</p>
<p><i>30. Ex Gratia Payments The distinction between low, medium, and high-impact events, especially in terms of duration and inconvenience, might seem vague to some residents. Specific timelines or clearer criteria could be beneficial. Provide clearer examples for each category (low, medium, high) of impact, possibly with timelines or severity metrics. Additionally, conduct annual</i></p>	<p>We will explain that we will update the ex-gratia payments, so these amounts reflect the new amounts as set out in the new Housing Ombudsman remedies guidance 2023 which are:</p> <ul style="list-style-type: none"> <li>£50 - £100</li> <li>£100 - £600</li> <li>£600 - £1000</li> <li>£1000 and over</li> </ul>

<i>reviews of these categorisations based on inflation and living costs.</i>	These amounts will be reviewed annually and after any change in guidance from the Housing Ombudsman.
<i>31. Don't understand the reason for an advocate to claim compensation. Do you provide this advocate?</i>	We will make the policy clear that the Council does not provide advocates in this context, but residents can have a person of their choosing act as their representative.
<i>32. Compensation is dependent on the severity of the case, and the high end of £600 wouldn't suffice</i>	We will ensure our compensation levels will mirror those in the Housing Ombudsman's guidance on remedies. We will explain when residents can make a claim on the Council's insurances.
<i>33. Daily compensation for non-working lifts, especially for the disabled, is derisory.</i>	An amount for lift failure is not covered in the Housing Ombudsman's remedies so the value proposed is based on benchmarking with other councils. We will make it clear that we will assess the impact for residents who are unable to use the stairs.