



Compensation Policy

1. Aim of policy

- 1.1 This policy outlines our approach to providing compensation to customers of VIVID in a fair, consistent and proportionate way.
- 1.2 The aim of the policy is to:
- establish when we may award compensation
 - ensure compliance with any statutory and regulatory obligations

2. Scope of policy

- 2.1 For the purpose of this policy there are two types of compensation:
- **Statutory Compensation Payments**, which are payments predetermined through legislation and regulation
 - **Goodwill Compensation**, this is discretionary and may be given where we decide a level of service, action or inaction is not in accordance that is not in line with our service standards. This falls into two board categories:
 - **Financial Loss Payments**, which are payments for unreasonable and evidenced financial losses incurred by a customer as a direct result of a service failure
 - **Recognition Gestures and Payments**, which are discretionary gestures or payments made in acknowledgment of a service failure where practical actions alone are unable to restore a customer to their position prior to a service failure.
- 2.2 We are unable to consider claims for compensation where:
- Claims are relating to incidents that happened over six months ago, unless the customer has only recently become aware of the situation
 - Claims are relating to services not provided by or outside of our control
 - Claims are subject to tribunal or legal proceedings
 - Claims are covered by customers' home contents insurance
 - Claims may give rise to a claim under our liability insurance (negligence or personal injury)
 - Claims where service standards were met or where services had not been requested
 - Claims where the fault is due to a customer's own action, lack of action or wilful damage (including those of a family member, visitor or neighbour)
 - The fault of a third-party e.g. a utility supplier
 - Short-term nuisance caused by building works
 - Circumstances beyond our control e.g. severe weather



- Disrepair claims

- 2.3 Compensation claims relating to perceived service failures will be handled and investigated in line with our Complaints Policy.
- 2.4 In accordance with the terms and conditions of tenancy agreement, customers are required to keep paying any required rent and/or service charges while we investigate and process compensation claims.
- 2.5 All staff need to be aware of this policy.

3. Policy statement

- 3.1 We are committed to delivering services of the highest quality and achieving high levels of customer satisfaction. We recognise that sometimes we might get it wrong or our services may not be meeting our service standards. This policy provides a clear, simple and accessible opportunity for customers to be able to raise compensation claims and have them promptly, politely and fairly handled
- 3.2 This policy supports our Customer Strategy, our commitment to valuing customer feedback and providing us with an opportunity to listen to and learn from our customers. This policy and approach enables us to restore customers positions following service failures, maintain positive customer relationships and constantly develop our organisational strength.
- 3.3 We will use our discretion, with senior management approval, in the implementation of this policy and may at times make a decision outside but within the spirit of the policy.
- 3.4 Compensation will be offset against arrears unless reimbursement is being made for significant loss and damage or costs reasonable incurred, where it will take the form of a financial payment to allow for the financial disadvantage of the individual to be corrected. This will be at the discretion of the Head of Service.

4. Policy

- 4.1 **Statutory Compensation Payments**
The statutory compensation payments are the right to repair, right to compensation for tenants' improvements, and Home loss and disturbance allowances which are covered under the Land Compensation Act.
These payments are all covered under legislation which provides clear criteria under which they are paid and the amounts that are payable.
- 4.2 **Goodwill Compensation**
This can take two forms, financial Loss payments or discretionary gestures or payments.



Customers may be entitled to financial loss payments under the following circumstances:

- Loss of use of facilities and amenities.
- Additional utility costs have been incurred due to using substitute heating and dehumidifiers
- Loss of or poor quality of service chargeable services
- Other financial losses as a direct result of a service failure

The supporting guidance for staff administering compensation claims outlines the criteria to be applied and the amounts that are payable.

4.3 Recognition Gestures and Payments

Recognition gestures and payments are only considered where practical actions alone are not able to restore a customer to their position prior to a service failure. These will not always be financial and, in many instances, may be gestures such as:

- A personal visit to apologise
- A letter of apology
- Flowers
- A card

Where a financial recognition payment is considered appropriate by us we will follow the supporting guidance

5 Statutory requirements

- HCA Tenant Involvement and Empowerment Standard
- The Housing Act 1996
- Right to Repair Scheme 1994
- Right to Compensation for Tenants Improvements Scheme 2001
- Land Compensation Act 1973
- Data Protection Act 1998
- Equality Act 2010

6 Related policies

- The Customer Strategy
- Complaints Policy
- Equality and Diversity Policy
- Data Protection Policy



7 Monitor and review process

- 7.1 Compensation claims will be registered and monitored, with regular reports being reviewed by Management, Executive and appropriate Board/Panel as agreed.
- 7.2 This policy will be approved by the Executive and reviewed every three years.

7 References/appendices

Supporting guidance

Author	Owner	Date approved	Review date
Alex Nagle			April 2019