

Policy

Vulnerability

Policy author (name and title)	Business Improvement Team
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Review Frequency	3 years (or sooner, in response to legislative, regulatory or policy changes)
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Has this policy been signed off by the Client Forum (if applicable)?	6 February 2024
Affected	All staff

Values

Respect <ul style="list-style-type: none"> Value diversity and fairness Act with honesty and integrity Treat people with care and compassion 	Empowerment <ul style="list-style-type: none"> Support the needs of each individual Encourage personal development and independence Provide safety, stability and security
Responsibility <ul style="list-style-type: none"> Work together, in partnership Take responsibility for our actions Continue learning and improving 	Excellence <ul style="list-style-type: none"> Provide a first-class service Deliver excellent value for money Explore innovative ways of working



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1. Introduction

About this policy

- 1.1. We are committed to making sure our services are easy to access for everyone, including people who have a disability or are vulnerable in any other way. We intend to support people in the best way we can to make sure they can live in their homes safely and do the things they need to do to stay there. This policy tells you how we will do that.
- 1.2. Everyone that lives in one of our homes is responsible for following the agreement in their tenancy or licence with us. Being vulnerable does not mean you don't need to meet those agreements. We know however, that some people will need more support to do that and might need us to be more flexible to help them live well in their home. If we are providing you with support services only and you don't live in one of our homes, we will help you understand your responsibilities with other organisations you are involved with.
- 1.3. We will do this wherever we can in line with the laws and rules we have to follow as a landlord.
- 1.4. We will do what we can to include everyone and make our services as easy to use as possible.
- 1.5. This policy applies to all colleagues that work with people that live in our homes, as well as contractors who do work on our behalf. It applies to anyone who lives in our homes or uses any of our services, including people who do not have the capacity to make decisions for themselves at any time.

2. Related Policies

Other policies that support this Vulnerability Policy

- 2.1. This policy deals specifically with how we will work with vulnerable people.
- 2.2. We will use this policy alongside all of our other policies about our services. This policy should be used alongside our reasonable adjustments policy when we are making changes to someone's home or the way we work with them.
- 2.3. We will also follow our Safeguarding Policy, Racist and Hate Crimes Policy, and our Domestic Abuse Policy where these are relevant.

3. Legislation and Guidance

The laws and rules we have to follow

- 3.1. We have to follow the law as it is set out in the Equality Act 2010. The Act makes it unlawful to discriminate against anyone if they have any of the following "protected characteristics". These are:
 - a. Age
 - b. Disability
 - c. Gender reassignment
 - d. Marriage and civil partnership
 - e. Pregnancy and maternity
 - f. Race
 - g. Religion or belief

- h. Sex
 - i. Sexual orientation
- 3.2. If someone has a disability we also have to make reasonable adjustments so they can access services regardless of their disability, for example sending letters in large print or braille, or making physical changes to their home.
- 3.3. We also follow the Human Rights Act 1998. This says that no one may be discriminated against under any circumstance.
- 3.4. If someone is vulnerable and we are taking action to take back their home, we must consider someone's vulnerability before we take any action. This is known as the "Pre-Action Protocol for Possession Claims by Social Landlords" (2015). For example it means if someone has difficulty reading or writing we must make sure we have explained what we are doing in a way that they understand.
- 3.5. The Mental Capacity Act 2005 gives advice on how to protect people who lack capacity. This means they are not able to make some decisions for themselves. It confirms who can make decisions for them and in which situations. It also allows people to make plans now (called a Power of Attorney), for a time when they might not be able to make decisions in the future.
- 3.6. Under the Data Protection Act 2018 we will treat all information about any vulnerability as confidential unless there is a legal reason we would need to share it.
- 3.7. This policy supports us in meeting the expectations of the Regulator for Social Housing in two of their Consumer Standards:
- a. Tenancy Standard – we will consider the needs of households who are vulnerable because of age, disability or illness, and households with children, including by giving tenancies which give a reasonable degree of stability.
 - b. Transparency, Influence and Accountability Standard – by giving choices, information and communication that meets your diverse needs. By treating everyone with fairness and respect and showing that we understand people's needs.

4. Definitions

How we define vulnerability

- 4.1. A vulnerable person is generally classed as someone who is under 18 years old (a minor), or someone who is not able to look after themselves or their money for mental or physical health reasons. We also include vulnerable people as those who
- a. Might need community care or extra support services, and
 - b. Anyone who has difficulties with everyday living or needs extra help to meet their responsibilities in their tenancy agreement, licence, lease or agreement with us.
- 4.2. We know that not everyone with a protected characteristic under the Equality Act 2010 (listed above under 3.1), will also be vulnerable. People may also be vulnerable at any time for other reasons.
- 4.3. When someone has a vulnerability, this could be permanent or temporary (such as when someone you love has died, or an important relationship in your life has ended). We will support someone with a vulnerability as long as they need us to. We will consider every situation on a case-by-case basis. If something is not in the list, it does not mean we wouldn't

consider it. We have listed below some examples of where we would consider someone as vulnerable.

- a. Frail or older people
- b. A person with a physical disability
- c. Someone who is deaf or blind (has a 'sensory impairment')
- d. A hoarder
- e. A person who can't get out of a building in an emergency
- f. Has a mental health diagnosis such as schizophrenia, anxiety or depression
- g. Has dementia or Alzheimer's
- h. Has limited mobility but is not formerly classed as disabled
- i. Alcohol, drug or substance abuse
- j. Gambling addiction
- k. Is fleeing domestic abuse
- l. Has a terminal or life-threatening health condition
- m. Has a learning disability
- n. Has learning difficulties such as dyslexia, reading or writing

4.4 You might also be in any of the following circumstances:

- a. Homelessness or repeated homelessness
- b. Is being supported by a specialist agency
- c. Is coming out of hospital
- d. Is living on their own for the first time
- e. There is evidence that your neighbour is harassing you or causing a nuisance
- f. There is evidence that you are a victim of hate crime or domestic abuse
- g. There is evidence that you have or are causing anti-social behaviour
- h. Owes us money for rent or has a lot of other debt
- i. Someone else is trying to stay in your home without your consent (cuckooing)

4.5 Being vulnerable does not mean you don't have the 'capacity' to handle your own tenancy or make your own decisions based on the information you have. We will always start by assuming that you do have capacity until there has been a formal assessment in line with the Mental Capacity Act 2005 which confirms you do not. If someone does not have capacity to make their own decisions we will work with carers, advocates or legal representatives to make sure they can still access our services fairly. The Court of Protection might appoint someone, or you can make your own arrangements through a Power of Attorney if you do this when you still have capacity.

5. Our approach to vulnerability

How we deal with vulnerability

- 5.1. When someone starts living in one of our homes or starts using one of our services, we will ask them about their circumstances so we can identify any vulnerability we need to consider. We will also do this during their time with us so that we can make sure we are considering everything we need to at any time. We will adopt the Housing Ombudsman recommended approach of Recognise (the vulnerability), Respond (to the needs of the client) and Record (the vulnerability in the system).
- 5.2. Where someone needs extra support in line with what we have said above, we will be more flexible with timelines (unless there is a legal reason we cannot) or make changes to the way we do things. You should also read our Reasonable Adjustments Policy for more information about how we might do this.

- 5.3. We will record any information you share with us on our system, and we will use it to shape how we work with you. If there are changes in your circumstances we will update our records when you tell us about them. If someone has a need that we are not able to support, we will refer them to the best organisation that can help them. This might include things such as making a referral to mental health support or to a women's refuge.
- 5.4. We will make sure that staff do not put you at risk by putting you in a situation that does not meet your needs. We will also make sure they can be flexible in how they do things.
- 5.5. When you tell us that a situation that made you vulnerable is not relevant anymore we will update our records and provide our services to you in the usual way. If this ever changes again we can make adjustments based on what you tell us in the future.