

Vulnerable Customers Policy



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Regulatory/ Governance:	The Regulator of Social Housing: Tenancy Standard	Date of next review:	June 2023
Related Policies:	Safeguarding Adults at Risk Policy Safeguarding Children and Young People Policy Health & Safety Policy Lone Working Policy Data Protection Policy Customer Alerts Policy		

1. Policy Statement

- 1.1 Housing Solutions (HS) is committed to identifying customers who present with vulnerabilities. This is to ensure that those customers are provided with the necessary support so that they can access the services that they require to sustain their tenancies and live independently.
- 1.2 Housing Solutions will ensure that the correct services are being delivered and where appropriate any necessary referrals will be undertaken by Housing Solutions staff to both statutory and voluntary services, for example local mental health teams, women's refuge charities etc.
- 1.3 All Housing Solutions residents have an obligation to fulfil the conditions of their tenancy/licence/lease agreement (to pay the rent, keep their property in good condition, be respectful neighbours etc.) and we will take action if they do not do so. Being vulnerable does not absolve a resident from these responsibilities. We recognise, however, that some residents will require additional support in meeting their obligations and may also require flexibility in timelines or other aspects of tenancy management to assist vulnerable residents in complying with their terms and conditions of tenancy.
- 1.4 The objectives of this policy are to:

- 1.4.1 Comply with relevant regulatory and legislation, including pre-action protocols, and ensure effective partnership working with support agencies.
- 1.4.2 Utilise all available information to identify vulnerable customers and tailor our services to individual needs of those customers.
- 1.4.3 Record customers who are identified as vulnerable and ensure information on residents' vulnerability is available to relevant colleagues so that services /support can be tailored accordingly and to ensure that vulnerability is identified at the earliest opportunity.
- 1.4.4 Identify support needs and signpost the customer to statutory and voluntary agencies as necessary so that these needs are met
- 1.4.5 Promote inclusion and accessibility of customers.
- 1.4.6 Ensure that colleagues do not put customers at risk by placing them in situations that fail to meet their needs and that colleagues are empowered to be flexible in the way they deliver their services to meet individual vulnerable needs.
- 1.4.7 Ensure colleagues have the necessary skills, knowledge and guidance to deal effectively with the many facets of vulnerability. This will include training / refresher training including mental health awareness, duty of care and safeguarding, multi-agency working, equalities legislation, handling difficult situations, and drug and alcohol awareness
- 1.4.8 Ensure that we issue the most compatible form of tenure within the tenure policy.

2. Scope

- 2.1 This policy applies to all staff working in teams within Housing Solutions that respond to and provide services to customers, as well as contractors appointed by Housing Solutions. This policy applies to all residents irrespective of tenure.
- 2.2 This policy relates to all Housing Solutions' customers who have been or may be identified as vulnerable and have the capacity to make their own decisions.
- 2.3 This policy also includes those customers who lack capacity as defined by the Mental Capacity Act 2005.

This policy covers supporting vulnerable residents to maintain their tenancy. Housing Solutions has separate policies that govern the safeguarding of adults and children.

3. Roles and Responsibilities

- 3.1 The Director for Housing and Asset Management has responsibility for reviewing and monitoring compliance with this policy.
- 3.2 The Customer Contact Centre will fully consider resident vulnerability when delivering a first response to service requests and arranging flexible services.
- 3.3 It is the responsibility of all customer facing staff to identify any potential vulnerability that a customer may present with and to raise a CRM to ensure the relevant officer in Housing Services is aware and able to take any necessary

action.

- 3.4 It is the responsibility of all housing management staff to ensure that tenancy files are updated to reflect any identified vulnerabilities of a customer and to ensure that specific vulnerabilities are recorded securely. Appendix 1 contains a list of codes to be used on the housing management system to identify people with vulnerabilities and what the vulnerability is.
- 3.5 All customer facing staff should take responsibility to check the relevant housing system/s to ensure that they have all the necessary information prior to delivering a requested service. If any changes are identified during this checking process, it is the responsibility of the member of staff who identified the change to ensure that the housing management system is updated with the new information, or where the member of staff does not have access to the housing management system that they raise the identified changes with a member of the Housing Services team so that the changes can be updated on the housing management system.
- 3.6 It is the responsibility of the operational managers within Housing Services to review and approve recommendations to remove and/or apply vulnerability flags in accordance with the relevant policies.

4. Definitions

“Vulnerable Person”

- 4.1 In general, a vulnerable person is either a minor or someone who, for physical or mental reasons is unable to look after themselves or their finances.
- 4.2 Housing Solutions’ has further defined a vulnerable person as being:
 - 4.2.1 those who may be in need of community care and support services, and
 - 4.2.2 anyone who experiences difficulties with everyday living and/or needs additional support to meet their obligations under their tenancy/licence/lease.
- 4.3 There may be some overlap with those who have a protected characteristic under the Equality Act 2010. Housing Solutions acknowledges that not everyone with a protected characteristic will be vulnerable. People may be vulnerable for reasons other than those covered by the Equality Act 2010 and other related legislation.
- 4.4 Our approach to vulnerable people recognises that vulnerability need not be a permanent state and that people may be vulnerable at different times for different reasons (e.g. following bereavement or relationship breakdown).
- 4.5 Housing Solutions will assess whether a customer is vulnerable on a case by case basis. We will not assume whole groups of people are vulnerable. For example, not everyone with a mental health diagnosis is vulnerable even though there may be evidence to suggest that many are.
- 4.6 There are some conditions, ailments or disabilities that are more likely to lead to an assessment of “vulnerability” within the meaning of this policy. Equally, people can move in and out of vulnerability depending on their circumstances. The following (non-exhaustive) list sets out some examples of conditions, ailments or disabilities that might be a strong indicator that a resident may be vulnerable:

- Frail Older Person
- Physically Disabled
- Sensory Impairment – e.g. deaf or blind
- Hoarder or Previously Known Hoarder
- History or Suspicion of Arson
- Lacks / limited Ability to Respond to Evacuation of Building in Emergency
- Risk of Creating Fire / Hazards
- Mentally Disabled / Mental Health Diagnosis (e.g. Schizophrenic - Anxiety – Depression)
- Dementia / Alzheimer's
- Limited Mobility but Not Classified as Physically Disabled
- Alcohol Abuse
- Drug / Substance Abuse
- Fleeing or History of Domestic Abuse
- Terminal / Chronic Life-Threatening Health Condition
- Learning Disability
- Learning Difficulties – Dyslexic – Reading - Writing or Other
- Absconded or Risk of Absconding from Supported / Care Scheme

4.7 A resident's vulnerability may also be indicated by one or more of the following circumstances

- Homelessness / repeat homelessness
- Being supported by specialist agencies
- Hospitalisation
- Periods following discharge from hospital or other care
- Periods of sustained illness at home
- Period of change from supported housing to independent living
- Evidence of neighbour harassment or abuse towards the customer and/or their household
- Evidence of being a victim of hate crime or domestic abuse
- Evidence of being the perpetrator of anti- social behaviour
- Rent arrears or other debt problems
- Being a victim of cuckooing
- Divorce / relationship breakdown

“Lacking Capacity”

4.8 A customer who has been assessed as vulnerable does not necessarily lack capacity to manage their own affairs. An assessment of lack of capacity must be undertaken in line with the Mental Capacity Act 2005 and the principles set out in that legislation. The main principle for dealing with any person is that **there is always presumption of capacity**. This means that Housing Solutions will assume that every customer has capacity unless there is strong evidence to the contrary (e.g. a medical report, court order or their behaviour upon presentation suggests that they lack capacity because it is erratic, dangerous or otherwise concerning).

4.9 When interacting / managing residents who are lacking mental capacity it is important to understand that a resident who lacks mental capacity cannot do one or more of the following things:

- Understand information given to them about a particular decision

- Retain that information long enough to be able to make the decision
- Weigh up the information available to make the decision
- Communicate their decision

4.10 Where an individual lacks 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.

4.11 In some cases, a resident who lacks capacity may have someone appointed to take decisions on their behalf about their personal welfare, including healthcare decisions as well as property and financial affairs. A relative, friend or proxy can be appointed or the Court of Protection may appoint a professional to act in the best interests of the person who lacks capacity. There may also be a power of attorney in existence.

4.12 We will meet our statutory safeguarding requirements in line with our existing policies and procedures where there are safeguarding concerns about a vulnerable resident or customer. Please refer to those policies (as set out in the header of this policy) for more details.

5. Legislation

5.1 In delivering this policy, HS must have regard to the following:

- The Human Rights Act 1998 and the European Convention on Human Rights
- Pre-Action Protocol for Possession Proceedings
- Mental Capacity Act 2005
- Equality Act 2010

5.2 Details of the relevant legislation are set out in Appendix 2 to this policy.

6. Procedure

Identifying Vulnerability

6.1 A customer's vulnerability will usually be identified from any of the following:

- Lettings information including information obtained at sign up
- Housing Solutions - Service Information form and / or a request for a service
- Information obtained by the Tenancy & Neighbourhood, Supported Housing and Sheltered Housing officers, Trades Operative
- Staff may become aware of vulnerability when a resident makes a request for a service, whether in person, by telephone or in writing.
- When a customer contacts the Customer Contact Centre to report a repair, staff will confirm if there are any vulnerabilities or support needs which need to be taken into account checking the customer's details on the relevant software programme. Any information obtained will be updated on any relevant housing system/s.
- Where a member of the Maintenance team becomes aware of a vulnerable customer, they must inform either a Housing Manager or Head of Housing and email the relevant TNO.

6.2 When a vulnerability of a customer is identified and is not already recorded on the Housing Management system, staff will record this information appropriately to make sure our records are accurate and that any other staff that need to have access to that information can do so.

- 6.3 Staff will discuss the services being offered with the resident and make any appropriate referrals as well as recording the conversations and observations on the housing management system.
- 6.4 Where Caretakers, maintenance teams or contractors identify vulnerable residents, they will discuss the services offered with the resident and raise a request with the Housing Services team for support and contact to be offered to the resident inline with the identified vulnerabilities of that resident.
- 6.5 Where a customer has been identified as a vulnerable person, it is the responsibility of the staff member who identified the person as vulnerable to ensure the information is entered onto the housing management system. They can either enter the information themselves, or get another officer to do it on their behalf. The specific vulnerabilities must be securely and accurately recorded. This information will then create a vulnerability marker on the housing management system until such time as the marker is deemed no longer necessary.
- 6.6 Any supporting documentation must be stored securely on the electronic document management system.
- 6.7 The vulnerability markers must be reviewed regularly. The onus is on every member of staff that has dealings with any customer to consider a review of the vulnerability marker every time they have an interaction with the customer. If a change in the vulnerability status of a customer is believed to be necessary, this must be signed off by a line manager before the vulnerability marker is changed or removed.
- 6.8 All staff members must comply with the Lone Working Policy. If a member of staff believes that a resident's vulnerability poses a risk of harm, manipulation, misrepresentation or false accusations then that member of staff must request a system alert in line with the Customer Alerts Policy.

7. Consumer Standards

- 7.1 By maintaining and adhering to this policy, Housing Solutions is upholding the Tenancy Standard by taking into account the needs of households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.
- 7.2 Additionally, this policy demonstrates that Housing Solutions is seeking to achieve the outcomes of The Tenant Involvement and Empowerment Standard by:
 - 7.2.1 Providing choices, information and communication that is appropriate to the diverse needs of our tenants in the delivery of all standards
 - 7.2.2 Treating all tenants with fairness and respect
 - 7.2.3 Demonstrating that we understand the different needs of our tenants, including in relation to the equality strands and tenants with additional support needs.
 - 7.2.4 Demonstrating how we respond to tenants' needs in the way we provide services and communicate with tenants.

8. Equality & Diversity

- 8.1 Housing Solutions recognises the needs of a diverse population and always acts

within the scope of its own Equality and Diversity Policy, the Human Rights Act 1998, and Equalities Act 2010. Housing Solutions works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability.

9. Confidentiality

- 9.1 Under the Data Protection Act 2018, General Data Protection Regulation (GDPR) 2016 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:
- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
 - sensitive organisational information.
- 9.2 Housing Solutions employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

10. Review

- 10.1 This policy will be reviewed on a 3 yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.
- 10.2 Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through line management of the frontline officers that deal face to face with our customers.

11. Appendices

- 11.1 Appendix 1 – List of Vulnerability Codes
Legislation.

APPENDIX 1
LIST OF CODES

Vulnerable Codes

VULNERABLE IND	DESCRIPTION
AUDCD	When contacting use Audio CD
AUDTA	When contacting use Audio tape
AUTIS	Autistic Spectrum Conditions
BENCA	Benefit Cap Affected
BLIND	Blind
BRAIL	When contacting use Braille
CARE	Care - See file
DEAF	Hard of Hearing
DEALZ	Dementia / Alzheimer
DIFFI	Difficulty reading/writing
DISAB	Registered Disabled
DRUG	Drug/Alcohol Addiction
EPILC	Epilepsy
FRAME	Walking Frame/Stick User
HEAR	Hearing Impairment Other
HELPF	Help filling out forms
HIDDE	Hidden impairment/long term condition
HIGH	High Risk (check diary/house file)
ILNES	Long term illness or health condition
KEYSF	Use a key from a key safe
KNOCK	Knock loudly
LARGP	When contacting use large print ARIAL 20
LEARN	Learning disabilities/difficulties
LOUD	When contacting Speak Loudly
MENTL	Mental Health Condition
MOBIL	Mobility Scooter / Use a wheelchair
MOBIM	Mobility Impairment
MSCLE	Multiple Sclerosis
NEEDL	Needles Present - BEWARE
OTVST	Other visiting requirement - see diary
PARKD	Parkinsons Disease
READO	Read out letters by phone
SBACK	Use side/back door
SLOW	When contacting Speak Slowly
SPECH	Speech
TIME	Allow more time for answering door
VISIT	Visit in Pairs
VISUA	Visual impairments
REFUG	Refugee - see diary

APPENDIX 2

LEGISLATION

Human Rights Act

11.2 All public authorities, or bodies exercising public functions (which may include Housing Solutions for certain services), must act compatibly with the relevant articles of the European Convention on Human Rights (ECHR), as enshrined in UK law under the Human Rights Act 1998. The rights most articles of the ECHR to housing are:

Article 6 – the right to a fair trial

Article 8 – the right to respect for private life, family and a home.

Article 14 – the right not to be discriminated against

11.3 Articles 6 and 8 are conditional rights. That is to say that they are rights that apply so long as there is no law to the contrary, necessary and proportionate for the purposes of preventing crime and disorder, protecting health or morals, protecting other peoples rights or freedoms, in the interests of national security.

11.4 Article 14 is an absolute right. That means that there are no circumstances in which a person may be discriminated against.

Pre-Action Protocol for Possession Claims by Social Landlords (2015)

11.5 The protocol sets out the requirements that a Registered Provider of Social Housing must have either considered or complied with before seeking a possession order in the county court on the grounds of rent arrears.

11.6 Courts will take into account whether the protocol has been followed when considering what orders to make.

11.7 Part 1 of the protocol requires Housing Solutions to consider the vulnerability of a tenant prior to the commencement of proceedings.

11.8 If we are aware the tenant has difficulty reading or understanding information, we must take reasonable steps to ensure that we have communicated appropriately and that the tenant understands any information we have given.

11.9 Where the tenant is under 18, or particularly vulnerable, we should consider:

11.9.1 Whether the person is likely to have mental capacity to defend the proceedings (if not we should make an application for the appointment of a litigation friend).

11.9.2 whether or not any issues are likely to arise under the Equality Act 2010 (e.g. possibility of tenant with a disability, which includes mental health issues, making a disability discrimination claim).

Mental Capacity Act 2005

11.10 The Mental Capacity Act 2005 provides a framework to empower and protect people who may lack capacity to make some decisions for themselves. It makes clear who can take decisions in which situations, and how they should go about this. It also allows people to plan ahead for a time when they may lack capacity.

Equality Act 2010

11.11 The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against a person if they have one or more of the protected characteristics. Those protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

If the protected characteristic is disability, then there is an additional obligation to make reasonable adjustments to accommodate the person's disabilities. Reasonable adjustments include taking extra steps to make the world accessible for the person with the disability, for example sending letters in large print or brail writing.