



London Borough of Enfield

Report Title	Compensation Policy
Report to	Cllr Guzel, Cabinet member for Housing Joanne Drew, Strategic Director of Housing and Regeneration
Date of Report	11.06.2024
Cabinet Member	Cllr Guzel
Executive Director / Director	Joanne Drew
Report Author	Jessie Hodges – jessie.hodges@enfield.gov.uk
Ward(s) affected	All
Key Decision Number	KD5729.
Classification	Part 1 Public

Purpose of Report

1. This report seeks approval of the new Compensation Policy for publication and implementation.

Recommendations

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| <ol style="list-style-type: none">I. Approve the new Compensation PolicyII. Publish on the intranet and Council website |
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Background and Options

2. The new Housing Services Compensation Policy explains Enfield Council's approach to offering compensation. In particular circumstances, Enfield Council should offer compensation to comply with legislation and regulatory guidance including the Land Compensation Act 1973, The Secure Tenants of Local Housing Authorities Regulations, Housing Act 1985 and Housing Ombudsman Remedies Guidance September 2022. This policy outlines the criteria for offering or refusing a compensation claim, and example payments a claimant can expect to receive for loss of amenities or rooms.
3. In addition to the legislation and regulatory guidance listed above, this policy has been informed by the Statutory Instrument 1994 No. 133 and section 124

of the Housing Act 1985. It has also been informed by an equality impact assessment and has been benchmarked against other social housing providers for best practice.

4. The updated policy supports our efforts to deliver accessible and responsive services by clarifying the circumstances which are and are not eligible for compensation, the evaluation process and how to make a claim.
5. When compared to the previous policy, the new policy introduces the following changes:
 - Specification that compensation will not be paid if the damages would have been covered by home content insurance and the resident did not take this insurance
 - Including the categories of compensation as required by the Housing Ombudsman's guidance
 - Examples of other remedies provided
 - Clarification on the need to submit evidence
 - Examples of evidence
 - Updated relevant Enfield Strategies and policies
 - Clarification that Compensation payments are distinct from the spend control measures recently implemented by the Council to ensure swift payment of Compensation

Preferred Option and Reasons For Preferred Option

6. Between January 2023 – January 2024, Council Housing paid 49 people compensation.
7. The policy follows guidance by the Housing Ombudsman in outlining the different types of compensation and alternative remedies to payments. Some circumstances require Enfield council to make mandatory payments to residents. This policy will support officers to comply with statutory requirements.
8. This updated compensation policy includes the above guidance. It provides clarity for both residents and staff on the circumstances under which compensation may and may not be offered and examples of evidence. This ensures a consistent, fair service which both rightfully delivers corrective action and prevents unjustified payments.

Relevance to Council Plans and Strategies

9. Our Council Plan 2023-26 sets out our priorities for providing more and better homes in Enfield. This includes improving our council homes for our council tenants. An updated Compensation Policy will ensure that we remedy council housing failures effectively to improve our service and condition of our residents' homes.
10. The Compensation Policy also supports the Council's principle to provide accessible and responsive services by carrying out corrective action and

therefore ensuring residents have a positive interaction with services that meet our standards.

11. Paying the correct amount of compensation on a fair and justified basis delivers these priorities in line with the council's principle of building financial resilience.

Legal Implications

12. Operating a Housing Compensation Policy is within the Council's powers and demonstrates that Enfield is committed to improving customer services in line with its Principles of accessible and responsive services.
13. Section 92 of the Local Government Act 2000 gives a relevant authority the power to make a payment, or provide some other benefit, to a person if it considers that an action taken by it or on its behalf amounts to, or may amount to, maladministration and the person has been, or may have been, adversely affected by that action.
14. Maladministration is undefined; however, it has been previously stated that it will cover "bias, neglect, inattention, delay, incompetence". It covers the manner in which a decision is reached, or discretion is exercised; but excludes the merits of the decision itself or of the discretion itself.
15. The Council can also consider the mechanism by which those payments can be approved and paid out to ensure prompt action. The current arrangement provides for officer approval.
16. Compensation payments are already made where payment levels are determined by legislation and for areas where there is no statutory obligation to pay compensation but where a "goodwill" payment is considered to be appropriate.
17. Additionally, The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994 covers specific repairs, known as 'Qualifying Repairs' which cost less than £250 and should be done within a set time limit for secure tenants. If these are not carried out within that time, the tenant may be entitled to compensation.
18. An Equal Opportunities Impact Assessment which has assessed the impact of the new policy on people with protected characteristics including residents with care experience and in lower socio-economic status has been carried out.

Equalities Implications

19. An equality impact assessment (EQIA) has been completed for this policy and is appended to this report. The EQIA concludes that the implementation of the policy is expected to have a positive impact on all protected characteristics. It also outlines a new commitment for the service to begin monitoring data on the protected characteristics for those who claim and are offered

- compensation to ensure a non-discriminatory service. Equalities data will also be used to improve the service and better inform any future EQIAs.
20. The Policy specifies that protected characteristics like age and disability will be taken into account to ensure that offers of compensation will be tailored to suit individual need and circumstance to avoid negative impact.

HR and Workforce Implications

21. No direct workforce implications have been identified by this report. If a requirement for additional resource is identified to support the implementation of this policy, a separate proposal and supporting restructure report will need to be prepared in accordance with the Council's Principles for Managing Reorganisations. This will outline the resource required and the reporting structure.

22. HR advice will be sought prior in relation to the above point.

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Appendices

Council Housing Compensation Policy
Council Housing Compensation Policy EQIA

Background Papers

Corporate Complaints Policy