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Vulnerable Tenants Policy

Operations Directorate

## 1.0 Introduction

1.1 This policy sets out Ashfield District Council’s commitment to supporting and assisting vulnerable council tenants to ensure they have access to high quality services.

1.2 The policy is a key requirement in the Council meeting the needs of all its tenants regardless of their needs, circumstances, or vulnerability. The policy recognises that some tenants will undergo stages of vulnerability which may affect the way in which they engage with the Council or other tenants. Stages of vulnerability may be short term, long term or permanent and can happen at any time during their tenancy with the Council. As the Council has a duty of care for all its tenants. It will be guided by the policy to take appropriate action to support and guide tenants in the services they receive.

1.3 In addition, we will work with relevant agencies and partners to provide targeted support and customised solutions relevant to the vulnerability and promote independence. The policy supports the Council’s Equality Scheme (2022 to 2026) and seeks to ensure that vulnerable tenants are safeguarded throughout their tenancy.

## 2.0 Scope

2.1 This policy applies to all staff in the Operations Directorate within the Council and Officers and other departments providing services that relate to social housing provision, that may come into contact with vulnerable individuals and who will take all reasonable steps to minimise risks of harm to welfare and ensure everyone is treated fairly.

2.2 It covers the approach to managing and supporting vulnerable tenants ensuring that a quality service is provided, protecting tenants from potential exploitation, and safeguarding their existence through effective partnership working (including data management).

## 3.0 Policy Objectives

 The policy aims to:

* ensure we comply with all legal and regulatory requirements and standards.
* ensure that staff take this policy into account and apply its principles when developing strategies, policies, and procedures for their service areas.
* provide guidance on how we define and identify a vulnerable tenant including the application of the 3R’s principles which are Recognise, Respond and Record.
* ensure that we consider individual circumstances and do not apply blanket policies when decision making.
* consider known vulnerability factors in the provision of services, tenancy management and enforcement.
* consider any additional needs due to the vulnerability and where appropriate vary our service delivery to ensure vulnerable tenants still receive the same level of service.
* ensure that vulnerabilities are recorded on the tenant’s file and flagged reaffirming the reasons why information is kept up to date.
* refer to statutory agencies and other external partner support agencies where appropriate.
* make safeguarding referrals whenever required.
* review and critically analyse data to deliver ongoing service improvements for vulnerable tenants.
* ensure that relevant supporting documentation such as the vulnerability, tenancy sustainment and safeguarding forms are reviewed and updated so they are aligned to, and in support of this policy.

## 4.0 Legislation, Regulations and Guidance

4.1 This policy considers the following legislation and guidance:

4.2 **Human Rights Act 1998**

The Human Rights Act 1998 provides legal protection under 16 separate articles (rights). In relation to safeguarding vulnerable adults, there are four articles of particular importance, Article 2 protects the right to life. Article 3 affords freedom from degrading and inhumane treatment. Article 5 enshrines the right to liberty and security and Article 8 guarantees the right to a private life, family life, and a home life.

The Council is committed to the principles of the Human Rights Act 1998 and the policy underpins our determination to ensure legislation is enshrined in this document.

4.3 **Equalities Act 2010**

The Council has a duty under the Equality Act 2010 to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, advance equality of opportunity between persons who share relevant protected characteristic and persons who do not share it and foster good relations between people who share a protected characteristic and people who do not share it. As a social landlord the Council recognises that many tenants can be vulnerable for reasons other than characteristics protected under the equality’s legislation.

4.4 **Landlord and Tenant Act 1985**

The Housing Act 1985 covers a range of housing issues including right to buy, overcrowding, succession, and grounds for possession. The Council will apply appropriate assessments in ensuring that vulnerabilities are considered when applying the legislation to vulnerable tenants.

4.5 **Housing Act 1996**

 Part VII of the Act concerns the duties that a local authority must help homeless people and when these duties arise. Section 189 of the Act concerns the "priority need" hurdle that a homelessness application must pass for a [Council](https://en.wikipedia.org/wiki/Council) to have a duty to provide interim accommodation. New duties on addressing homelessness have been introduced under the Homelessness Reduction Act 2017 which influence and guide our services.

4.6 **Care Act 2014**

 The Care Act aims to ensure people needing care and receive the support they need and that their wellbeing is at the centre of the process. The act also aims to bring personalisation to care services, giving greater control and influence, to those in need of support.

4.7 **Data Protection Act 2018 (DPA)**

 The Act was introduced to control how personal, or customer information is used by organisations or government bodies. It protects people and lays down rules about how data about people can be used. The DPA also applies to information or data stored on a computer or an organised paper filing system about living people. The Council recognises the importance of managing or sharing sensitive personal information in the correct way. It does so in line with the legislation, so as not to place vulnerable tenants at additional risk of harm or exploitation.

4.8 **Mental Capacity Act 2005**

The Act provides a legal framework for acting and making decision on behalf of people who lack mental capacity to make decisions for themselves.

4.9 **Social Housing (Regulation) Act 2023**

This Act underpins the Regulator of Social Housing’s management of social housing landlords through a suite of consumer standards. The regulatory standards stipulate that landlords should treat tenants with fairness and respect, along with demonstrating how they understand the different needs of their tenants, including in relation to equality strands and tenants with additional support needs.

4.10 **Housing Ombudsman spotlight reports** **– Attitudes, Respect and Rights 2024, Knowledge and Information Management 2023**

 These reports provide guidance and recommendations on the nature of vulnerabilities, best practice in identification taking a holistic approach and the importance of responding through reasonable adjustments. The reports highlight that identification, recording of vulnerabilities and the accessibility of this information to all staff is critical when tenants are accessing services.

## 5.0 Who is vulnerable?

5.1 The Council considers a person vulnerable if they experience difficulties with everyday living to the extent that they need some additional support to make sure they are not at any disadvantage and /or to sustain the occupancy of their home or access services.

5.2 A person may be vulnerable because of a single issue, or condition, or due to a combination of factors. It may be because they are isolated from their support network, not coping with their current circumstances or their health has deteriorated.

5.3 Vulnerability need not be a permanent state. People can be vulnerable at different times and for different reasons. For example, a recently bereaved person may be particularly vulnerable for a period following the death. People with recurrent mental health issues may also enjoy long periods when they feel well. The Council’s aim is to embed in its policy an approach to provide or procure flexible and relevant support as and when needed, in the form of advice, sign posting or guidance. For example: money advice, welfare benefits advice and energy advice services which we may directly contract or provide sign posting to.

5.4 Please see Appendix 1 for examples of who might be identified as vulnerable.

## 6.0 Data Collection

6.1 By collecting vulnerability information on sign up, the tenant can be offered support for their needs and communication preferences i.e., whether they need information in other formats. Any referrals or signposting can be made where necessary.

6.2 The council’s preferred mechanism for collecting vulnerability information is in person. This enables the Council to recognise vulnerabilities that the tenant may not have considered. In person contact, aids discussion of vulnerabilities and ensures reasonable adjustments can be made. It also allows permission to share this information with agencies that can provide support to be obtained.

6.3 Vulnerability information will be recorded onto our internal systemsand will assist the Council to undertake customer profiling. Insight information assists the Council to design and deliver services specific to tenant’s needs throughout the duration of the tenancy. It also provides a detailed picture of their characteristics including demographics, needs, attitudes, lifestyle and aspirations, which be considered in our decision making. This information will only be held if it is relevant to the vulnerability and determination of vulnerability and will aid the support the tenant needs when responding to their circumstances.

6.4 Regular checks in tenancy audits and post sign up checks can ensure data remains current, reliable, and valid.

6.5 Vulnerability information is prominently flagged on our internal systems accessible to all relevant staff.

6.6 The Council will take a joined-up approach to data profiling and data management. High quality data helps the Council to make informed decisions, resource efficiently, reduce risk for residents, cost save, be transparent and accountable and improve customer service and delivery to improve the lives of tenants. It also ensures regulatory compliance and promotes independent living.

6.7 All relevant information regarding vulnerabilities will be held in accordance with relevant legislation and regulations relating to Data Protection. Analysis of the data will be undertaken by the Council for improvement and learning. The Council’s privacy notice can be found here <https://www.ashfield.gov.uk/your-council/legal-information-public-data/privacy-notice/>

## 7.0 Training

7.1 Staff are trained to consider the ‘whole person’ and take a holistic approach regardless of the reason for either the tenant or Council making contact. This enables the 3R’s principle of Recognise, Respond and Record to be taken into consideration when identifying vulnerabilities.

7.2 Staff undertake training and development as well as being part of our induction process. The Council will use a variety of training tools including on-line, group sessions and specialist training to support the Council in delivering services which meet the needs of vulnerable tenants and does not leave them exposed to discriminatory practices, poor service provision or exploitation.

7.3 Staff training will be recorded on an employee’s personal file and any training needs will be assessed at the annual performance development review.

## 8.0 Provision of Aids and Adaptations

8.1 The Council supports the provision of aids and adaptations that help tenants enjoy independence. This is delivered using a defined annual budget.

8.2 Referrals will be considered on a case-by-case basis, considering a tenant’s vulnerability, property type, the aids and adaptations required, and the costs involved. The Aids and Adaptations Policy can be found on the Council’s Website at [www.ashfield.gov.uk](http://www.ashfield.gov.uk) (Adapting and Improving Your Home).

## 9.0 Financial Inclusion and Money Management Advice

9.1 The Council understands that some tenants are worried about money and the challenges of meeting financial liabilities such as rent and tenancy charges, council tax, utility bills and food.

9.2 The Council will seek to help vulnerable tenants who may be financially struggling, by sharing information that can help, whether that be additional monies the tenant may be entitled to, ways to save money, or budgeting help or by signposting onto external agencies.

9.3 Money Management Advisors from the Housing Management Team support tenants who are experiencing financial difficulties by making referrals to food banks and supporting in setting up a bank account. They will also signpost to specialist organisations for debt advice i.e., Citizens Advice or Step Change.

9.4 The success of the Money Management Advisor is dependent upon referrals from other sections of the Council including the Lettings Team, Income Team, and Housing Officers. Self-referrals are also accepted.

9.5 The effective recording, management and profiling of data is vital for information sharing and developing bespoke support for vulnerable tenants.

## 10.0 Tenancy Sustainment Service

10.1 A Tenancy Sustainment service is available to help tenants sustain their tenancy, due to reasons other than having trouble paying their rent/tenancy charges.

10.2 This targeted short-term floating support service works with tenants who are at risk of losing their tenancy. This may be due to anti-social behaviour, issues with rent payments or other things that may affect their ability to manage their tenancy. It is also available to tenants who require extra support in their home to improve their situation but are not yet a point where their tenancy is at risk and to housing applicants who have been offered a council tenancy and need help setting up utilities.

10.3 Referrals are generally made to the service internally by Officers of the Council. External referrals to the service will also be considered. If support needs are too high, we will refer the tenant to specialist support providers.

10.4 Records will be maintained on a tenant’s file, so relevant staff are aware of vulnerable tenants and their record of support received.

10.5 Working with agencies, partners and external organisations will enable the team to signpost vulnerable tenants to the relevant partner(s) who can safeguard their future and address any difficult issues they experience.

## 11.0 Taking legal action against a vulnerable tenant

11.1 The Council undertakes equality impact assessments before considering legal action. This assessment ensures that any action taken is within the scope of the Equalities Act and that due regard is taken to the aims of the general equality duty when making decisions by tackling discrimination and providing equality of opportunity for all. The purpose is to demonstrate that any action taken is proportionate and not driven by discriminatory actions which would be detrimental to a vulnerable tenant. It also ensures that any adjustments or support needs are considered prior to taking any legal action.

## 12.0 Complaints

12.1 A tenant may complain where they believe they have not received a satisfactory level of service, or the service has failed them. Vulnerable tenants may feel uneasy about making a complaint. We will make reasonable adjustments to our complaints service, ensuring tenants with a vulnerability are not at a disadvantage when accessing the service or being communicated with during the process. Recording a complaint does not have to be in writing and can be made verbally or through a third party.

12.2 In recording the complaint, it is important for the officer to be ‘inclusive’ in their approach when recording information. This includes being supportive and understanding in making sure the detail of the complaint is correctly recorded to fully reflect the nature and detail of the complaint. If any aspect of the complaint or the outcome being sought are unclear, the officer leading on the complaint investigation should seek clarification, before proceeding.

12.3 An assessment of the known vulnerabilities of the complainant and details of any adjustments made/considerations will be undertaken as part of the complaint investigation process. This will apply to stage 1 and stage 2 complaints.

12.4 This procedure and the Council’s complaints and compliments policy has been developed in line with the Housing Ombudsman Service’s (HOS) Complaint Handling Code, and an annual self-assessment against the Code will take place to ensure that our complaint handling remains in line with its requirements. A copy of the complaints and compliments policy and the annual self-assessment is available on the council’s website at www.ashfield.gov.uk.

## 13.0 Reports of anti-social behaviour or harassment by a vulnerable tenant

13.1 The Council recognises that anti-social behaviour or harassment may be directed towards a vulnerable individual or household because of prejudice held by a perpetrator. However, vulnerable tenants may also be the cause of anti-social behaviour and harassment. Where this is the case, contact will be made with relevant agencies with a view to obtaining support and assistance for the tenant.

13.2 The Council recognises that some people may be reluctant to raise concerns regarding anti-social behaviour being perpetrated against or causing a nuisance to them. A vulnerable person may be less able to cope with what may traditionally be regarded as low-level harassment or anti-social behaviour. The Council will be alerted to repeat incidents of such behaviour and will not underestimate its potential impact on vulnerable tenants. The Council will take a sensitive and victim-orientated approach when responding to complaints made in such circumstance. The Council will be proactive in raising awareness about prejudice and in encouraging tolerance and respect for others.

13.3 When working with vulnerable tenants whether complainant or person perceived to be the cause of anti-social behaviour or harassment, the Council will confirm in writing the nature of their vulnerability. This reassures tenants that the Council have recorded and considered their vulnerabilities. The Council provides a range of opportunities for tenants to provide an update or report other vulnerabilities. This recognises the transient nature of some vulnerabilities i.e. grief.

13.4 The Council may proactively identify a vulnerability and will discuss with the tenant where it is safe to do so.

13.5 The Council will use a risk assessment matrix to determine the level of impact the reported behaviour is having on the complainant considering their vulnerabilities. This informs the level of response and whether to escalate to a dedicated team within the Council, in addition to other statutory agency involvement.

## 14.0 Reasonable Adjustments

14.1 The Council will make reasonable adjustments as set out in the Council’s Reasonable Adjustments Policy to ensure that tenants can interact with staff to receive goods and services which are not less favourable to them.

14.2 Reasonable adjustments will be assessed by services/individual officers on a person by-person basis, tailored to the tenant’s specific support needs.

14.3 The Council will not wait to be asked to do something and should consider in advance (and on an ongoing basis) what we need to do to make services accessible to all tenants.

14.4 A copy of the reasonable adjustments policy is available on the council’s website at [www.ashfield.gov.uk](http://www.ashfield.gov.uk).

## 15.0 Equality Impact Assessments

15.1 The Council believes that equality is one of the key values of the organisation and must be embedded within all the services we provide. The Council will treat everyone as individuals with the same attention, courtesy, and respect to ensure that people do feel valued and respected and have equality of opportunity in line with legislative requirements.

15.2 Equality impact assessments are considered on a range of functions, activities, and decisions that the organisation is responsible for. The purpose of the equality impact assessment is to ensure that the Council has considered equality and diversity issues within our policies, procedures, and functions in relation to service delivery (and employment practices). They play a key role in ensuring that the vulnerabilities of the tenant are properly considered and do not present any barriers or disadvantage to customers from any protected group when offering a service and that any decisions made take the findings of the assessment into consideration.

15.3 The assessment will need to be evidence based and not rely on generalisations or stereotypes. Statistical data from a local and national perspective may be available but where this is not available an assessment will still need to be made. The assessment needs to be a fair and as reasonable as possible.

15.4 The assessment is not a one-off exercise but will be followed up though an action plan and should inform and influence the business planning process in addressing the needs of vulnerable tenants. The assessment will help the Council to analyse the impact of the changes and mitigate any negative impact to promote equality.

15.5 The Council will in its operational business adhere to the public sector equality duty to eliminate discrimination, advance equality of opportunity between people who share relevant protected characteristics and foster good relations between people who share characteristics and those who do not share them.

**16.0 Monitoring and Review**

 This policy will be reviewed annually, unless there are any legislative changes requiring an earlier review. An equality impact assessment will be carried out after each review.

## Appendix 1

**Examples of people who might be vulnerable:**

* People with physical or sensory disability
* People with learning disability
* People with mental health issues
* People who are seriously ill
* People who are neurodivergent
* People experiencing domestic abuse.
* Former victims of domestic abuse
* Older people
* People suffering from drugs and/or alcohol abuse
* Single parent families
* Pregnant women (especially teenagers)
* Unemployed people
* Former members of the armed forces
* People leaving care.
* Ex-offenders,
* People who are financially excluded
* People with substance abuse problems
* People who have difficulties understanding, speaking, or reading English
* People entering a tenancy for the first time

**During a tenant’s journey with Ashfield, indicators or points of vulnerability might include:**

* Homelessness/repeated homelessness
* Hospitalisation
* Periods following discharge from hospital or other institutional care
* Periods of sustained illness at home
* Bereavement
* Period of change from supported accommodation to independent living
* Evidence of neighbour harassment or abuse toward the individual or household
* Evidence of anti-social behaviour by the individual or household
* Unemployment/reduction in hours
* Divorce/relationship breakdown
* Arrears of rent or other debt problems

Document Control

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Date: 2nd September 2024

Review date: September 2025