

## Report of the Portfolio Holder for Resources and Personnel Policy

**COMPLAINTS COMPENSATION POLICY**1. Purpose of Report

To seek approval for the adoption of a Complaints Compensation Policy to remedy findings of fault during the Council's complaint process and to provide a framework for how compensation payments will be calculated, thereby ensuring consistency of approach.

2. Recommendation

**The Policy Overview Working Group RECOMMENDS to Cabinet that it RESOLVES that the Complaints Compensation Policy be approved.**

3. Detail

The Council is asked to consider adopting a Complaints Compensation Policy in order to provide a consistent approach to providing payments in settlement of complaints and findings of fault during the complaints process. This is due a recent recommendation provided by the Housing Ombudsman that each Council adopts such a Policy. The draft Policy is attached as appendix 1, while at appendix B actual case studies are provided as examples.

The Council currently bases complaint compensation payments on previous awards used to settle complaints at stages 1, 2 and 3, in addition to using the Housing Ombudsman Remedies Guidance.

The Complaints Compensation Policy, if adopted, would be used to determine all complaints where a fault has been found and a compensation payment is required. Thereby, this would ensure a consistent approach across the Council in line with the Housing Ombudsman Remedies Guidance. Additionally, a log of complaints will be kept in order to benchmark awards against previous payments to ensure consistency.

Attached at appendix 3 is a table comparing different authorities' approaches to dealing and publishing their complaint compensation policies. The table shows an inconsistent approach to publishing policies by other authorities.

4. Financial Implications

The comments of the Head of Finance Services were as follows:

There are no additional financial implications associated with this report. The cost of compensation is charged either directly to the respective service or recognised centrally within a corporate budget line for either the General Fund or Housing Revenue Account. There is however no budgetary provision in place for compensation payments. Any significant additional budgets required, above virement limits, would require approval by Cabinet.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The power to make payments under the proposed policy derives from Section .92 Local Government Act 2000 that states:

Payments in cases of maladministration:

- (1) Where a relevant authority consider —
  - (a) that action taken by or on behalf of the authority in the exercise of their functions amounts to, or may amount to, maladministration, and
  - (b) that a person has been, or may have been, adversely affected by that action, the authority may, if they think appropriate, make a payment to, or provide some other benefit for, that person.

6. Human Resources Implications

The comments from the Human Resources Manager were as follow:

No comments required.

7. Union Comments

The Union comments were as follows:

No comments required.

8. Climate Change Implications

Not Applicable.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL(SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

An Equality Impact Assessment is attached as appendix 2.

11. Background Papers

Nil.