DARLINGTON
Borough Council

Housing Services Vulnerability Policy 2024-2029

Tenants Panel Approved

Name of Policy	**Housing Services Vulnerability Policy**
Version Number	**1.0**
Author	**Head of Housing**
Date Approved by Tenants Panel	**February 2024**
Date approved by Scrutiny Committee	**24 April 2024**
Date approved by Cabinet	**7 May 2024**
Original issue date	**June 2024**
Next Review date	**2029/2030**

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Introduction

Our tenants are at the heart of what we do. They are involved in decision making, improving, and scrutinising our service. We are committed to providing good-quality, affordable housing to tenants, listening to their views and treating them with empathy and respect. To meet the diverse needs of our tenants, we need to provide an adaptable service which takes our tenant's, and their household's needs into account, whilst ensuring we meet regulatory and legal requirements.

We will support our tenants to sustain their tenancy and live as independently as possible. We are committed to ensuring that every opportunity is provided to support them throughout their tenancy.

Under the Equality Act 2010, we have a legal duty to make reasonable adjustments and have regard to protected characteristics which are:

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

Aims

Our aim is to ensure that our tenants receive the services and assistance they require to sustain their tenancy. To achieve this, we aim to:

- Record any vulnerabilities on our ICT systems and keep this up to date.
- Use all available information to identify if a tenant has vulnerabilities.
- Ask our tenants to inform us of vulnerabilities, permanent or temporary, as well as taking a proactive stance at our interactions with tenants.
- Take account and evidence that we consider known vulnerability factors in the provision of services and decision-making.
- Assist tenants in accessing additional services.
- Record any known representatives who act as a 'delegated authority' or with power of attorney, to act on the tenant's behalf or who the tenant states can access their account on their behalf.
- Consider any additional needs due to known vulnerabilities, vary our service delivery to ensure tenants still receive the same level of service.
- Make appropriate referrals to our own advice and support teams, such as Housing Plus, Tenancy Sustainment, Lifeline or Social Services, to provide additional support and guidance, where appropriate to do so.
- Refer to statutory agencies, and external support agencies where appropriate.
- Make safeguarding referrals whenever needed.

What do we define as vulnerabilities?

We recognise that not everyone who needs additional care and support has vulnerabilities, but we will always consider the needs of our tenants, how vulnerabilities may affect their access to services and how we can best provide our services to them.

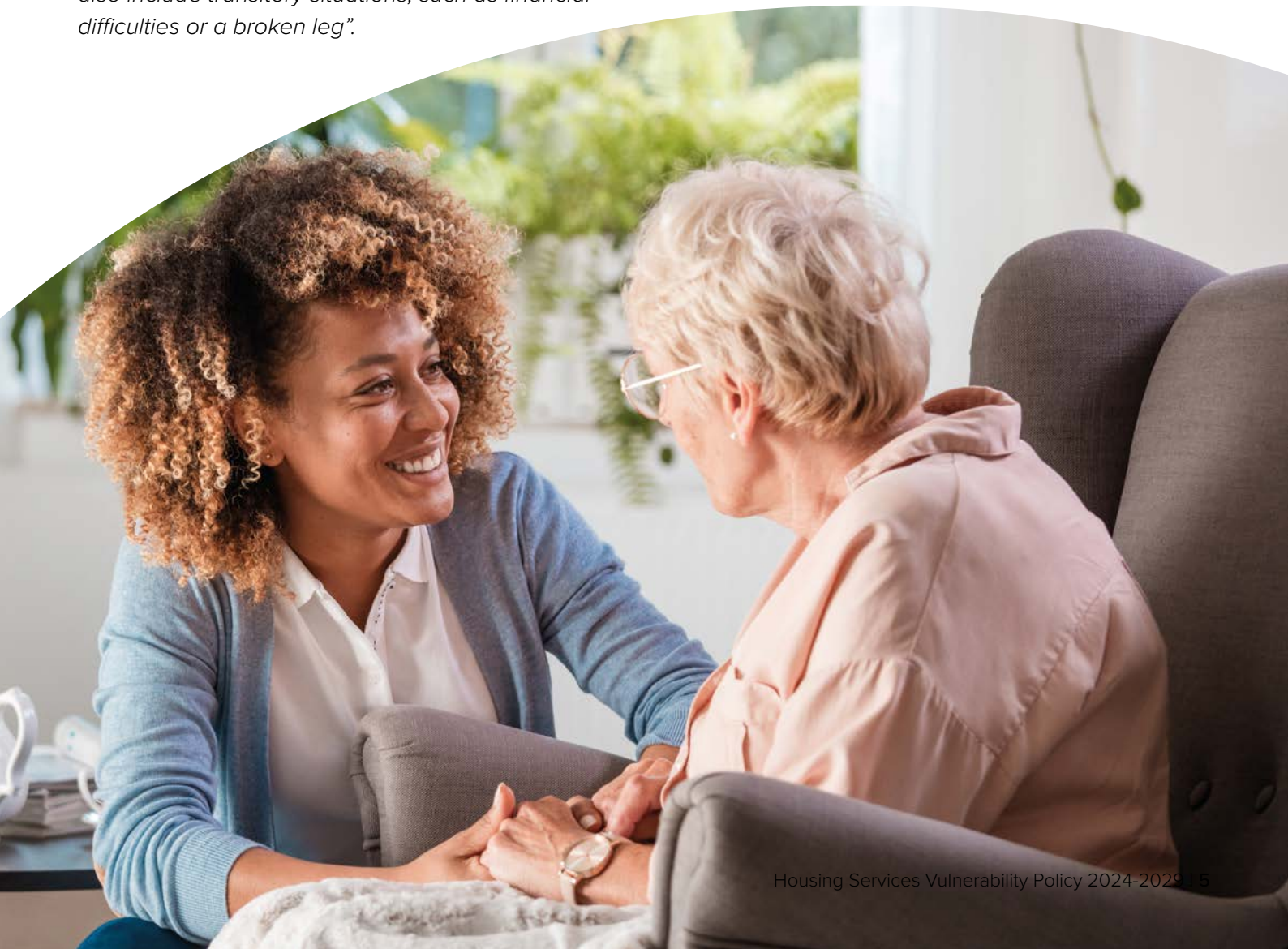
The term 'vulnerabilities' has no standard definition. The Housing Ombudsman's defines vulnerabilities as:

"Characteristics that a tenant or household member possesses, either permanently or temporarily, that may mean they need care, support or other reasonable adjustments to complete landlord-tenant transactions, such as paying their rent, opening the door to allow a gas safety check. These characteristics may mean that reasonable adjustments are appropriate to actively prevent harm or distress. These can include recognised physical disabilities or mental health issues, but will also include transitory situations, such as financial difficulties or a broken leg".

Housing Services define vulnerable in relation to the provision of our services as:

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

This reflects our understanding that 'vulnerability' can be a permanent or temporary state which can be influenced by multiple factors and experiences, such as age, physical disability, bereavement, mental health, domestic abuse, poverty, etc.



Relevant legislation and internal resources

- Equality Act 2006 & 2010.
- Mental Health Act 2007.
- Housing Services Housing Management Policy 2022-2026.
- Housing Services Anti-Social Behaviour Policy 2022-2026.
- Housing Services Allocation Policy 2023-2028.
- Housing Services Repairs & Maintenance Policy 2023-2028.
- Darlington Borough Council Customer Standards.
- Darlington Safeguarding Partnership Strategic Plan 2023-2026.
- Darlington Safeguarding Partnership - Safeguarding is Everyone's Business **(https://www.darlington-safeguarding-partnership.co.uk/media/1800/dchs0124-web.pdf)**
- **https://www.darlington-safeguarding-partnership.co.uk/safeguarding-training/safeguarding-training/**
- County Durham and Darlington - Domestic Abuse Safe Accommodation Strategy 2021-2024.
- Housing Act 1985, 1988, 1996, 2004.
- Anti-Social Behaviour, Crime and Policing Act 2014.
- Social Housing (Regulation) Act 2023
- Crime and Disorder Act 1998.
- Protection from Harassment Act 1997.
- Safeguarding Vulnerable Groups Act 2006.
- Disabled Persons (Services, Consultation and Representation) Act 1986.
- The Human Rights Act 1998.
- Housing and Regeneration Act 2008.
- Data Protection Act 1998/2018.
- Domestic Abuse Act 2021.
- The Care Act 2014.
- The Children's Act 2004.
- Homelessness Act 2002.
- Regulator of Social Housing - Consumer Standards.
- Darlington Borough Council Equality Policy and Objective 2023-2027.
- Mental Capacity Act 2005

Our responsibilities

Housing Services are responsible for:

- Ensuring we adhere to the Equality Act 2010 and adapt normal policies, procedures, or processes to meet individual's needs through reasonable adjustments.
- Ensuring that we meet regulatory standards and understand the diverse needs of our tenants, and ensure that all tenants have fair access to, and equitable outcomes of, housing and landlord services.
- Ensuring that our staff have the appropriate training around vulnerabilities and protected characteristics.
- Ensuring that all sections of our Housing teams are aware of vulnerabilities, so they can make appropriate adjustments to service delivery across Housing Services.
- Raising awareness with our tenants of how to report any vulnerabilities to us.
- Increasing awareness of vulnerabilities and protected characteristics in our Tenants Panel, so we can ensure they consider these when making decisions on behalf of all tenants.
- Ensuring our records are kept up to date on household vulnerabilities within our homes.

We will use Equality Impact Assessments (EIA) and/or risk assessments to assist us to ensure that our policies, processes, and decision-making are fair and do not present barriers to participation or disadvantage any protected groups. We will ensure that we complete EIA's and/or risk assessments before taking significant action such as legal action.

Tenants' responsibilities

We expect our tenants to be open and honest with us around their vulnerabilities, so we can adapt to meet their needs. However, having vulnerabilities does not mean that we do not expect tenants to adhere to the terms of their Tenancy Agreement.

We will take enforcement action against tenancy breaches; however, we will always offer support, make reasonable adjustments, and ensure any action is proportionate before taking action.

How will we identify tenants who have vulnerabilities?

There are many ways in which we can collect information about tenants' vulnerabilities including (not exhaustive):

- At the point of application to us for housing.
- At sign up of a new tenancy.
- At introductory tenancy visits.
- At any home visits or telephone calls with tenants.
- At estate inspections.
- During repairs or post or pre inspections.
- At community events.
- Through tenants making us aware either in person, via email, via their digital tenancy, in writing or by telephone.
- Via a referral or notification from another department or external agency.
- Through complaints and feedback.

Whilst we do not necessarily define all people with a protected characteristic as having vulnerabilities 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.

Why is it important that we identify tenants who have vulnerabilities?

Information empowers and equips us with the knowledge we need to develop our services. Therefore, it is vital that we identify tenants with vulnerabilities so that, as well as ensuring that tenants can sustain their tenancy and that we adapt our service delivery, it means that we can:

- Be aware of known vulnerability factors in the provision of our services and in our decisions.
- Help tenants in accessing additional services that they may need.
- Record any known representatives who act as a 'delegated authority' or with power of attorney to act on the tenant's behalf.
- Consider any additional needs due to the vulnerability and make appropriate referrals to statutory agencies and other external partner support agencies.
- Make safeguarding referrals whenever needed.
- Ensure no tenant is disadvantaged in accessing our services.
- Ensure all tenants are treated fairly.

Information Management

Information is critical to every part of Housing Services, and we understand the importance of managing our tenant's information effectively and having appropriate systems in place to improve our service delivery to tenants.

We will:

- Manage and maintain our documents and records appropriately.
- Ensure we have up to date and accessible information, so that tenants receive a service that is appropriately tailored to their needs and opportunities are not missed because vulnerabilities have not been recorded.
- Ensure all members of staff are aware of the importance of managing information appropriately.
- Provide training and support to staff and our Tenants Panel to develop their skills and competencies.
- Ensure we have a robust governance framework, ensuring responsibilities are clearly defined, and there is a clear decision-making process.
- Carry out quality assurance checks as part of our regular performance monitoring of staff and systems.
- Employ Data Quality Officers to assist us in ensuring our data is accurate and up to date.
- Look for good practice in data management and IT systems.

Reasonable Adjustments

Housing Services will make reasonable adjustments for tenants, and whilst this will be different for each tenant and their circumstances, reasonable adjustments will include (not exhaustive):

- Allowing longer for tenants to answer their door when we call for an appointment.
- Arranging a joint visit with carers or avoiding unannounced visits.
- Visiting (where possible) at specific times to fit around appointments, or to allow for someone else to attend the home visit.
- Visits in person where we would normally provide a phone call.
- Explaining a letter over the phone or in person, in addition to sending it.
- Providing or referring victims of Anti-Social Behaviour (ASB) for additional support either through internal departments and teams or external agencies.
- If appropriate, providing or referring perpetrators of ASB for additional support instead of enforcement action.
- Providing documents in other languages.
- Arranging for translators.
- Sending documents to someone else who has delegated authority to act on a tenant's behalf.
- Providing a home visit when signing up for a new tenancy.
- Agreeing longer-term repayment plans for rent arrears.
- Dealing with a repair request more urgently, due to the vulnerability of the tenant or someone in their household.
- Dealing with a report of ASB differently, or more urgently, due to the adverse impact the ASB may have on a household member with vulnerabilities.
- Giving additional priority to someone on HomeSearch for their particular vulnerability.
- Offering a single or main point of contact.

We will consistently consider whether our decisions would have an unfair or disproportionate impact on tenants with vulnerabilities, compared with another tenant who does not have a protected characteristic. In particular, where possession action is being considered, we will ensure that pre-action consideration is given to:

- Whether the tenant's behaviour, actions or lack of action is related to their vulnerability.
- Whether the behaviour is putting the health and safety of others at risk such as, neighbours.
- Alternatives to possession action and why they were not suitable.
- Whether possession action is justifiable and a proportionate means of achieving a legitimate aim.
- Whether the effect on the occupier is outweighed by the advantages of our action.

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

- A Lasting Power of Attorney (LPA).
- Deputyship Order from the Court of Protection.
- A litigation friend appointed in Court proceedings, if the tenant lacks capacity to litigate.
- An appointee appointed by the DWP to manage a person's benefits, if they lack capacity.
- An Independent Mental Capacity Advocate (IMCA) commissioned by the local authority who are appointed, where a person aged 16 or over lacks ability to act to decide for themselves, where to live and has no-one, such as a friend, relative, attorney or deputy to advise or support them.

Training

Housing Services staff receive regular refresher training in relation to Equality & Diversity, Safeguarding and other relevant training courses. This training assists them to recognise potential signs of vulnerability such as (not exhaustive):

- Being a victim of anti-social behaviour (ASB), harassment, hate incidents or domestic abuse.
- A repeated failure to respond to correspondence, or to answer the door when visited.
- Hoarding, self-neglect or other behaviour, which results in the person's home and/or garden becoming damaged, neglected or otherwise unfit for occupation.
- Erratic rent payments and falling into arrears when the tenant previously had a good payment history.

Confidentiality

We will treat all information received in a private and confidential manner and will only disclose information to third parties, once we have the consent to do so. We may, however, have a legal obligation to pass information on, for example, to the Police or other relevant agencies, such as Social Services.

Performance

Our Tenants Panel have reviewed and agreed this policy and we will continue to monitor performance through feedback from our tenants, through complaints, compliments, feedback surveys and Tenant Satisfaction Measures.

DARLINGTON
Borough Council

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