



London Borough of Camden Remedies Policy & Procedure Complaints (service failure)

Introduction

At Camden we aim to deliver high quality services. Sometimes the standard of service falls below acceptable levels. We will 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.

Purpose

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.

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
- Apologise
- Improve procedures so similar problems do not happen again
- Review a decision
- Carry out a social care assessment where relevant
- Offer a financial remedy

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. However, we will arrive at our own decision on what are suitable outcomes and remedies and do so 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 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

Financial Remedy Payments

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

Type	Amount
Failure to provide a service	£25 per month
Distress	£100 - £300 (severe and prolonged up to £1,000)
Time and Trouble	£100 - £300
Delay	£20 per month
Delay in access to education	£200 - £300 per month
Unsuitable accommodation	£150 - £350 per month
Risk of harm	Up to £500

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.

In cases where the citizen owes the council (e.g. in rent arrears) the remedy payment will be deducted from the debt and a payment issued for the balance where applicable.

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.

Timescales

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

Further Guidance

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 \(housing-ombudsman.org.uk\)](http://housing-ombudsman.org.uk)

Policy ownership and effective dates

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

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Approving body:	Audit & Corporate Governance
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