

Compensation Policy and Procedure

Policy Statement

Purpose

The aim of this policy is to provide a fair, transparent and consistent framework for the consideration and award of compensation. It covers compensation arising from complaints and service failures, statutory compensation and reimbursements, discretionary payments, and financial support provided to customers during periods of disruption or to sustain their occupation of their home.

Decisions will be made on the individual merits of each case, applying appropriate discretion and common sense to ensure outcomes are proportionate and equitable. We will put the customer experience first, focusing on putting things right and delivering fair outcomes for customers.

Legal Obligations

Orwell is governed by legislation which is used to decide when and how much mandatory compensation will be paid. Compensation payable under legislation includes:

- Right to Repair – Common hold and Leasehold Reform Act 2002.
- Right to Compensation for Improvements – The Housing Act 1985 and the Secure Tenants of Local Authority Regulations 1994.
- Home Loss and Disturbance payments – Land Compensation Act 1973 as amended by the Planning Act 1991.

In addition to these legal obligations, Orwell will have due regard to the Housing Ombudsman's Complaint Handling Code and associated remedies guidance when assessing discretionary compensation, particularly where there has been a service failure.

When assessing remedies and discretionary compensation relating to Care and Support services, Orwell will have regard to the principles set out in the Local Government and Social Care Ombudsman's Guidance on Remedies. Orwell will also have regard to the Health and Social Care Act 2008, Care Quality Commission (CQC) Fundamental Standards, and other relevant health and social care guidance where the circumstances relate to the provision of Care and Support services.

Orwell's Commitment

- We will put things right when things go wrong, using compensation as one of a range of remedies to achieve fair outcomes for our customers.

- We will consider each case on its individual circumstances, recognising the impact that the issues leading to a compensation claim may have on our customers' mental health, wellbeing and wider household, and acknowledging that the effects of service failures may be experienced differently depending on an individual's circumstances, vulnerabilities or protected characteristics, while applying this policy fairly, consistently and transparently.
- Where compensation relates to a service failure, we will normally consider it through our Complaints Policy and Procedure to ensure that the issue is fully investigated and appropriately resolved. We will have regard to the Housing Ombudsman's guidance on remedies and the Complaint Handling Code, ensuring our approach reflects good practice and current sector expectations.
- Orwell will make reasonable adjustments when considering compensation claims from customers with disabilities or communication needs.
- Orwell reserves the right to refuse or recover compensation where false, misleading or fraudulent information has been provided.

Types of compensation

There are three different types of compensation:

1. **Quantifiable loss payments:** compensation for actual financial loss or expense that a customer can evidence and demonstrate has been incurred.
2. **Discretionary payments:** compensation awarded at Orwell's discretion to recognise the impact of service failure, a customer's time and trouble, distress, inconvenience, or loss of enjoyment of their home. Any award will reflect the severity and duration of the impact experienced.
3. **Mandatory payments:** compensation that Orwell is required to make in accordance with legislation, regulation, or other statutory obligations.

Care and Support Services

In Supported Housing and Extra Care settings compensation requests may arise from service failures, disruption to support arrangements, or loss or damage to personal belongings. Each case will be assessed on its individual merits, considering the available evidence, the impact on the customer, and whether Orwell acted in accordance with relevant policies, procedures and professional standards.

Claims involving safeguarding concerns, financial abuse, medication errors, personal injury, negligence, or other serious incidents will be managed through the appropriate safeguarding, insurance, legal, or incident management processes. Where compensation is considered, Orwell will take account of the customer's vulnerability, support needs, and reliance on the service when assessing the impact of any service failure.

Governance and Monitoring

Compensation payments will be authorised in accordance with the Orwell Standing Orders. The total value of compensation payments will be reported to the Board and Customer Insight Committee in regular performance reports, and shared with customers in the annual complaints performance and service improvement report.