

Exeter City Council Housing Services

Residents' Vulnerability Policy 2024 – 2029

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1. Introduction & Purpose

- 1.1. This policy sets out Exeter City Council Housing Services (ECC) commitment to assist tenants and potential tenants (hereafter referred to as residents) to ensure that they can access our services. Where tenants are recognised as being vulnerable, we will provide assistance or signpost for more specialist support to ensure that everyone receives the assistance they need to maintain their tenancy.
- 1.2. We want to ensure that we are consistent in our approach by providing staff and residents with information to help identify and respond effectively to residents' needs.
- 1.3. The policy focuses on residents who may be vulnerable but have the capacity to make their own decisions. Where a resident is assessed as lacking the capacity to make decisions we will work with their appointed representative.

2. Policy Objectives

2.1 As a responsible social landlord, our overall objective is to ensure that our vulnerable residents receive the services and assistance that they require to sustain their tenancy.

2.2 To achieve this, we aim to:

- Record resident contact information in respect of vulnerabilities identified on our housing data system
- Take account of vulnerabilities known in the provision of services and decisions in respect of the delivery of reactive and planned repairs, decants, adaptations, home improvements, tenancy management and enforcement
- Assist vulnerable residents to access services and signpost to additional support where this is required
- Make safeguarding referrals or raise a cause for concern where appropriate
- Refer to other support or statutory services where relevant.

3. Legal duties and statutory requirements

3.1 We have a legal duty under the Equality Act 2010 to “advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it” but as a social landlord we recognise that many other residents can be vulnerable for reasons other than the characteristics protected under the equalities legislation. This policy sets out how we define vulnerability and how we respond to those people's needs.

3.2 The Care Act (2014) puts adult safeguarding on a legal footing. Under The Care Act, an adult at risk is someone over 18 years old who:

- has care and support needs
- is experiencing, or is at risk of, abuse or neglect
- as a result of their care and support needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

3.3 The Care Act (2014) sets out the statutory requirement for local authorities, health, police and other agencies to both develop and assess the effectiveness of their local safeguarding arrangements. It sets out a clear legal framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect. This is founded on the six key principles:

- I. *Empowerment* – people being supported and encouraged to make their own decisions and give informed consent
- II. *Prevention* – it is better to take action before harm occurs
- III. *Proportionality* – the least intrusive response appropriate to the risk presented
- IV. *Protection* – support and representation for those in greatest need
- V. *Partnership* – local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and
- VI. *Accountability* – accountability and transparency in delivering safeguarding

3.4 The Regulator of Social Housing's Consumer Standards states that 'In relation to the housing and landlord services they provide, registered providers must take action to deliver fair and equitable outcomes for tenants and, where relevant, prospective tenants.'¹

3.5 In addition, 'Registered providers must use relevant information and data to:

- a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs; and
- b) assess whether their housing and landlord services deliver fair and equitable outcomes for tenants'

3.6 The statutory Housing Ombudsman Complaint Handling code 2024 states that 'Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.'²

4. Protected characteristics

4.1 Under the Equality Act 2010 we are considered as providing a public function and must have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- b) Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

4.2 The protected characteristics in relation to services are: age, disability, gender re-assignment, race, religion or belief, sex and sexual orientation.

4.3 Whilst we do not define people with protected characteristics as 'vulnerable' we will give due consideration to any known protected characteristic in deciding enforcement action to avoid inadvertent discrimination.

4.4 We will consider an individual's protected characteristics in our decisions in respect of tenancy management particularly where possession or enforcement is considered. Our pre-action protocol will consider:

- If the resident's behaviour, action, or lack of action is related to their disability or vulnerability.
- If their behaviour puts others at risk
- If alternative sanctions or options could resolve the tenancy breach
- If action is proportionate and justifiable

5. Definition of Vulnerability

5.1 The Government's meaning of vulnerability is defined as someone in need of special care, support, or protection because of age, disability, risk of abuse or neglect.

5.2 We will define 'vulnerable' in relation to the provision of our housing management services as:

Residents who have a particular characteristic and/or experience an exceptional life event and are currently unable to cope with managing their tenancy without additional support.

5.3 Our definition reflects our understanding that 'vulnerability' can be a changeable state influenced by multiple factors and experiences such as age, disability, bereavement, mental health etc. The more common characteristics, events and factors that we may take into consideration when considering a resident's state of vulnerability are included below.

5.4 Some of the factors will be constant and others can be life events that do not represent a permanent state. The interaction of the different factors will determine

how vulnerable a person is along with any additional assistance that they may require.

5.5 The Housing Ombudsman Service in its report 'Spotlight on attitudes, respect and rights – relationship of equals'³ defines vulnerability (in relation to complaints which is the Housing Ombudsman's main focus) as:

'A dynamic state which arises from a combination of a resident's personal circumstances, characteristics and their housing complaint. Vulnerability may be exacerbated when a social landlord or the Housing Ombudsman Service does not act with appropriate levels of care when dealing with a resident's complaint... if effective reasonable adjustments have been put in place, the vulnerability may be reduced.'

6. Assessment of Vulnerability

6.1 We will consider the following factors when determining vulnerability. It does not cover the whole spectrum but provides a framework for consideration.

Questions that may help to ascertain vulnerability:

- "Do you/anyone living in your household have any vulnerability that we need to be aware of?"
- "Does your current situation impact adversely on your health / the health of anyone in your household?"
- "Does your current situation impact adversely on you or anyone in your household's ability to manage day to day living?"

1. *Underlying characteristic*

(people in these groups may not always require additional support just because of the characteristic)

- Older people (particularly those aged over 75)
- Disabled people or families with a disabled child
- Care leavers under the age of 25
- Lone parents (under 21)
- People who are living with a terminal illness

2. *Ability to act, engage or cope.*

(people may lack ability because of having one or more of these factors)

- Learning disability
- Mental illness
- Neurodiverity/Autism Spectrum disorder
- Permanently impaired mobility or frailness

- Chronic, debilitating health condition
- Addiction / serious substance or alcohol abuse
- Low level of literacy
- Low or no English language
- Age related condition that impacts on independent living

3. *Exceptional life event*

(people may not have factor 1 or 2 but may have recently experienced an exceptional trauma or event so may be vulnerable at this point in time) for example:

- Recently moved from Supported accommodation
- Bereavement following close family member.
- Victim of crime, abuse, harassment, or domestic abuse
- Recently discharged from hospital or other institutional care
- Pregnancy or recently given birth
- Ex-service personnel returned from an area of conflict
- Refugee or Asylum seeker
- Experiencing exceptional hardship

4. *Financial Instability*

(this may be only a temporary situation)

- Erratic and/or low income
- Reliance on state benefits which may change, Universal Credit for example
- Over indebtedness, which may include rent/council tax arrears.

7. *Identifying Vulnerability*

7.1 A resident's vulnerability may be identified by:

- The resident or their representative contacting us for additional support
- Any member of ECC staff who is in contact with the resident
- A referral from an external agency/organisation.

7.2 Our staff will receive training to recognise potential signs of vulnerability such as:

- Being the perpetrator of antisocial behaviour due to mental health issues
- Being the victim of anti-social behaviour, harassment, domestic abuse or crime
- Repeated failure to respond to correspondence or home visits.
- Hoarding, self-neglect or other behaviour which results in a person's home or garden becoming neglected or damaged.
- Failing to maintain the conditions of tenancy such as regular rent payments.

8. Recording Vulnerability

8.1 We will record on the customer record within our housing management system (OPENHousing) any known vulnerability, any communication or access needs and if anyone other than the tenant is authorised to speak to us on the resident's behalf. This helps staff to have advance knowledge of any additional factors to consider when delivering services.

8.2 Safeguarding concerns will be raised in line with our Safeguarding Policy which sets out how we ensure that the relevant Social Care Services are notified when we have a concern.

9. Reasonable Adjustment

9.1 While we do not define groups of people as 'vulnerable' by default e.g., 'the old' or 'disabled,' we will consider how we deliver our service taking into consideration vulnerable residents' needs, and circumstances, to help them to live well and sustain their tenancy.

9.2 Each of our service areas will consider any variation or adjustment that might be required and is appropriate in the circumstance for a vulnerable resident.

This will vary by service, but some examples are:

- Allowing longer for a resident to answer the door
- Arranging a joint visit with a support worker/representative
- When ordering a repair, if a member of the household is vulnerable and a delay will be detrimental to health the repair may be brought forward from its scheduled target date (but should be booked as scheduled with a note to indicate the vulnerability)
- If damp and mould are reported and a member of the household is vulnerable the remedial process should be escalated accordingly
- Visit in person to explain matters or explain the content of a letter by telephone call
- Provide or refer for additional support, a perpetrator of anti-social behaviour prior to enforcement

- Make an application for a civil remedy or injunction rather than evict a vulnerable person.
- Provide welfare benefits and money advice rather than enforcement for a vulnerable person in rent arrears
- Make provision to make good following repairs where a vulnerable person is not likely to be able to do this
- Engage and arrange translation services if required.

10. Communication preferences

10.1 When new tenants sign up for a tenancy, they will be asked about communication preferences and to provide a secondary contact in case of emergency.

10.2 Residents can ask that correspondence is sent to someone who has 'delegated authority' to act on their behalf.

10.3 We will expect that residents or their representatives will update any communication preference if it changes.

10.4 The way that we communicate with tenants who are vulnerable should be considered to ensure that it will be understood and is relevant.

10.5 If English is not a tenant's first language, we will make reasonable adjustments by arranging translation of written documents, or interpretation services if needed.

11. Residents lacking capacity

11.1 In line with the Mental Capacity Act 2005 we will liaise with those who have legal authority to act on behalf of our residents who lack capacity. That might be a representative who has /or is:

- Lasting power of attorney (LPA)
- Deputyship Order from the Court of Protection
- Litigation friend appointed in court proceedings.
- Appointee appointed by the Department of Work and pensions (DWP) to manage a person's benefits.
- Independent Mental Capacity Advocate

12. Implementation of the policy

12.1 This policy follows guidance and references from the Housing Ombudsman report “On the record: Spotlight on Knowledge and Information Management” and its recommendations.

12.2 We have a number of key actions to complete which will support this policy:

- To review how we hold and report on details of a customer’s vulnerability and provide staff access to information which is relevant to them
- Increase the level and quality of data that we hold and capture
- Embed our approach by delivering training to our staff so that we can respond in a positive way to vulnerable residents’ needs
- Ensure each policy review captures how it can accommodate vulnerable residents
- Explore the potential for reporting on ‘priority resident’ status so that we can easily make contact and respond to them. For example, in extreme weather conditions or as part of our business continuity planning process.

13. References

Legal duties and statutory requirements:

Equality Act 2010: Guidance - GOV.UK (www.gov.uk)

Regulator of Social Housing Consumer Standard Tenant Involvement and Empowerment Standard - GOV.UK (www.gov.uk)

The Housing Ombudsman's Complaint Handling Code
(housingombudsman.org.uk)

The Care Act 2014

Domestic Abuse Act 2021

Residents lacking capacity:

Mental Capacity Act: making decisions - GOV.UK (www.gov.uk)

Related documents:

Knowledge & Information Management-report-v2-100523.pdf (housingombudsman.org.uk)

ECC Housing Strategy

ECC Tenancy Policy

ECC Housing Domestic Abuse Policy (to be ratified November 2024)

ECC Housing Anti-Social Behaviour Policy (to be ratified November 2024)

ECC Safeguarding Policy

ECC Equality, Diversity & Inclusivity Policy

Footnotes:

1. <https://www.gov.uk/government/consultations/consultation-on-the-consumer-standards/annex-3-consumer-standards>
2. [Complaint Handling Code 2024 | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk/complaint-handling-code-2024)
3. [Spotlight on: Attitudes, respect and rights – relationship of equals \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk/spotlight-on-attitudes-respect-and-rights-relationship-of-equals)