

**HOMES POLICY DEVELOPMENT GROUP
NOVEMBER 2019**

TENANT COMPENSATION POLICY

Cabinet Member:

Responsible Officer: Mark Baglow, Group Manager for Building Services

Reason for Report: To advise Members of the revised improvements to the Tenant Compensation Policy

RECOMMENDATION(S): That Cabinet reviews and adopts the revised Tenant Compensation Policy

Relationship to Corporate Plan: The Tenant Compensation Policy will be key to managing our council homes efficiently, continuing to work to prevent homelessness and taking consideration for the impact of an aging population, helping elderly people retaining their independence and remain in their own home.

In relation to the community aims, it encourages tenants to support themselves, maintaining their health and wellbeing.

Financial Implications: The financial implications will be contained within the Housing Revenue Account (HRA).

Successful implementation of this policy could help to reduce customer dissatisfaction, and upheld complaints, by empowering tenants to exercise their rights to claim compensation appropriately as service requests.

Legal Implications: It will be necessary to ensure that the Tenant Compensation Policy addresses all the legal obligations the Council has as a Landlord under within the parameters of the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994, the Housing Act 1985 and the Leasehold Reform, Housing and Urban Development Act 1993.

Equality Impact Assessment: The housing repairs service recognises that there are some circumstances whereby a tenant's disability, language or cultural background may make it more difficult for them to understand or exercise their rights as set out in this policy and associated regulations. We tailor our service to support such tenants.

The provision of the discretionary compensation section allows the housing repairs service to consider the additional impact of disability, language barriers and cultural background

Risk Assessment: The management of circa 3000 homes for some of our most vulnerable tenants contains many risks. These risks are managed at a service level.

1.0 Introduction

1.1 The last policy was approved in 2015, and has become due for review after 3 years as prescribed within that policy. Taking on feedback from tenants, complaints, our tenant group and the housing ombudsman, it has been deemed necessary to amend the policy to ensure it is clear, and in line with regulation.

2.0 Proposed Changes to the Policy

2.1 If accepted, the proposal is for changes to the previous policy to be published for officer use and tenant reference. These changes can be found in the table of amendments below (appendix 1), and in margins of the 'change tracked' policy.

2.2 This policy has been aligned with the latest Tenancy Agreements and with the existing regulations, and the latest review of the Improvements to Council Homes Policy.

2.3 We have taken into consideration tenant feedback, comments, and complaints received since this policy was last reviewed, and provided greater clarity to tenants seeking compensation or looking to make qualifying improvements.

2.4 The term of the policy has been extended to 10 years.

3.0 Tenant Consultation

3.1 The Housing 'Tenants Together' group have been consulted on this policy and their comments taken into consideration.

4.0 Implementation of the Improvements to Council Properties Policy

4.1 This policy will be published on the council's intranet and public website, with appropriate links from relevant housing and repairs pages. It will be shared internally with all housing officers. We will notify tenants of the updated policy using social media and quarterly rent statement. We will also include the policy as required as an enclosure to comments or complaints requesting or relating to compensation. The points of clarification are intended to benefit tenants as much as it is the council.

4.2 Implementation of this policy will be supported by action from both the Building Services and Housing teams.

5.0 Financial Context

5.1 Maintaining the Councils housing stock is the largest ongoing element of the Councils capital programme.

5.2 Clarification of this policy and strict adherence to it should help to reduce customer dissatisfaction, and upheld complaints, by empowering tenants to exercise their rights to claim compensation appropriately as service requests. This represents possible savings in officer time dealing with complaints and the

reduction of risk of higher penalties as a result of Housing Ombudsman investigation or legal claims.

5.3 There are no additional resource implications as a direct result of this policy.

Contact for more Information:

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Circulation of the Report:

Director of Operations
Cabinet Member for Housing
Tenants Together Group
Group Managers
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Homes Policy Development Group

Appendix 1 – Summary of additions and revisions

Policy Ref	Description	Date
1.0	Change of wording from 'policy statement' to 'introduction', including policy statement, to bring in line with consistent policy format	14/08/19
1.0	Complaints and performance statements removed, to be added to later section, in line with consistent policy format.	14/08/19
2.1	New section with added background information on Scope of policy in line with consistent policy format.	14/08/19
2.2	'Policy Standards' transferred to this section of 'scope' in line with consistent policy format.	14/08/19
4.0	Addition of 'Definitions' section in line with consistent policy format.	14/08/19
7.0	Additions to clarify in line with regulations.	14/08/19
	Appendix 2 added – schedule of repairs included in The Right to Repair, with prescribed periods.	14/08/19
8.2	Addition – date of improvement section added, in line with guidance.	14/08/19

8.3	Additional items added – shower, [storage cupboards] in bathroom or kitchen ,loft or cavity wall insulation, draught proofing or external doors or windows, re-wiring or the provision of power and lighting or other electrical fittings including smoke alarms, security measures (excluding burglar alarms)	14/08/19
8.4	Added: Details on when and how tenants can claim.	14/08/19
8.5	Added: ‘Permission must be sought by the tenant and received from Mid Devon District Council housing service, in writing, prior to the improvement being carried out.	14/08/19
8.5	Removed ‘must have submitted three estimates from bona fide contractors and have received written permission from the Council prior to starting work’	14/08/19
8.6	Addition – further guidance on the impact of age, condition and necessity of improvement.	14/08/19
8.6	<i>Addition – off-setting compensation against tenant debt</i>	14/08/19
<i>Appen dix 3</i>	<i>Addition - Compensation for Tenants’ Own Improvements – Calculation of compensation payable</i>	14/08/19
4.1	<i>Change to definitions of first and second prescribed periods, to refer to regulations PLangdon</i>	18/09/2019
4.1	<i>Addition of definition for “qualifying repair” P LAngdon</i>	18/09/2019
7.1	<i>Inclusion of introductory tenants to these rights PLangdon</i>	18/09/2019
8.1	<i>Change from contractual to statutory right PLangdon</i>	18/09/2019
8.6, 8.7 & 8.8	<i>Changes made to accord with regulations PLangdon</i>	18/09/2019
10.0	<i>Clarification added for exceptions – discretionary only PLangdon</i>	18/09/2019
13.1	<i>Clarification of statutory rights where Housing Ombudsman is involved PLangdon</i>	18/09/2019
19.0	<i>Update to Equality & Diversity statement</i>	30/10/19