

London Borough of Brent

Housing Compensation and Remedies Policy

This policy sets out Brent Council's approach to compensation and remedies for residents where there has been a service failure, missed repairs appointment, complaint, resident engagement activity or situation resulting in home loss or decant. It provides a framework for determining appropriate remedies and compensation.

Owner:	Spencer Randolph, Director of Housing Services	
Approved by:	DMT/Board/Cabinet	dd/mm/yyyy
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Regulator:	<ul style="list-style-type: none"> • Regulator of Social Housing (RSH) • RSH Consumer Standards <ul style="list-style-type: none"> ○ Transparency, Influence and Accountability Standard ○ Safety and Quality Standard ○ Tenancy Standard • RSH Consumer Standards Code of Practice
Legislation:	<ul style="list-style-type: none"> • Social Housing (Regulation) Act 2023 • Housing Act 1996 • Housing Act 1985 • Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994 • Land Compensation Act 1973 • Equality Act 2010 • Localism Act 2011 • Housing and Regeneration Act 2008
Codes of Practice:	<ul style="list-style-type: none"> • Housing Ombudsman Complaint Handling Code • Housing Ombudsman Remedies Guidance • Housing Ombudsman Compensation Guidance • Housing Ombudsman Dispute Resolution Principles • Local Government and Social Care Ombudsman Guidance on Remedies • Regulator of Social Housing Consumer Standards Code of Practice
The policy also operates in the context of:	<ul style="list-style-type: none"> • Corporate Complaints Policy • Equality, Diversity and Inclusion Strategy 2024–2028 • Tenant Engagement Strategy

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1. Purpose

This policy covers all instances where tenants and leaseholders may be compensated or receive remedies from Brent Housing Management, including for a:

- Participant in resident engagement activities
- Missed repairs appointment
- Service failure or issue picked up through complaints process

- Situation leading to home loss or decant

The policy outlines our commitment and principles to ensure that residents are fairly and consistently compensated and that any issues encountered are remedied consistently and proactively.

2. Scope

This policy applies to:

- All Brent Council tenants, leaseholders, temporary accommodation residents and shared owners.
- All council landlord service functions: relating to the management of Brent Council owned properties and estates, and the residents living in those properties.
- All complaints that fall within the Housing Ombudsman's jurisdiction.
- Informal issues where the council determines compensation is appropriate, even if no formal complaint has been submitted.

2.1 Guiding Principles

Our approach to compensation and remedies is grounded in a clear set of principles designed to ensure residents are treated fairly and consistently. These principles guide how we assess impact, and determine appropriate remedies, while recognising that each resident's circumstances are unique. They help ensure decisions are transparent, proportionate, and focused not only on redress but also on driving service improvement.

- **Fairness & proportionality:** Awards reflect the impact on the resident and are supported by clear reasoning.
- **Consistency:** Standardised frameworks guide decision-making while allowing discretion when needed.
- **Individual circumstances:** Similar failures may impact residents differently; decisions are on a case-by-case basis.
- **Practical remedies first:** Take proactive steps to remedy or resolve concerns and situations in the first instance
- **Learning & improvement:** Outcomes inform service improvement and help prevent recurrence.
- **Clear governance:** Approval limits and escalation routes are defined and followed.
- **Respect:** Throughout the process, tenants will be treated with respect and dignity at all times.
- **Acknowledging impact:** The Council will recognise the inconvenience, distress, disruption or financial impact caused by service failures and consider these when determining an appropriate remedy.

2.2 Definitions

Remedies

Where the Council has failed to deliver a service to the expected standard, including where there has been a delay, missed appointment, failure to complete a repair, poor complaint handling or other service failure, the Council will consider what action is needed to put things right. The Council acknowledges the inconvenience and stress this can cause. The categories below set out the practical remedies that may be used to put things right.

- Completing repairs
- Replacing damaged items (where it is a landlord responsibility)
- Providing dehumidifiers and/or temporary heating
- Offering redecoration
- Rebooking or prioritising appointments
- Goodwill gestures such as vouchers or flowers
- Practical adjustments for vulnerable residents

The list set out above is not exhaustive. Due to the variety and nature of cases received by the council, staff may use their discretion to decide on the best remedy for a case, tailored to individual factors to be considered when deciding on remedies. These factors can include:

- How long the situation has been going on for
- How often the situation has occurred
- The severity and impact on the resident

Specific levels of compensation are set out in section 6 of this policy. We will review the levels of compensation regularly in line with best practice, guidance from the Housing and Local Government and Social Care Ombudsman Services.

Compensation

Compensation falls into three main categories:

1. Mandatory payments- these payments must be made in line with the Housing Ombudsman's guidance
2. Quantifiable financial losses- this is compensation for reasonable additional costs residents incur due to landlord failings. Residents must be able to evidence these costs.
3. Discretionary payments- these address non-financial impacts as a result of landlord failings

Mandatory payments

Mandatory payments are those that the council is legally required to provide in specific circumstances. These payments are not discretionary and must be issued whenever the qualifying criteria are met.

Examples include:

- Home loss payments
- Disturbance payments
- Right to Repair scheme payments

Quantifiable financial losses

Quantifiable financial losses are reimbursed where a resident has incurred a direct and reasonable cost as a result of the organisation's action or failure. These costs must be evidenced, clearly linked to the issue, and proportionate to the circumstances.

Examples include:

- Extra heating costs
- Takeaway meals when a kitchen is unusable
- Laundrette costs
- Residents' cleaning or minor repair costs resulting from landlord failure

Discretionary payments

Discretionary payments are used where the impact on the resident is non-financial but still significant. These payments recognise inconvenience, disruption, or poor service that falls short of expected standards, and they help ensure a fair and consistent resolution.

Examples include:

- Time and trouble
- Distress and inconvenience
- Loss of room use or amenities
- Delays beyond published standards
- Poor complaint handling
- Missed emergency appointments
- Extended periods using dehumidifiers

3. Our Values

3.1 Brent Landlord Services Vision Statement

A trusted housing service where colleagues work together with purpose, professionalism and accountability to deliver fair, responsive and high-quality services that make a positive difference for residents.

3.2 Equality, Diversity and Inclusion Strategy

This policy embodies Brent Council's commitment to Equality, Diversity and Inclusion within our work and the services we provide. Please refer to our Equality, Diversity and Inclusion Strategy here: [brent-equity-diversity-and-inclusion-strategy-2024-28-digital-version-v2.pdf](#)

All decisions must consider:

- Resident characteristics and vulnerabilities
- Communication needs
- Whether delays or failures disproportionately affected individuals due to a vulnerability such as health or disability

Reasonable adjustments must be offered throughout the process.

4. Reimbursement for participation in resident engagement activities

We appreciate the time residents give to take part in resident engagement. Their input is vital to shaping our services, ensuring that resident voice is at the centre of our approach, building on the work set out in the council's Tenant and Engagement Strategy.

When taking part in engagement activities, incentives offered to residents will be clearly communicated before they agree to take part in any activities, and incentives will be calculated based on the assessment of impact, for example meetings outside of usual hours, the duration of the activity or the type of activity.

The council may offer one or more of the following rewards:

- Shopping vouchers or gift tokens of between £10 and £50, the value of which will be determined by the budget holder and will reflect the nature of involvement and level of time and effort required. The council will inform invitees of the value of the reward at the earliest possible stage, preferably when they are first invited to participate.
- Other prizes deemed appropriate by the project manager / Head of Service, such as goodie bags or branded goods.

- Prize draws to promote participation from a larger number of tenants and leaseholders. A prize draw may be offered on occasions where a reward for every participant does not deliver value for money.
- Free training opportunities

If a resident is in rent arrears, the council will offer the option to have the value of any voucher or prize credited to their account to reduce the amount owed, should the resident prefer. If the resident does not state a preference, they will be rewarded with the original voucher or prize offered.

5. Compensation and remedies for missed repairs appointments

Repair appointments are allocated within defined time slots, which are confirmed at the point of booking. If a contractor fails to attend within the agreed time limits the resident will be entitled to missed appointment compensation of £10, which can be claimed by contacting the contractor. Where the contractor cancels an appointment then the contractor will pay compensation of £25 where it is cancelled within 1 working day of the appointment slot and £100 to the resident if it is cancelled on the day of the appointment. Where a missed appointment is identified through a formal complaint, this will be taken into account and added to any complaint-related compensation awarded. In addition, a remedy will be applied by prioritising the rebooking of the repair appointment.

Missed appointments are defined as follows:

- Where the Contractor arrives before the appointed time slot without having had prior agreement to changing the appointment time
- Where the Contractor is more than 15 minutes later than the appointed time slot agreed

6. Putting things right through the complaints process

We will always aim to resolve the complaint at the first point of contact, resolving the issue before compensation or remedies are required.

If it is not possible to resolve the complaint quickly, or if it is clear that we need to investigate it in more detail, we will refer it to the relevant department for investigation. All findings must be fully considered and agreed before compensation and remedies are decided. Complaint letters will outline how the calculation was made, as well as a link to this policy to ensure that calculations are transparent. As set out in section 4.6 of this policy, discretionary payments will be applied as part of complaint investigation compensation.

When assessing complaints, the council provides a two stage corporate complaints process, which is summarised below:

6.1 Stage 1

Stage 1 corporate complaints are acknowledged within 5 working days of the complaint being received, and we aim to respond within 10 working days of the complaint being acknowledged. However, where a complaint is complex, covers a lot of historic data or there are various strands to the complaint, the Council may extend the complaint by up to a further 10 working days.

In the majority of cases, matters are resolved at this point. However, the Stage 1 response will inform the complainant of their right to request a final review (Stage 2) of their complaint if they remain dissatisfied. If the complainant does wish to proceed to this stage, residents are encouraged to clearly state what parts of their complaint have not been addressed satisfactorily and the reasons why, to make it easier for the investigator to focus their investigation on these areas.

6.2 Stage 2

Stage 2 corporate complaints are investigated independently from the department by the Complaints team. Stage 2 complaints will be acknowledged within 5 working days from the receipt date of the Stage 2 request, and we aim to complete the investigation within 20 working days of the complaint being acknowledged. However, where a complaint is complex, covers a lot of historic data or there are various strands to the complaint, the Council may extend the complaint by up to a further 20 working days.

If the complainant still remains dissatisfied, they have the opportunity to have their complaint considered by the Housing Ombudsman, details of which will be included in the response.

6.3 Putting actions on hold during the investigation

Any actions we are taking that may have given rise to the complaint - for example Council Tax recovery proceedings - may be put on hold until we have finished the complaint investigation.

6.4 Complaints to the Housing Ombudsman

If your complaint concerns the management of Council Housing stock or repairs, you can refer your concerns to the Housing Ombudsman. You can do this at any time by using the contact details below:

Housing Ombudsman Service
PO Box 1484,
Unit D,
Preston,

PR2 0ET PO

Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk

If a complaint is escalated to the Housing Ombudsman, we will comply with any recommendations, which could include the payment of compensation.

The Housing Ombudsman and Local Government Ombudsman regularly publish information about their decisions, whether on individual cases or patterns across the housing and public sector. The council commits to regularly review this information and use it to inform our learning, decision making and compensation payments for future similar cases.

6.5 Group Complaints

Residents may raise a complaint on behalf of a group. We will register a group complaint when multiple residents are affected by the same issue or closely related issues arising from a common cause. Each participant can opt in or out. Where grouping would be unfair or impractical, we will proceed with individual complaints.

In these cases:

- **Compensation is only paid to the named complainant who raised the complaint on behalf of the group**, unless individual households can demonstrate their own personal detriment.
- Where multiple households are affected and impacts differ, awards are calculated individually.

6.6 Impact categories for complaints compensation

When awarding compensation, the council will credit a resident's rent account if they are in arrears, make direct payments to their bank or, if the amount awarded is under £500, compensation is awarded as a postal voucher to be claimed at any post office.

The table below sets out the criteria the council will consider when issuing a compensation payment. As part of the assessment, the council will consider the impact of the service failure on a resident, as well as their household.

Level	Description
Low	Service failures with a minimal impact and/or short term inconvenience; including routine repairs and missed appointments.
Medium	Service failures in this threshold include moderate inconvenience, without permanent impact. Impacts include repeated failures or significant delays in routine repairs.
High	Major service failures with significant impact, including physical or emotional effects. Examples include long-term issues like an

	ongoing leak causing property damage and requiring temporary accommodation.
Severe	Considered where the impacts include substantial, long-term effects on the resident, including physical and/or emotional impacts. Examples include long stays in temporary accommodation due to repair mishandling and mishandling of vulnerable residents' cases.

7. Exclusions

Compensation may not be awarded in all circumstances. The below is a non-exhaustive list of instances where compensation will not be paid:

- All statutory and contractual obligations have been fulfilled by Brent
- Delays to repairs where the resident seeking compensation has failed to provide access on three or more occasions for the Council to address the fault/issue
- Personal injury claims
- Damage beyond our control e.g. storm damage or flooding
- Loss or damage is caused by third parties not working for Brent
- Claims where residents are advised to use their contents insurance
- Disrepair claims managed through separate processes
- Loss or damage is due to unauthorised alterations to the property

Insurance and Contractor responsibilities

The below summarises the insurance process for leaseholders, tenants and contractors. Further information can be found at the following council web page: [Insurance claims | Brent Council](#)

Leaseholders

- Property damage and insurance excess claims must go through the building insurance process.
- This policy does not duplicate or override insurance obligations.

Tenants

- Contents losses must be claimed through their contents insurance.
- Where the Council's failure caused quantifiable financial loss, compensation may be considered.

Contractors

- If contractor actions caused the failure or damage, they may be recharged.

- The Council may compensate the resident first and then recover costs from the contractor.

8. Mandatory payments

As set out in section 4.4 of this policy, mandatory payments are those that the council is legally required to provide in specific circumstances. This includes in the circumstance of home loss and disturbance payments.

Where a tenancy is ended because the property is being disposed of or demolished, the tenant is entitled to statutory Home Loss Compensation and Disturbance Payments.

In these cases, the Area Tenancy Manager will inform the resident that any rent arrears will be reduced by the amount of Home Loss Compensation they are entitled to receive, as set out in the council's Decant Policy.

9. Rent arrears

In some cases, tenants may have compensation awards reccredited to their rent account. Such situations include:

- For internal compensation awards, tenants with arrears will have payments automatically credited to the rent account, unless a manager authorises an exception due to hardship.
- This does not apply to Ombudsman ordered payments, which must be paid directly to the resident.

10. Learning, monitoring and assurance

This policy is implemented through the Council's Corporate Complaints Policy. Compensation and remedies are monitored through the Council's Corporate Complaints Dashboard, as well as through the Annual Complaints Report.

The Council will monitor both the awards made and the delivery of agreed remedies to ensure that actions committed to as part of a complaint or service recovery are completed. Learning from monitoring and quality checks will be used to identify recurring issues and improve services.

The Council will use quality checks to ensure that compensation and remedies are applied fairly and consistently, and that agreed actions have been completed. Monitoring will help identify recurring service failures and areas for improvement. Where issues are identified, the Council will use this learning to improve services and reduce the risk of similar failures occurring again.