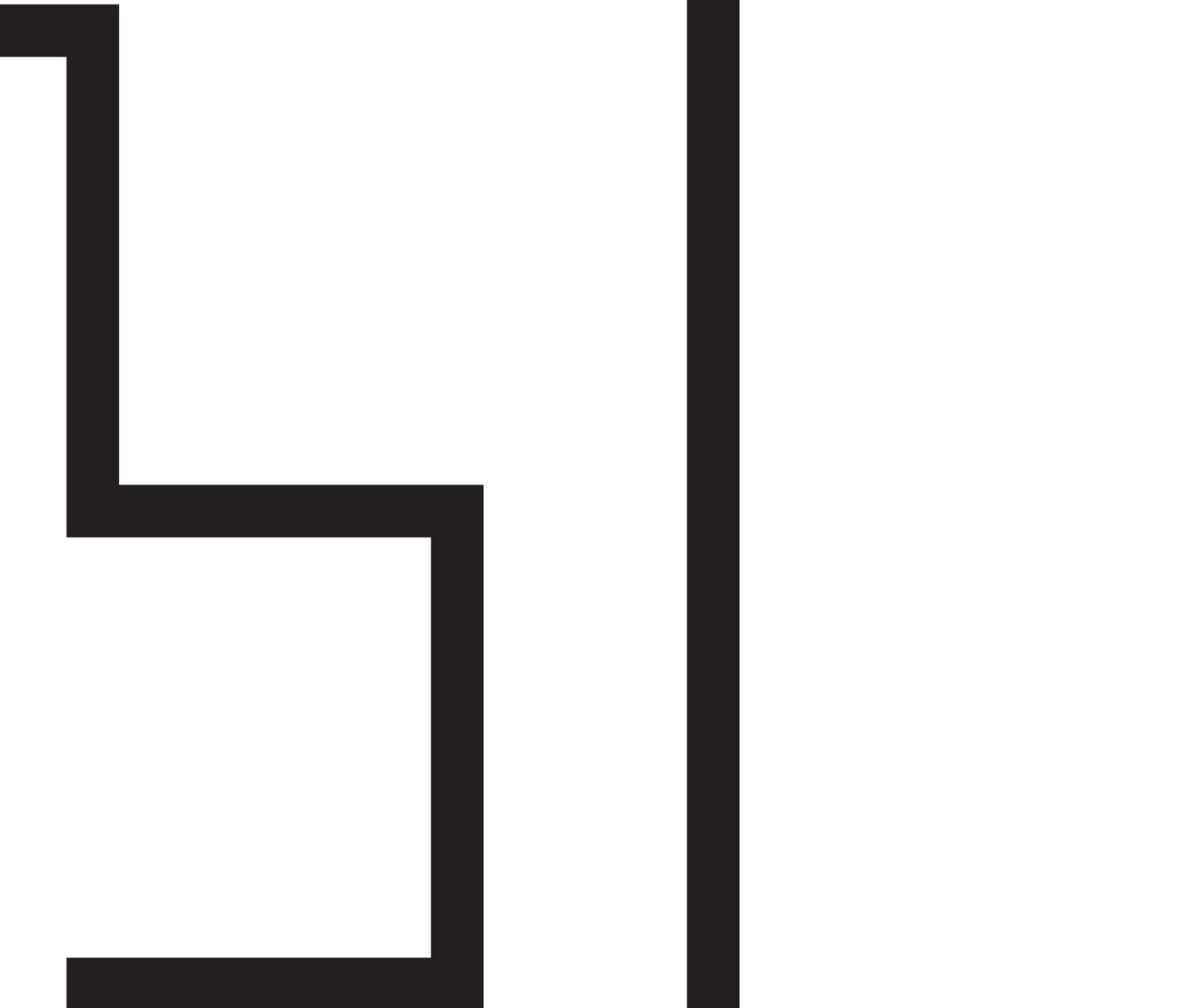




Compensation and Claims Policy

September 2023



1 POLICY STATEMENT

- 1.1 Thirteen Group are committed to maintaining high standards in all the services we provide, and we recognise that there are occasions when our customers may feel that they should be compensated.
- 1.2 The Group has insurance arrangements in place to allow for appropriate management for those claims for that are based on allegations of liability.
- 1.3 The circumstances of each case will vary significantly and will not only determine whether compensation is offered but will also influence the level of compensation paid. Below are some examples of where compensation may be offered:
 - Major Improvements
 - Programmed work
 - Failure of service
 - Loss of use of facilities within the home
 - Damage to possessions, where **liability doesn't exist**
 - Appointments being broken
 - Resolution to a complaint
- 1.4 This policy supports the Group's Complaints, Compliments and Feedback policy and recognises that in certain instances a resolution and an apology in relation to a complaint may not always compensate for any suffering caused by lack of service, and some form of financial compensation may be appropriate.
- 1.5 Where there has been loss as a result of negligence the loss will be assessed, and redress will be awarded.

2 REFERENCE MATERIAL

- Research identifying good practice from other organisations.
- Insurance principles as agreed with the Groups insurers and liability solicitors.
- Section 29 Land Compensation Act 1973
- All Thirteen policies defining service provision.
- Equality Act 2010

3 DEFINITIONS

- 3.1 Full and Final Settlement: This means that the resident or service user is accepting that the matter is resolved by accepting the compensation payment and will take no further action.

POLICY CONTENT

4 COMPENSATION

- 4.1 Please note this list is not exhaustive and compensation may be considered under different circumstances.

4.2 When determining the level of compensation to be offered the following must be taken into consideration:

- The problems caused by us getting it wrong
- The length of time it took us to resolve the problem
- Whether those affected have particular needs that were made worse by the situation
- The difficulties the service user experienced when making the complaint
- How quickly and easily the problem was solved.

4.3 As circumstances vary significantly, any guidelines on the likely range of an award has to be broad although the overriding principle is that the amount of compensation awarded must be appropriate and proportionate.

4.4 The following matrix provides guidance on the likely maximum values which could be awarded, based on the level of company responsibility and the level of impact on the customer affected by the service failure.

Degree of Thirteen Group Responsibility	No Impact	Low Impact	Medium Impact	Major Impact
None	£0	£0	£0	£0
Partial	£0	£50	£100	£150
Full	£0	£150	£300	£800

4.5 The values detailed in the matrix will be reviewed at the policy review date.

4.6 In all cases there must be an acceptance that a mistake has been made or the complainant has just cause to complain by virtue of the treatment received or other circumstances of the case. Given this, the following broad guidelines should be followed in determining the degree of impact on the complainant. It is a matter for the manager/team leader to interpret these guidelines according to the specific circumstances.

4.7 Payments made under this policy will be in full and final settlement of the issue.

Low Impact: Where the complainant has just cause but has not suffered significant inconvenience or distress as a result of the compensation event. The circumstances are such that although the manager/team leader accepts the service has not achieved the expected standard, the impact is no greater than a reasonably tolerant person could be expected to accept, and the compensation constitutes a token in acknowledgement of the failure to perform.

Medium Impact: Where the compensation event is clearly an injustice to the complainant and the service has markedly failed to meet the required standards. A repeated failure of the company to address the shortcoming, even of a low impact event, could give rise to consideration of a medium impact level of compensation.

Major Impact: These relate to a serious failure in service standards. It could either be the severity of the event or a persistent failure over a protracted time or an unacceptable number of attempts to resolve and address the complaint. Major impact could also apply where, by virtue of the actions, or inaction of the company, the complainant has reasonably incurred expenses that are directly related to the

compensation event. Such expenses shall also only be considered to the level that is considered commensurate with the event.

- 4.8 If a compensation payment is made, any amendments to policies or working practices made as a result of this will be shared across the Group.
- 4.9 The Group will normally offset any compensation payment against outstanding rent arrears or any other debt the customer may have.
- 4.10 The Group does not reimburse customers for loss of earnings. Where a tenant or service user is taking legal action against the Group the case will be managed by the Group's legal section.

5 HOME LOSS PAYMENTS (HLP)

- 5.1 Section 29 Land Compensation Act 1973 (as amended) entitles a person to a Home Loss Payment (HLP) where that person is displaced from a dwelling for the purpose of improvement works or redevelopment of land.
- 5.2 Qualifying Interests – An interest in the dwelling or a right to occupy the dwelling.

Claimants must have been in authorised occupation as sole residence for one year prior to displacement.

5.2.1 Authorised Occupation – A right to occupy the dwelling;

- as a statutory tenant within the meaning of the Rent (Agriculture) Act 1976 or the Rent Act 1977,
- a right to occupy the dwelling under a contract of employment.
- a right to occupy the dwelling under a license.

- 5.3 HLP for tenants with qualifying interest as a statutory tenant will be paid at the minimum specified amount.
- 5.4 HLP payable to an owner occupier having an owner's interest as defined in section 7 of the Acquisition of Land Act 1981 (that is, freeholders or leaseholders having an unexpired term of more than three years) is 10% of the market value of the claimant's interest in the dwelling subject to the minimum and maximum specified amounts.
- 5.5 HLP must be paid on the date of displacement or within 3 months of the claim.
- 5.6 The Group will normally offset any compensation payment against outstanding rent arrears or any other debt the customer may have, however, if this debt exceeds the compensation amount, it will be capped to a payment of £1,000.

6 DISTURBANCE

- 6.1 In order to maintain the condition and safety of properties the Major Works Plan identifies the investment works and component lifespan.

- 6.2 The type and extent of works may cause disturbance to décor. In such cases a compensatory amount, to make good the affected area, relative to the disturbance caused will be paid to the tenant.
- 6.3 In the event of extensive works being undertaken, such as a house rewire a standard rate will be paid.
- 6.4 The Group acknowledges that not all tenants will have the ability to make good their décor without support, in such cases reasonable adjustments will be made in line with the Equality Act 2010. Examples of reasonable adjustments could include Thirteen making good the décor or an enhanced allowance to pay someone to do the work, depending on the circumstances of the tenant.

7 LIABILITY CLAIMS

- 7.1 The Group will hold appropriate insurance in relation to its legal liabilities and make arrangements to deal with liability claims under the insurance policy's excess level in an effective and transparent manner.
- 7.2 Liability claims received that are not represented, generally those for property damage, will be acknowledged and the customer will be and given the timescales for the response
- 7.3 The Customer Relations Team will assess all Liability Claims.
- 7.4 All claims will be investigated and a decision will be made on one of the following basis;
 - The claim will be denied as no liability has been established
 - Liability will be accepted and the amount claimed will be reviewed in line with insurance principles.
 - An ex gratia payment will be considered where there is no absolute clarity of liability, the amount will be in accordance with, nor exceed those detailed in the matrix at 4.5

All Customers will be advised in writing of the outcome and the reasons for reaching the decision. They will have a right of appeal if they can provide further relevant information that has not previously been taken into account, or they can show that the Group has misunderstood the information already supplied and that the misunderstanding had an impact on the outcome of the claim.

- 7.5 The decision of the appeal will be final.
- 7.6 Represented liability claims (received via a legal representative) will be dealt with within the requirements of the Civil Justices Act and where applicable the Group's Insurers requirements. These claims are generally those that involve an allegation of personal injury. The timescale for these claims sits outside the normal timescales and is prescribed by the Courts. Performance Reporting (to highlight will be this done, if so how, for what purposes and who will it be reported to)

8 MONITORING INFORMATION

Equality and Diversity	This policy mitigates the risk of any disadvantage to any of the protected characteristics through referencing reasonable adjustments where relevant.
Environmental Sustainability	There are no direct environmental impacts arising from this policy.
Data Protection Impact Assessment	There is no risk to data arising from this policy.
Customer Involvement and Consultation	This policy has been consulted on and approved by involved customers. The policy has been amended to include disturbance allowance and customers have reviewed this section as a result of their feedback examples of reasonable adjustments have been included at 6.4
Monitoring and Review	This policy will be reviewed every three years or on changes in legislation or regulation
Responsibility	Janice McNay – Overall implementation of the policy. All operational managers - Operational delivery of the policy and associated procedures.

9 APPENDICES

None.