

London Borough of Camden

Remedies Policy & Procedure

Complaints (service failure)

Property Services

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1. Purpose

At Camden, we aim to deliver high-quality services. Sometimes, the standard of service falls below acceptable levels. We acknowledge when things go wrong and take responsibility for putting things right.

This document provides guidance on the offering of remedies which are proportionate, appropriate and reasonable and that take into consideration the facts and issues raised in complaints about service failures.

The remedies policy and procedure sit alongside our complaints policy and procedure.

2. Scope

This policy and procedure aim to provide guidance which we will follow when assessing remedies to resolve complaints when there have been service failures. We aim to be fair and consistent when considering any complaints and when deciding the appropriate remedy, we

will consider each case and take into account the individual needs of the citizen and how they were affected.

This policy applies to services that Camden Council currently provide directly and the procedure can be used for any council service regardless of how it is delivered. A number of services are delivered by our partners or private suppliers. If our partners or private suppliers are asked to respond to a complaint at stage 1, they will also consider any suitable remedies in line with this policy and procedure.

3. Definitions

Low Impact A minor service failure that caused brief inconvenience, but no lasting consequences or distress. Often resolved quickly or with minimal resident effort.

Medium Impact A moderate service failure that caused inconvenience, some emotional distress, or temporary disruption, but did not pose immediate risk to health or safety.

High Impact A serious service failure that causes significant distress, risk to health or safety, prolonged disruption, or financial loss. Typically requires a higher financial remedy or urgent corrective action.

Landlord-Controlled System Heating, hot water, or gas systems maintained and operated centrally by the landlord (Camden Council), for which charges may be applied to tenants.

Tenants' Individual Systems Heating or hot water systems located within a tenant's home and maintained by the Council, but where no direct service charge applies.

Financial Remedy A financial payment made by the council to acknowledge the impact of poor service on a resident, such as inconvenience, distress, or avoidable delay. This does not necessarily relate to out-of-pocket expenses and is separate from reimbursement or direct compensation for costs.

Reimbursement A refund given to the resident to cover verifiable out-of-pocket expenses directly caused by service failure or delays (e.g., transport costs, increased utility bills, temporary solutions). Receipts or suitable evidence must typically be provided to support the claim.

Compensation A discretionary payment awarded to reflect the personal impact on a resident, such as stress or disruption to daily life, even where no financial loss occurred. This recognises the inconvenience or hardship experienced rather than covering actual expenses.

4. Roles and responsibilities

ROLE	RESPONSIBILITY
Investigating Officer	Conducts complaint investigations, identifies service failures, evaluates impact on residents, determines appropriate remedies or compensation, and ensures residents are informed of outcomes.
Service Managers	Ensure complaints and remedies are handled in line with policy guidelines, oversee quality assurance of remedies proposed, and implement procedural improvements to prevent recurrence of failures.

5. Policy statement

5.1 Remedies

If we find that we (including our contractors) are responsible/at fault, suitable remedies may include one or more of the following:

- Recognise and acknowledge what we did wrong.
- A sincere written apology.
- Improve procedures so similar problems do not happen again.
- Once a decision is made in response to the complaint, review it to ensure it effectively addresses the concerns.
- Carry out a social care assessment where relevant.
- Provide a financial remedy where appropriate
- Provide a remedy that is fair and appropriate to the service failure considering the specific merits and circumstances of each case.
- Assess and offer remedies (including compensation) as needed, regardless of whether the customer directly requests them.

5.2 Process

At each stage of a complaint, there will be an investigation carried out by a suitable person. This investigating officer will:

- Identify any issues/faults
- Find out how/why this occurred
- Identify if we caused the fault
- Find out how this affected the citizen
- Consider any appropriate remedies

If the citizen's views about desired outcomes and remedies are not already clear from the complaint, we will contact the citizen to find out what they are seeking. We will then arrive at the appropriate decision on suitable outcomes and remedies by following the Local Government and Social Care Guidelines or Housing Ombudsman guidelines.

When deciding on suitable remedies the investigating officer will consider the following:

- Amount of time the citizen spent trying to resolve the issue.
- Difficulty the citizen experienced trying to resolve the issue.
- Distress to the citizen and/or others.
- Risk of harm to the citizen and/or others.
- Actual harm caused (We will consider if an insurance claim is more appropriate on a case-by-case basis).
- Previous responses sent to the citizen.
- Any other attempts to address the issue.
- Administrative costs such as travel and cost of phone calls.
- The overall impact that a series of events or failures may have had on a customer.
- Any reasonable costs incurred, such as higher energy bills resulting from a failure to complete a repair.
- The duration it has taken us to resolve an issue.
- Assess compensation claims based on the specific circumstances of each case, applying discretion to achieve fair outcomes.

Compensation payments and remedies may be considered when a resident has experienced a service failure on Camden's part, including:

- Loss of essential utilities such as heating, hot water, mains water, or power.
- Inability to fully use parts of their home.
- Failure to meet agreed service standards.
- Improper handling of complaints.
- Failure to provide paid-for services.

In certain situations, the investigating officer will not provide a remedy or compensation, including:

- When the fault lies with a third party or is outside Camden's control.
- If a claim can be made on the resident's insurance (e.g., home contents or building insurance).

- When the incident arises from the resident's own negligence (e.g., not allowing access for necessary repairs).
- Personal injury claims, which will be handled by Camden's insurance team.
- Damage caused by natural disasters or extreme weather conditions.
- Any damage to a resident's fixtures and fittings resulting from Camden's work, where the resident has been warned of the potential impact.
- If the resident has failed to take reasonable steps to mitigate potential damage.
- If a court or tribunal has already ordered payment for the same issue.

The investigating officer will then consider the remedies that are appropriate and proportionate to the fault or failure.

We will not consider:

- Legal fees
- Professional fees
- Remedies that could be settled by insurance claims
- Statutory payments are not covered under this policy

5.3 Financial Remedy Payments

When reviewing a complaint, we evaluate the time, effort, and inconvenience experienced by the individual, and may offer compensation of up to £1,000 based on the specifics of each case.

If appropriate we will issue a financial remedy for the following:

Type	Amount
Missed appointment	£25 per appointment
Failure to provide a service	£25 per month
Distress (Individual circumstances)	£100 - £500 (severe and prolonged up to £1,000)
Time and Trouble	£100 - £400
Delay	£20 per month
Delay in access to education	£200 - £400 per month
Unsuitable accommodation	£100 - £1000 per month
Risk of harm	Up to £1000
Lift failures	£1.50 per day

5.3.1 Missed Appointments

A compensation payment of £25.00 will be issued for each appointment where our operatives or contractors fail to attend the agreed time, or if they arrive more than two hours later than the scheduled time, provided that adequate notice was not given to the resident. This payment will also apply in cases where the work is planned over several days, and the contractor misses any scheduled appointments as part of that sequence.

However, please note that no compensation will be paid for appointments that are cancelled by the resident or rescheduled due to the resident's availability or not providing access. We expect residents to inform us as soon as possible, ideally with at least 48 hours' notice, if they need to cancel or reschedule an appointment to avoid any inconvenience or missed opportunities.

5.4 Failure to Provide a Service

The council compensates residents impacted by service failures, offering £25 per month for service failures. Factors considered include the duration of the issue, the inconvenience caused, and any additional costs incurred by the resident

5.4.1 Distress

Compensation for distress typically ranges from £100 to £500, with severe and prolonged cases potentially warranting up to £1,000.

Distress refers to emotional suffering, inconvenience, or significant discomfort experienced by residents due to Camden's actions or lack of actions.

Common examples of situations that may lead to compensation for distress include:

- Delayed Repairs: Prolonged delays in completing essential repairs, such as addressing damp or mould, leading to health issues and significant inconvenience for residents.
- Lack of Communication: Failure to provide timely updates or responses on reported issues, resulting in frustration and uncertainty for residents.
- Complaint Handling Failures: Delays or mishandling of formal complaints, causing additional stress and frustration for residents.
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Impact Level	Compensation Range	Description
Low Impact	£100 – £250	Minor inconvenience or emotional upset, such as short delays in repairs or minor communication issues.
Medium Impact	£250 – £500	Moderate distress caused by longer delays, inadequate communication, or ongoing issues that affect daily living.
High Impact	£500 – £1,000	Severe distress due to prolonged service failures, including significant delays in repairs or unresolved complaints, causing considerable emotional upset or disruption.

5.5 Time and Trouble

When assessing compensation for time and trouble, we consider factors such as the length of the issue, the resident's efforts to resolve it, any difficulties encountered, and the council's communication. Other factors include responsiveness throughout the process, any missed appointments by contractors or staff without prior notice and the time and effort a resident spends in attempting to resolve issues related to the council's services. Compensation for time and trouble can range from £100 to £400.

Impact Level	Compensation Range	Description
Low Impact	£100 – £200	Minor inconvenience with minimal time or effort required to resolve the issue. May involve short delays or minor communication issues that are quickly corrected.

Medium Impact	£200 – £300	Moderate disruption where the resident makes repeated contact or experiences ongoing delays. May involve missed appointments or inconsistent responses from the council.
High Impact	£300 – £400	Significant inconvenience involving substantial time and effort by the resident to resolve issues. Includes prolonged lack of response, multiple missed appointments, or poor communication over an extended period.

5.5.1 Delay

We offer £20 per month to residents to compensate for the inconvenience and distress caused by delays in completing necessary repairs or services within a reasonable timeframe. This payment aims to acknowledge the impact of the council's failure to meet deadlines and the disruption it causes to residents.

5.6 Delay in Education

The Council provides compensation ranging from £100 to £400 per month for delays in accessing education, particularly in cases involving special educational needs and disabilities (SEND). This compensation is offered to residents who experience prolonged waiting times for educational assessments, services, or support, which can significantly affect a child's learning and well-being.

Impact Level	Monthly Compensation Range	Description
Low Impact	£100 – £200	Minor delays that cause limited disruption to the child's education, such as brief waiting times for assessments or minor service delays.
Medium Impact	£200 – £300	Moderate delays that affect the child's learning progress or access to support, such as delayed provision of specialist services or school placements.
High Impact	£300 – £400	Significant delays that severely disrupt the child's education, such as prolonged waiting for assessments, services, or a suitable school placement.

5.6.1 Unsuitable Accommodation

Compensation ranging from £100 to £1000 per month is offered where residents experience unsuitable accommodation.

Unsuitable accommodation may include various issues, including:

- **Disrepair:** Failure to maintain the property's structure and essential services, such as plumbing, heating, or electrical systems.
- **Pest Infestations:** The presence of pests like rodents or insects that the landlord does not adequately address.
- **Health and Safety Hazards:** Conditions that pose risks to residents' health or safety, including damp, mould, or structural instability.

Impact Level	Monthly Compensation Range	Description
Low Impact	£100 – £250	Minor issues that cause inconvenience but do not significantly affect day-to-day living. These may include small areas of damp, minor disrepair, or temporary disruptions to services.
Medium Impact	£250 – £500	Moderate issues that affect comfort, access, or health over a longer period. Examples include recurring leaks, ongoing pest presence, or partial heating failures.
High Impact	£500– £1000	Severe and ongoing issues that seriously impact health, safety, or ability to use the home. These may include widespread mould, structural damage, or complete failure of essential services like heating or electricity.

5.7 Risk of Harm

Compensation for Risk of Harm can range up to £1000, depending on the severity of the issue. This compensation is provided when residents are exposed to conditions that pose a significant risk to their health, safety, or well-being due to the council's actions or failures. This refers to situations where residents face potential injury, health hazards, or significant disruption to their quality of life due to the council's failure to maintain acceptable living conditions or address important safety concerns.

5.7.1 This may include:

- **Fire Safety Failures:** The absence of fire alarms, carbon monoxide detectors, or other safety measures, which could put residents at risk in the event of a fire or gas leak. The failure to carry out fire risk assessments or necessary repairs in a timely manner increases the risk of fire hazards for residents.
- **Damp and Mould:** Long-term exposure to damp and mould can severely impact respiratory health, particularly for vulnerable residents like children and the elderly.
- **Health and Safety Hazards:** Other environmental hazards, such as exposure to harmful chemicals, lack of essential heating, or dangerous conditions that could result in injury or exacerbate existing health conditions.

Impact Level	Compensation Range	Description
Low Impact	£100 – £250	Minor safety concerns or isolated instances of risk that do not result in long-term harm, such as a short delay in fixing a safety issue.
Medium Impact	£250 – £500	Ongoing risks that affect residents' comfort or health over time, such as incomplete fire safety measures or recurring issues with pests.
High Impact	£500 – £1000	Severe and ongoing risks that threaten health or safety, such as significant structural issues, widespread damp, or prolonged fire safety failures.

5.8 Lift Failures

Compensation will **BE** payable for lift failure under the following conditions:

- No access to another lift in the same block.
- Residents living on the 4th floor and above. Residents with mobility issues, regardless of their floor, will receive compensation based on their individual needs.
- If there have been three or more instances of lift failure within a 1-month period, regardless of the duration of each outage.
- Residents will be compensated if the lift is out of service for 3 days in a row, including the first 3 days of the issue.

• Compensation will **NOT** be payable for lift failure under the following conditions:

- Compensation will not be paid to residents living on the ground floor of a building.
- Compensation will not be provided if someone becomes trapped in the lift, unless there are exceptional circumstances where the assistance provided is significantly delayed. In these cases, we will carefully consider the situation with consideration and understanding.
- No compensation will be paid if after investigation, the council has investigated and found that lifts have been vandalised. Lift vandalism can include graffiti, damaged buttons, blocking lift doors, and damaged interior fittings.

These are guidelines only and based on the Local Government and Social Care Ombudsman (LGSCO) guidance on remedies.

Authorisation of the level of remuneration will follow the Council's financial scheme of delegation.

5.8.1 The compensation payments will be made directly to a customer's bank account, provided there are no outstanding rent arrears. If a resident has rent arrears or any other debt, the compensation payment will typically be applied to the relevant debt first. However, in exceptional cases, we may consider making a direct payment to the customer. Reimbursement payments will not be used to offset arrears, but compensation payments may be applied to any outstanding arrears.

If the resident is dissatisfied with the Stage 1 decision, they can escalate the matter to a Stage 2 review. This must be requested within 21 days of receiving the Stage 1 decision. The Stage 2 review will be carried out by a senior officer who was not involved in the previous stages. The resident will be informed in writing of the outcome and any further actions to be taken.

If the resident is still unhappy after the Stage 2 review, they have the right to approach the Housing Ombudsman. The Ombudsman is an independent body that investigates complaints about social housing providers. Residents can contact the Ombudsman at any stage during the complaint process for advice or to lodge a formal complaint.

5.9 Housing Repairs – Heating Refunds and Compensation

When there has been a supply failure of landlord-controlled heating, hot water or bulk gas supply for three consecutive days or more during the heating season (last week of September to the end of May) we will refund our customers. We make refunds based on the gross weekly charge made to the resident for landlord-controlled heating, hot water or gas. The refund is a pro-rata weekly amount (including the first three days).

In addition to a refund, we pay compensation to both tenants and leaseholders when landlord controlled heating or hot water loss is longer than 5 days. We will also pay compensation when loss of bulk gas supply affects heating or hot water supply. We only pay compensation when we have not provided alternatives and we control the hot water/heating or gas supply.

Landlord-Controlled Systems

Failure Type	Compensation (> than 5 days)/per day
loss of both heating and hot water	£3.50
loss of heating only	£2.50
Loss of hot water only	£1.00

The amount payable will be for the total period including the initial 5 days.

Tenants' Individual Systems

Failure Type	Compensation (> than 5 days)/per day
loss of both heating and hot water	£3.80
loss of heating only	£2.50
Loss of hot water only	£1.00

*We do not pay a refund. This is because no charge is applied to tenants with individual systems but it is still our responsibility to repair them.

5.9.1 Timescales

We aim to make any financial remedy payments within 20 working days of receiving valid bank details.

6. Diversity, inclusion, and holistic services

Camden Council emphasises a 'What Matters' approach in its adult social care services, focusing on what is most important to each individual taking into consideration the broader context of the individual's life, including health needs, financial hardship, and social circumstances.

The Council prioritises early intervention and the sharing of relevant information across services to provide timely and effective support. This proactive approach is designed to prevent crises and ensure that residents receive comprehensive care tailored to their unique situations.

Through early intervention, collaborative service delivery, and a focus on individual strengths and circumstances, the council aims to provide fair and effective support to all residents, particularly those facing multiple disadvantages.

7. Review

3 years

This document will be reviewed more frequently if required by changes in legislation, regulation, or the service.

8. Related documents

Local Government and Social Care Ombudsman Guidance on remedies

[Guidance on remedies - Local Government and Social Care Ombudsman](#)

Housing Ombudsman Guidance on compensation

[Compensation - Housing Ombudsman \(housing-ombudsman.org.uk\)](#)

Complaints - Camden Council

Home contents insurance for council tenants

Home contents insurance for council tenants - Camden Council

Buildings Insurance for Leaseholders

ba884a94-72a4-ed3b-b4c9-31af08f46cd7

Camden Council tenants guide

917afe0f-5596-02a4-3bb4-af925df5d782

9. Information and version control

9.1. Information

Title	London Borough of Camden Remedies Policy & Procedure Complaints (service failure) Property Services	
Document number	2.2	
Author	Scot Reid Head of Property Customer Services & Engagement	
Responsible officer	Gavin Haynes, Director of Property Management	
Audience	Public	
Policy Area	Audit and Corporate Governance	
Consultation requirements	Internal	Completed
	External	Completed
Next review date	2028	
Approved by	Property Management DMT Member for Better Homes Portfolio Meeting	
Approval date	PM DMT – 13 th of May 2025 Member for Better Homes Portfolio Meeting – 27 th of May 2025	
Effective date	01 st of August 2025	

9.2. Version control

This policy and associated documentation replace any other remedies policies and procedures that council services may have held locally

Version	Date	Summary of Changes	Actioned by (role)
2.2	22 08 2023	full document review	Head of Service