



Discretionary Compensation Policy

June 2023

SCO-POL-14-02

0.	DOCUMENT CONTROL		
0.1	SUMMARY		
	Discretionary Compensation Policy		
0.2	DOCUMENT INFORMATION		
Role	Name/Position	Date	
Author	Graham Jones, Customer Feedback Officer	June 2023	
Approved by	Landlord Operations Committee	June 2023	
Document Reference	SCO-POL-14-01		
0.3	DOCUMENT STATUS HISTORY		
Version	Date	Change owner	Reason for Update
V1	Sept 2020	Janine Greenall	New Policy
V2	June 2023	Graham Jones	Review & to incorporate changes to guidance made by the Housing Ombudsman
0.4	DOCUMENT REVIEW DATE		
Review Due	Sept 2026		
Responsible Officer	Paul Warburton, Managing Director, Housing		
0.5	DISTRIBUTION		
Name / Department	Title		
All business areas			
0.6	ASSOCIATED DOCUMENTS		
Ref: SCO-POL-09-03	Title: Complaints Policy		
Ref: NA	Title: Compensation – Staff Guidance document		

Contents

Page

- 1. Scope 4
- 2. Policy Statement 4
- 3. Implementation 5
- 4. Consultation 7
- 5. Responsibility 7
- 6. Diversity & Inclusion 7
- 7. Monitoring & Review 7

1. Scope

- 1.1 On 1 January 2019 Liverpool Mutual Homes and Torus Housing Groups amalgamated to form a new social housing landlord organisation known as Torus62 Ltd that operates under the trading name Torus. Torus housing stock (circa 38,000 dwellings) principally contains properties located within its three heartlands of Warrington, St Helens and Liverpool
- 1.2 This Policy applies to tenants and leaseholders of Torus and to members of the public who may interact with Torus. The policy covers discretionary compensation linked to loss, damage or inconvenience due to service failure.
- 1.3 The policy has been developed in line with Torus's Complaint Policy.
- 1.4 The Housing Ombudsman published its revised 'Remedies Guidance' document in September 2022. This Policy and the associated 'Compensation – Staff Guidance' document have been updated to reflect these revisions

2. Policy Statement

- 2.1 Torus is committed to providing excellent customer service that represents value for money to its customers and partners. It aims to get things right first time and to resolve issues at the first point of contact. Torus staff are trained in complaint handling and are empowered to deal with complaints and claims for discretionary compensation as and when they arise.

Where Torus has got things wrong, the complainant will be given an apology and an explanation about what went wrong and what action Torus will take to put things right. However, there may be instances whereby a customer has incurred inconvenience, frustration, distress or an element of financial loss. In such instances, it is appropriate that the investigating officer has the flexibility to consider the application of a discretionary compensation award. This policy details Torus's Policy for the management of such awards.

This policy is compliant with the Tenant Involvement and Empowerment Standard requirements as part of Torus commitment to demonstrating compliance with the Consumer Regulation Standards.

Guidance provided by the Housing Ombudsman has been reviewed in the development of this policy including the key dispute resolution principals of be fair, put things right and learn from complaints.

3.Implementation

3.1 All complaints received by Torus will be managed in accordance with Torus's Complaint Policy.

When a complaint is upheld, Torus recognise that complainants have right to redress as part of the complaint resolution, this could include:

- An apology and explanation of the service failure
- Putting right what has gone wrong
- Improving practice and processes to reduce the risk of the error reoccurring
- In some circumstances, financial compensation may be an appropriate form of redress, for example, when the tenant has experienced financial loss, inconvenience or distress.

Compensation may be statutory (i.e. Torus are obliged by law), or discretionary (e.g. the circumstances dictate that it is the right thing to do).

Statutory Payments

These include payments for home loss, disturbance, improvements and payments under the Right to Repair scheme.

Discretionary payments

Compensation may be considered where there has been avoidable inconvenience, distress, damage, harm, or other unfair impact of the service failure.

Compensation for quantifiable financial loss e.g. cost of replacing damaged property, increased heating bills due to disrepair, having to pay for alternative accommodation and associated moving and storage costs or take away food.

Evidence of expenditure will be required and only reasonably incurred costs will be considered by Torus. We may also consider paying compensation where loss cannot be proved (unquantifiable loss) but only where the balance of probabilities suggests that the loss has occurred and then, only where the loss occurred as a direct result of our failures

In certain circumstances, compensation payments will not be considered this includes:

- Claims for personal injury
- Claims for damage caused by circumstances beyond Torus' control (e.g. through storm or flooding)
- Problems caused by a third party not working for Torus and problems resulting from lifestyle choice.
- Instances where any damage is covered under contents insurance unless the damage has been caused as a direct result of the actions or omissions of Torus or a contractor working on its behalf.
- We will not pay compensation for loss of earnings due to service failure However, there may be circumstances when it is appropriate to pay compensation in recognition of the inconvenience caused, for example where repairs appointments are repeatedly missed or fail to resolve the repair issue

Although Torus recognise the impact of a service failure cannot simply be remedied by a financial payment, a payment may be made in recognition of the impact and to acknowledge how the complainant has been affected.

Compensation calculations will be based upon what is considered fair and reasonable in the particular circumstances of the case and will be usually be paid where;

- There is actual proven financial loss sustained as a direct result of a service failure and / or
- There has been avoidable inconvenience, distress, detriment or unfair impact resulting from a service failure

Factors that may be taken into account, when deciding if compensation is appropriate redress and the overall amount include,

The duration of any avoidable distress or inconvenience

- The seriousness of any other unfair impact
- Actions by the complainant or Torus which either mitigated or contributed to actual financial loss, distress, inconvenience or unfair impact
- The impact on the resident's living arrangements, e.g. where the loss of a bedroom leads to overcrowding in the property
- The level of rent or service charges
- Torus's policies and service standards including guidance on remedies contained within the associated, revised, 'Compensation – Staff Guidance' document
- Levels of compensation for similar cases paid to other complainants, including learning from Housing Ombudsman guidance.
- Consideration of the individual residents circumstance and vulnerabilities and identify that any impact is worsened through disability, old age or the presence of young children.

Details of any compensation award and the rational will be explained in the complaint response

letter. Acceptance of compensation does not prevent the tenant from escalating their complaints and ultimately to the Housing Ombudsman service if they remain dissatisfied with the outcome.

Compensation payments will usually be made within 28 working days of the customer accepting the offer.

In cases where no financial loss has been incurred by the complainant, Torus may award the payment as a rent credit, particularly if a tenant has arrears on the rent account.

4. Consultation/Resident Involvement

4.1 Torus is committed to promoting customer engagement and participation at all levels of its business and governance arrangements including policy development. This policy has

been subject to both tenant and officer consultation in addition to consideration by Torus' Landlord Operations Committee that contains a majority of tenant members.

5. Responsibility

5.1 The policy is the responsibility of the Managing Director, Housing Services.

6. Diversity & Inclusion

6.1 The Policy supports Torus' Equality and Diversity Policy. In recognition of this we aim to deliver a Complaints Service that is;

- Relevant and fully accessible to all
- Tailored to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community
- Compliant with all aspects of Equality and Diversity legislation.

7. Monitoring & Review

7.1 Torus Leadership Team monitors performance on a monthly basis, whilst a more detailed Quarterly Performance Report is provided to the Landlord Operations Committee. Torus (Group) Board also considers performance on a quarterly basis.

7.2 This Policy will be reviewed in line with Torus Policy Review Framework, or when any changes in Legislation and the 'Regulatory Framework for Social Housing in England occur.