Tendring
District Council

VULNERABILITY POLICY
April 2024

VULNERABILITY POLICY

INTRODUCTION

We want to assist vulnerable customers to access our services and to help our vulnerable tenants to maintain their tenancies. This policy sets out the steps we will take to achieve this.

This policy has been written in accordance with the Equality Act 2010 as well as the Housing Ombudsman Service's Complaints Handling Code and the Regulator of Social Housing's revised Consumer Standards.

Purpose of this policy

The purpose of this policy is to:

- set out how we define vulnerability
- set out how we will identify vulnerable adults and record their needs
- provide clear information about how we can adapt our services to meet the needs of vulnerable customers
- ensure that we adopt a consistent approach to responding to any resident who is experiencing vulnerability to make sure that they have equal access to our services
- improve customer understanding and satisfaction with our services
- set out how our performance will be monitored and reviewed
- ensure that we meet all statutory and regulatory requirements

This policy does not aim to explain how we will approach every circumstance where a reasonable adjustment is requested. It is a general statement of our commitment to ensure any customer with disabilities are not at a disadvantage when accessing our services

Scope of policy

This policy applies to our tenants, prospective tenants and leaseholders.

Legal and regulatory context

- Equality Act 2010

This sets out the duties the Council has 'to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it'.

- Housing Health and Safety Rating System (HHSRS)

This is a risk-based assessment procedure used to identify potential risks or hazards to occupants in their homes. In carrying out the assessment, consideration has to be given to those who fall within the defined extra risk or vulnerable group.

- Care Act

This sets out the responsibilities of local authorities regarding assessing and meeting individuals' care needs. A fundamental component of the Care Act is the 'suitability of accommodation' in meeting the home care and support needs of older and vulnerable people. The Act is clear that the provision of suitable accommodation can be a fundamental part of the care and support given to vulnerable adults.

- Social Housing Regulation Act 2023

The Regulator of Social Housing's Transparency, Influence and Accountability Standard requires registered providers to 'treat all tenants with fairness and respect' and demonstrate that they understand the different needs of tenants, including in relation to the equality strands and tenants with additional support needs'. This is accompanied by a specific expectation that providers will 'demonstrate how they will respond to those needs in the way they provide services and communicate with tenants'.

- Housing Ombudsman Complaints Handling Code

This states that landlords should 'comply with the Equality Act 2010 and may need to adapt normal policies, procedures or processes to accommodate an individual's needs. Landlords shall have a reasonable adjustments policy in place to address this'.

Defining Vulnerability

For the purpose of this policy, vulnerability refers to any individual who is or may be in need of help or support due to mental health difficulties, disability, age, illness or frailty and who are or may be unable to look after their home or their own wellbeing or protect themselves from harm or exploitation from others. It also includes those who may experience an exceptional life event and who find themselves temporarily unable to manage without additional support.

This definition reflects our understanding that 'vulnerability' can be a changeable state influenced by multiple factors and experiences such as age, disability, bereavement, mental health, domestic violence and poverty.

We recognise that, at times during our lives, we can all experience moments of vulnerability. Therefore, for the purpose of this policy, we class vulnerability as anyone who experiences difficulties with everyday living to the extent that they require additional support to sustain their tenancy or access our services, so that they are not disadvantaged.

Examples of tenants who may have specific requirements include but are not limited to those who:

- Have sensory impairments, such as visual or hearing impairment

- Do not have English as a first language
- Are socially isolated or lonely
- Have disabilities that limit their physical mobility
- Have learning disabilities
- Have mental health problems
- Are frail or elderly
- Have alcohol or substance misuse problems
- Are experiencing domestic abuse or harassment
- Lack capacity to make decisions (under the Mental Capacity Act 2005)

A person may be classed as vulnerable because of a single temporary incident, for example an incident of domestic abuse, or at different times, for example due to a recurring mental health problem. There are certain groups of people who may also find it more difficult to access our services due to a key characteristic such as those where English is not their first language.

Some of these factors are a constant and some can be a life event such as bereavement or domestic violence that does not necessarily remain a permanent state. It is the interaction of these factors that will determine how vulnerable a person is at any point in time and how much additional assistance they may require to sustain their tenancy.

Signs of vulnerability

There are a number of signs that someone may be vulnerable. These may include, but are not limited to the following:

- Falling into rent arrears or other debt problems
- Issues with maintaining their tenancy
- Being the victim or perpetrator of anti-social behaviour or harassment
- Disputes with neighbours
- Damage to their home
- Detrimental change in a person's physical appearance
- Failure to respond to correspondence or to answer the door when visited
- Self neglect, hoarding or other behaviour which results in the person's home and / or garden becoming damaged, neglected or otherwise unfit

- Erratic rent payment history and falling into arrears when the tenant previously had a good payment record

Identifying vulnerability

When a tenant contacts us, we have an opportunity to identify whether they are vulnerable. However, it is important that the identification of vulnerabilities is not just at first contact but is reviewed throughout a tenancy and whenever contact is made.

A resident's vulnerability may be also be identified by:

- Reviewing any support needs or vulnerabilities identified in a Housing Register application form
- At the time a new tenant signs their tenancy agreement
- During home visits
- Reports from relatives or care givers
- Reports via a support agency or another external agency, such as the Police
- Local knowledge gathered or observed through day to day housing management activities

We expect all of our staff to be aware of the possibility that a resident may be vulnerable either from information they receive or their own observations during routine work such as home visits.

Recording Vulnerability

We will record any known vulnerability, particular communication or access needs on a tenant's record as well as whether there is anyone with delegated authority to speak to us on the tenants behalf, such as a care or support worker. This will make sure our staff will have advance knowledge of any additional factors to consider when delivering services.

We will proactively check that we have the correct information recorded on our systems and will update this where information is missing or has changed.

Any safeguarding concerns will be raised in accordance with the Council's Safeguarding Policy which sets out how we identify and support vulnerable adults and children at risk, and ensure statutory agencies are involved immediately we have a concern.

Provision of services

Signposting and referrals

When a member of staff identifies a tenant as being vulnerable, they will seek to signpost or refer the person to appropriate support if it is needed. Some of the services signposted or referred to may include:

- GPs and other health services
- Mental health services
- Adult Social Services (for care and support services or safeguarding)
- Occupational Health
- Substance misuse services
- Domestic abuse services
- Debt advice and welfare benefit services
- Advocacy services

Those who are caring for vulnerable people in a voluntary capacity, such as a partner or relative, may also need support and we will signpost carers to sources of support or advice whenever it is appropriate to do so.

Communication

We will advertise and communicate about our services in a variety of ways and will aim to engage with our tenants in a way which meets their needs. This includes our website, emails, text messages and more traditional methods including hard copy print letters, leaflets and newsletters. We will provide translations, interpreters or documents in alternative formats to meet identified needs as appropriate.

We will ensure that our website is as accessible and user-friendly as possible. Our accessibility features include the ability to change the language displayed.

Tenants can also ask us to send correspondence to someone who will act on their behalf.

Access to Housing

All of our properties are allocated in accordance with our Housing Allocations Policy.

Before giving any additional priority on the Housing Register due to vulnerability we will require confirmation of the circumstances from a medical professional or other relevant support agency

When making an offer of accommodation, we will review any information we receive or hold on vulnerability to make sure that the offer of the accommodation is suitable for the individual and their family. This will assist with our long term aim of tenancy sustainment.

In deciding whether to enter into a tenancy agreement, any prospective tenant must be able to understand:

- Their obligation to pay rent as a tenant and to occupy and maintain the interior of the flat

- The landlord's obligations, e.g. to maintain the property

- That failure to keep to the terms of the tenancy agreement could mean they are evicted

When they sign their tenancy agreement, new tenants will be asked to confirm whether they have any support needs and/or any communication preferences or needs. This ensures that we can communicate with them in a way that is tailored to their individual needs. These needs and preferences will be recorded onto our internal systems and will be used in order to meet the tenant's specific needs throughout the duration of their tenancy. We will also regularly check that the information we hold is up-to-date.

We will help vulnerable tenants who are registered for a mutual exchange to search for homes on the Homeswapper website if they are unable to use this due to their vulnerability, for example older people without access to a computer or smartphone.

Income Recovery

All tenants must pay their rent on time and we will advise and support those who are struggling to make these payments. Vulnerable tenants may well have other money problems and experience difficulties with budgeting. We will help those who approach us or who fall in to arrears to maximise their income and will support them in managing their budgets. We will also agree a realistic plan to help them pay their rent and any arrears.

When taking action to recover rent arrears, vulnerability risk assessments are completed early in the process and these are reviewed at a management level prior to any decisions to proceed with eviction proceedings.

Repairs & Maintenance

Tenants are responsible for carrying our minor repairs and maintenance in their homes and these responsibilities are set out in their tenancy agreement.

Vulnerable tenants may find it more difficult to cope if something goes wrong in their home and they need a repair. When a tenant contacts us to request a repair, we will confirm if there are any disabilities or support needs that we need to take into account. This will then be recorded on the tenant's record so that the service we deliver can be tailored to their needs.

When a repair, which is the responsibility of the tenant, is outstanding and is urgent, we may complete the repair and recharge the tenant the amount it cost us to do this. However, we recognise that some tenants may not be able to fulfil their repair responsibilities due to their vulnerability. When deciding whether to recharge a tenant, we will take into consideration their age, disability and any other vulnerability which may prohibit them from fulfilling these responsibilities. Further details are set out in our Rechargeable Works Policy for Council Tenants and Leaseholders.

We will pay for any repairs resulting from damage caused to a tenant's home during an incident of domestic abuse. We will also cover the costs of lock changes or additional security required

to improve the security of the home of a victim of domestic abuse. Where appropriate a resident may ask for a security code word to be used to gain access to their home. If given, this will be available to the member of staff or representative to give added security to residents that feel especially vulnerable.

We will support the provision of aids and adaptations that help residents enjoy independence, privacy and dignity by accessing aids and adaptation funding.

Fire Safety

We recognise that some of our residents have complex needs that may put them at risk of fire or injury in their homes. Residents who smoke in their homes, those who are hoarders and those with limited mobility would be at greater risk of fire.

When we identify a tenant who falls into this category, we will work with them to ensure that they can live safely in their home and that any mitigation is put in place to enable this.

Tenancy Sustainment

We employ a Tenancy Sustainment Officer whose role is to provide short-term, intensive support to help a tenant sustain their tenancy.

Where they are supporting a new tenant, it will be about supporting them with what they need to do to settle into or remain in their home ensuring they have adequate furniture, providing assistance for them to apply for benefits and provide guidance and advice on how to manage their income so that they can maintain their tenancy.

If an individual does not have the mental capacity to make decisions for themselves, we will work with carers, advocates and legal representatives of vulnerable residents and customers to ensure they are able to access the services they need in line with the Mental Capacity Act 2005.

Dealing with Anti-Social Behaviour

We acknowledge that anti-social behaviour or harassment may be directed towards a vulnerable individual or household because of prejudices held by a perpetrator. Such prejudices may be targeted at, for example, people living with physical disabilities, learning disabilities or mental health issues. We also recognise that, in some instances, vulnerable residents may be reluctant to report incidents to us and may be less able to cope with what may traditionally be regarded as low-level anti-social behaviour.

We will be alert to these types of incidents and encourage people to report them to us.

Our Tenancy Management and Tenant Engagement Officers have a regular presence on estates and are encouraged to report and / or respond to any victimisation which they may witness.

We take a victim centred approach to all reports of anti-social behaviour and carry out a victim vulnerability risk assessment in all cases. This tool helps us measure any additional risks to the vulnerable victims.

Some tenants may act in an anti-social way due to behaviours related to their vulnerability. If this happens, we will try to engage them as well as any relevant support services and carers to see if we can improve the situation before we take any enforcement action against their tenancy.

However, we do have to balance the safety and well-being of neighbouring residents with the well-being of any vulnerable perpetrator in considering the most appropriate response.

Further information can be obtained from our Anti-Social Behaviour Policy.

Prior to taking possession action, we will use the Pre Court Action Protocol and carry out an Equality Impact Assessment to ensure our actions are fair, reasonable and proportionate,

Protected characteristics

In the exercise of our functions and in accordance with the Equality Act 2010, we must have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;"

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

While we do not necessarily define all people with a protected characteristic as 'vulnerable' for the purposes of this policy, we will give due consideration to any protected characteristics in deciding any enforcement action under the terms of a tenancy or lease to avoid any inadvertent discrimination.

In the delivery of our services, we will consider whether our decision would have an unfair or disproportionate impact on the tenant compared with another tenant who does not have a protected characteristic.

Training

We will ensure that all relevant staff have training to raise their awareness of vulnerability issues, their impact on tenants and the assistance we can offer

This will include:

- Induction and refresher training for all staff involved in the delivery of housing services in customer service and vulnerability issues, such as dementia awareness, so that they are equipped to deliver a quality housing service

- Ensuring that all staff are aware of this policy and have the skills and knowledge to implement it and its associated procedures

Monitoring

Compliance with this policy will be monitored by periodic reviews of case records by the relevant team manager.

In addition, any tenant who receives support from our Tenancy Sustainment Officer will have their cases reviewed regularly.

Complaints Procedure

The Council's Housing Complaints Policy is available to any tenant or prospective tenant who is dissatisfied with any aspect of the housing services we provide.

Further information can be obtained from the Council's Housing Complaints Policy.

Equalities Statement

The Council recognises that it delivers its housing services to communities within which there is a wide social diversity, and is committed to providing equal opportunities and valuing diversity.

We want all our tenants to have the opportunity to be involved, regardless of age, disability, ethnicity, gender, sexual orientation, marital status or civil partnership, pregnancy or maternity status. Discrimination on the basis of any of these grounds is not acceptable.

The Council will tackle inequality, treat people with dignity and respect and continue to work to improve services for all service users

The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminates discrimination, harassment, victimization and to advance equality of opportunity and foster good relations between people with differing characteristics

Review of policy

The policy will be reviewed every three years in consultation with tenant representatives, staff, other stakeholders, including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory which necessitate a review prior to this.