

BIRMINGHAM CIVIC HOUSING ASSOCIATION LIMITED (BCHA)

COMPENSATION POLICY (Summary)

1. INTRODUCTION

Birmingham Civic Housing Association (BCHA) is committed to consistently providing a high quality service to tenants. We recognise that occasionally errors and service failures may occur, and it may sometimes be appropriate to offer compensation.

The compensation policy outlines the provision for compensation and redress to be made to tenants where they have experienced financial loss or acute inconvenience due to service failure, poor performance or unavoidable disruption.

The compensation policy aims to:

- Establish when compensation may be due
- Define standard levels of compensation
- Establish arrangements for claiming compensation
- Ensure compensation is paid fairly, consistently and impartially

2. COMPENSATION

Compensation will be awarded in a manner which is fair, appropriate and proportionate, representing value for money in the way resources are managed. Each case will be considered on its own merits.

BCHA will have regard to the needs and vulnerabilities of the claimant as these may have impacted the severity of the service failure.

Types of Compensation

Compensation may be financial or non-financial.

Non-financial compensation may be awarded where a claimant wants us to put things right, for example, decorating an affected area.

Financial compensation is generally paid to the claimant by cheque or bank transfer. However, where the claimant owes a debt to BCHA the compensation may be offset against the debt, unless doing so is considered to give rise to financial hardship where compensation pertains to expenses incurred by the tenant.

BCHA may offer a combination of financial and non-financial compensation.

Compensation may be categorised as either:

- **Mandatory** (for example, statutory home loss payments)
BCHA will comply with legislation or statutory guidance in determining the level of compensation awarded.
- **Discretionary** (for example, for delay, inconvenience, or loss due to service failure). The level of compensation may be determined by applying a standard tariff or based on evidence of actual loss or costs incurred.

Exceptions

In certain circumstances, claims for compensation may not be considered through the compensation policy, for example:

- Short-term disruption caused by maintenance or building work.
- Neighbourhood nuisance.
- Disrepair claims (these are dealt with under a separate policy)
- Where the claim is subject to legal proceedings.
- Loss of earnings or annual leave arising from the need to take time off work to allow access for repair work or inspection of the property.
- Where the claim arises from the claimant's own action or lack of action, or the action or lack of action by another person including those of a family member, visitor or neighbour.
- Matters outside of BCHA's control (for example, services provided by other organisations, weather events etc).
- Matters subject to an insurance claim (see below).

Insurance Claims

Insurance claims relate to alleged negligence by BCHA or its contractors which results in:

- Personal injury or death
- Damage to personal possessions
- Damage to home contents
- Any other losses arising from negligence by BCHA or its contractors.

BCHA will not typically consider these types of claim under the compensation policy but will refer the claim to BCHA's insurer who will investigate the claim and determine if BCHA have been at fault and therefore liable for damages.

The exception to the above is where the facts are not in dispute and agreement can be reached on the level of compensation, in these circumstances BCHA may settle the claim to avoid further delay and inconvenience to the claimant.

Time Limit for Claims

BCHA will advise tenants of their right to compensation when appropriate, and any actions necessary to claim. BCHA will not normally compensate in respect of an event or service failure which occurred more than three months previously.

A copy of the Compensation Policy is available on request.