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Compensation Review Session
held on Tuesday 9 January 2024
in the Board Room, Akeler House, Sunderland SR3 3XR

PRESENT	IN ATTENDANCE
Peter (PR) Dorothy (DD) Doreen (DR) David (DB) Margaret (MS) Brenda (BN) Angela (AD) Brian (BT) Jane (JS) John (JD) Vivienne (VD) David (DW) Michelle (MW) Emma (EN)	Lewis Walmsley (LW) – Customer Engagement Lead Chloe Rudkin (CR) – Customer Voice Lead

PARA		ACTION
	1. Introduction to Session	
1	LW completed introductions and explained purpose of the meeting. It was explained Gentoo's current compensation policy required reviewing and we wanted members ideas as to how the policy could be strengthened and improved. DB highlighted it would be helpful to have paperwork / relevant information prior to the meeting. LW apologised and ensured this would be actioned ⁽¹⁾	
	2. Discussion on Compensation	
2	LW explained process of a formal complaint and why Gentoo may look at awarding financial compensation in individual cases. LW produced examples of different levels of compensation Gentoo have awarded. Low Level Compensation: LW discussed a case where a missed appointment had occurred in which a customer had taken time off work to be available for. LW explained the reason for the missed appointment was due to a communication error from a materials supplier who failed to advise Gentoo, materials for the job had yet to be received. Under the right to repair scheme, the customer was entitled to compensation of £10, which was credited to the customers bank account. LW explained the appointment was re-arranged and completed on an alternate date.	

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Members felt the payment of £10 was an insult and Gentoo should consider the maximum payment of £50. Specifically on occasions where customers have waited in for a service which has not been delivered ^[2]

High Level Compensation:

LW discussed a case where there had been failures by contractors working on behalf of Gentoo, which the customer had reported several times without rectification. LW advised the customer had suffered with water ingress in two bedrooms as well as within the sitting room. LW explained this could have been prevented had Gentoo listened to the customer.

LW advised repairs were arranged to rectify the water ingress and the customer was awarded a full decoration pack and financial compensation of £300 to acknowledge the inconvenience she had experienced.

BN asked how customers would know compensation can be offered. LW explained staff investigate each complaint independently and decide if compensation is warranted. It was explained if a customer has experienced damage to their contents which was caused from a failure by Gentoo, they can also submit a public liability claim in which our Contents Insurance Team would investigate.

JD felt the level of compensation on this case was sufficient, however agreed compensation must be considered on an individual basis dependant on the experience they have received.

Housing Ombudsman:

LW advised percentage of cases in which the Housing Ombudsman (HO) award a maladministration for has increased and Gentoo need to consider appropriate redress where failures have occurred. MW advised Gentoo should rectify complaints before the HO receive them. LW advised Gentoo look to rectify all complaints, however there will be individual cases in which customers may still be dissatisfied following them exhausting our complaints policy.

MW asked if the HO fine Gentoo if they are awarded a maladministration. CR explained Gentoo will need to follow orders which have been received, which may include a financial payment. However, this will be directed to the customer and not the HO service.

BN asked if Gentoo decide compensation amounts for individual cases. This was confirmed; however, it was re-iterated amounts can differ depending on the severity of cases.

MS asked if there was a chart Gentoo refer too when reviewing compensation amounts. LW explained there is the remedy guidance which the Ombudsman released, and Gentoo take guidance from this.

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VD asked if Gentoo get a fine / black mark from the ombudsman depending on the determination. CR explained Gentoo pay an annual fee to the ombudsman, along with all other Housing Associations. CR advised Gentoo do not pay fines directly to the Ombudsman, however there are annual reports in which all landlords will be added into a league table depending on the number of determinations that have been received. CR advised another risk is the reputational damage in which a maladministration can cause.

BN agreed it must be difficult for Gentoo to determine the amount of compensation awarded per case. BN asked if Gentoo had a sliding scale the compensation could be calculated from. LW explained each case is considered individually and reiterated referring to remedy guidance.

JD asked what happens if a customer is not happy with the response from Gentoo when it comes to compensation. LW explained a customer can progress their complaint to the Housing Ombudsman should they exhaust Gentoo's complaint procedure.

BN asked if a customer is entitled to take their case to the Housing Ombudsman, even if they have accepted Gentoo's offer of compensation. CR confirmed a customer could do this.

DB asked about repeated complaints. LW advised if a customer has received an outcome to their complaint and exhausted our complaints process regarding the issue, their only option would be to seek independent legal advice or take their complaint to the Housing Ombudsman. CR advised a customer should not feel the need to make a formal complaint for their issues to be resolved. All staff members have a responsibility to help rectify before it gets to that stage.

VD asked how Gentoo manage customers expectations when it comes to damp / mould. CR & LW explained Gentoo have a thorough procedure they follow in which guidance will be provided to the customer, as well as completing any relevant works to help rectify the issue.

BN asked if Gentoo make customers aware of the HO Service when they submit a complaint. LW advised details of the HO are provided to customers on the acknowledgement of their complaint and we ensure the service is advertised as accessible to customers should they require this.

MW asked what a disturbance payment is. LW advised this is a payment we provide customers who may be undergoing modernisation work which may be particularly intrusive. It was explained customers may not have access to facilities within their own home and the payment is used to reflect this.

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3. Review of Compensation Policy	
<p>LW provided all members with time to review the policy and asked for their thoughts.</p> <p>JD & DB asked about 2.0 within the policy as it does not relate ^[3]</p> <p>BN advised the policy has no reference to Own It Fix It as surely a formal complaint does not have to be raised for compensation to be warranted ^[4]</p> <p>BN asked what 'curtilage' meant. MS explained it was the boundary of a property. ^[5]</p> <p>Members asked if 5.3.3 meant working days or calendar days ^[6]</p> <p>Members advised 4.4 should be reviewed as a customer should be entitled to compensation even if they have rent arrears. There was an agreement across the board on this point. ^[7]</p> <p>MS asked how customers would know about insurance which is noted on 4.1. LW explained customers are made aware when they sign up about home insurance and we have information on our website. DB advised the paragraph may need re-wording ^[8]</p> <p>Members felt the remedies guidance framework should not be added to the compensation policy as decisions are made on a case-by-case basis and this could become a distraction. Members agreed a link could be added to the policy to state Gentoo refer to the HO remedy framework for guidance ^[9]</p> <p>MS advised Gentoo must make it abundantly clear that compensation is awarded on a case by case basis ^[10]</p> <p>DB advised the policy should cover all aspects of compensation and asked if all managers will have access to making decisions on compensation, or will they have to go through a formal process to receive this. CR advised customers should not need to raise a formal complaint to receive an offer of compensation and staff members should feel empowered to make decisions.</p>	
4. Next Steps	
<p>LW thanked all members for attending and explained further discussions would happen across Gentoo. This is to receive views and opinions from relevant departments who would be impacted by the Policy.</p> <p>LW advised a further session would be held with customers to discuss the changes that have been made and to consider any further changes before Policy went to Group Board for approval.</p>	

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ACTION LOG

KEY	
	Action completion overdue
	Action ongoing and date not due
	Action complete

ACTION REF	DETAILS	RESPONSIBILITY	TARGET COMPLETION	STATUS
09/01/24 – [1]	Ensure relevant documentation is provided to customers for reviewal prior to any future sessions.	Lewis Walmsley	01/04/24	
04/01/24– [2]	Can consideration be made for increased payments regarding the right to repair?	James Haste	01/04/24	
04/01/24 – [3]	Can we alter section 2.0 within the Policy?	Lewis Walmsley	01/04/24	
04/01/24 – [4]	Can we add a section on Own it Fix it's?	Lewis Walmsley	01/04/24	
04/01/24 – [5]	Can we change the meaning of curtilage?	Lewis Walmsley	01/04/24	
04/01/24 – [6]	Calendar or working days?	Lewis Walmsley	01/04/24	
04/01/24 – [7]	Review rent arrears section?	Lewis Walmsley	01/04/24	
04/01/24 – [8]	Can we re-word section on Home Contents Insurance	Lewis Walmsley	01/04/24	
04/01/24 – [9]	Add a link to Housing Ombudsman Remedy Guidance	Lewis Walmsley	01/04/24	
04/01/24 – [10]	Ensure we state compensation is awarded on a case-by-case basis	Lewis Walmsley	01/04/24	