



# Lancaster City Council

## Housing and Property: Council Housing

### Vulnerability Policy

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1. Introduction
2. Scope
3. Objectives
4. Legislation and Regulatory Requirements
5. What is Vulnerability?
6. Our Approach to identifying and supporting vulnerable tenants
7. Recording a Tenant or Resident's Vulnerability
8. Service Delivery
9. Protected Characteristics
10. Tenants and Residents Lacking Capacity
11. Compliance and Monitoring
12. Related Policies
13. Review

## 1. Introduction

- 1.1. This policy sets out Lancaster City Council's commitment to assisting our vulnerable tenants and residents to ensure they can access our services and receive the assistance they may need to sustain their tenancy.
- 1.2. Council Housing provides additional support to residents who are facing exceptional circumstances that can make tenants more vulnerable and unable to cope and manage their tenancy. This includes delivering services in ways which take account of vulnerabilities.
- 1.3. To ensure we are consistent in our approach it is important that staff are provided with the information, understanding and tools to respond appropriately to our vulnerable residents' needs. This policy sets out the steps we will take to achieve this.

## 2. Scope

- 2.1. This Policy focuses on Lancaster City Council tenants and residents who are vulnerable but have capacity to make their own decisions.
- 2.2. Where a resident has been assessed as lacking, or believed to lack, capacity to make decisions we will work with their appointed representative as set out in Section 10.

## 3. Objectives

- 3.1. As a socially responsible landlord, our overall objective is to ensure that our vulnerable residents are able to access our services, and receive the assistance they require to sustain their tenancy. To achieve this, we aim to:
  - Record any vulnerabilities and keep this up to date,
  - Use all available information to identify if a resident is vulnerable,
  - Take known vulnerability factors into account as part of our working practices and in decisions around tenancy management and enforcement,
  - Assist vulnerable residents 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 resident's behalf,
  - Consider any additional needs due to the vulnerability and where appropriate vary our service delivery to ensure vulnerable residents still receive the same level of service,
  - Make appropriate referrals to our inhouse Housing Support Officers and other tenancy sustainment services to provide enhanced support where appropriate to do so,
  - Refer to statutory agencies and other external partner support agencies where appropriate,
  - Make safeguarding referrals whenever needed.

## 4. Legislation and Regulatory Requirements

- 4.1. The Council is committed to treating everyone fairly. In accordance with the Equality Act 2010, we have a duty to ensure equal opportunities for individuals with specific protected

characteristics. However, we understand that some residents may face challenges not addressed by these characteristics. This policy outlines how we identify vulnerability and our approach to supporting residents' needs, in line with relevant equality legislation.

- 4.2. In accordance with the Social Housing Regulator's Consumer Standards, housing providers such as Lancaster City Council are required to treat all tenants fairly and respectfully. We must show that we understand the diverse needs of our tenants, including those related to equality and additional support requirements. The standard specifically expects us to demonstrate how we address these needs in the services we provide and how we communicate with tenants.
- 4.3. The Housing Ombudsman Complaints Handling Code 2024 advises that landlords such as the Council must follow the rules of the Equality Act 2010. This means we might need to be flexible, and change our usual policies or procedures to meet individual needs.

## 5. What is Vulnerability?

- 5.1. Although there is no legal definition of vulnerable. Council Housing defines vulnerability in relation to its service provision as:

*A dynamic state which arises from a combination of a resident's personal circumstances and/or characteristics, and which may mean they require reasonable adjustments to be made to support access to services; additional support to successfully sustain or manage their tenancy; or referrals to outside agencies or partners for support or assistance.*

- 5.2. Our definition reflects our understanding that 'vulnerability' can be a changing state influenced by multiple factors and experiences such as age, disability, bereavement, mental health, domestic violence, poverty etc. Common characteristics, events and factors that we take into consideration when considering a resident's state of vulnerability are included at Appendix 1. See also Appendix 2 – common areas of concern.
- 5.3. Some factors are a constant and some can be a life event such as bereavement or domestic violence that does not necessarily remain a permanent state. It is the interaction of these factors that will determine how vulnerable a person is at any point in time and how much additional assistance they may require to sustain their tenancy.
- 5.4. The extent to which a tenant or resident can undertake, participate in, and manage daily activities may differ. This variability is a crucial aspect when assessing vulnerability. For instance, many older or disabled individuals exhibit a high level of independence and activity, often requiring no supplementary support to maintain their tenancy and independence.

## 6. Our Approach to identifying and supporting vulnerable tenants

### 6.1. As an organisation we will:

- Ensure that we remain aware of the potential for our tenants to be vulnerable.
- Encourage tenants to feel comfortable disclosing any vulnerabilities to us.
- Understand that we may need to make adjustments to our standard processes to allow vulnerable tenants to request and access our services.
- Take vulnerabilities into consideration in how we then provide our service to vulnerable tenants.

### 6.1. A tenant or resident's vulnerability can be identified via:

- Self-referral from a resident when they apply for housing or at any contact point through the life of their tenancy.
- Any member of Council staff who has had contact with the tenant or resident, regardless of the channel of communication.
- Our contractors who may encounter tenants and residents as part of their work.
- A referral from an external agency or organisation.

### 6.2. We expect our staff to be conscious of the potential vulnerability of tenants and residents. This includes from information received from tenants or their own observations during routine tasks such as Post Allocation Visits or Anti-Social Behaviour (ASB) interviews.

### 6.3. Vulnerability in Housing Training is part of the core training programme for Council Housing staff delivering services to residents, so they are able to recognise potential signs of vulnerability such as:

- Anti-social behaviour because of mental health issues.
- Being a victim of antisocial behaviour, harassment or domestic violence.
- A repeated failure to respond to correspondence or to answer the door when visited.
- Behaviour which results in the person's home/ and or garden becoming damaged, neglected or otherwise unfit for occupation.
- A sudden change in behaviours such as falling into arrears, when the tenant previously had a good history of payments.

## 7. Recording a Tenant or Resident's Vulnerability

### 7.1. Once identified, all Council Housing staff have a responsibility to ensure any known vulnerabilities are recorded on the housing management system. This should include any communication or access needs, whether there is anyone with a delegated authority to speak on behalf of the tenant or resident (i.e., care or support workers), etc. When recording vulnerability or reasonable adjustments needs this will be discussed with the tenant or resident and records will be created with their consent.

### 7.2. All Council Housing staff have a responsibility to review information held about a tenant or resident to ensure they have full advanced knowledge of any additional factors to consider, and that vulnerability is appropriately taken into account when providing services. Staff also have a responsibility to review vulnerability information held about a tenant or resident as appropriate

when in contact with them and propose changes and updates to the information held as required.

- 7.3. Safeguarding concerns will be raised with the relevant local authority in line with the Council's Safeguarding Policy which sets out how we identify and support vulnerable adults and children at risk, and ensure statutory agencies are involved immediately when we have a concern.

## 8. Service Provision

- 8.1. We do not define whole groups of people as vulnerable by default e.g. 'the young', 'the old' or 'single parents'.
- 8.2. We will embed in our way of working consideration of a vulnerable tenant or residents' needs, abilities and circumstances in the delivery of our services, ensuring they receive the required service, advice or assistance to sustain their tenancy.
- 8.3. Within Council Housing's regular service delivery, we offer substantial support to tenants experiencing vulnerabilities. Once we identify a vulnerable tenant, we will conduct assessments to determine the need for additional advice and support. If deemed suitable, we may refer them to the Household Support Service, or to Welfare benefits, Aids and adaptations, or external support agencies. Excluding safeguarding issues, these referrals will always be carried out following the express consent of the tenant being given.
- 8.4. In each service area, we carefully assess and determine the appropriate additional support, considerations, or adjustments in our usual service provision for vulnerable residents. The specifics may vary depending on the service, but some examples include:
  - Allowing more time for customers to answer their door during appointments.
  - Coordinating joint visits with servicing engineers and caregivers or Tenancy Sustainment Officers for individuals dealing with hoarding or those hesitant to admit others due to mental health concerns.
  - Conducting in-person visits instead of relying on phone services in certain cases.
  - Providing explanations of letters over the phone and sending physical copies as well.
  - Offering or referring individuals with mental health issues, who are also Anti-Social Behaviour (ASB) perpetrators, to additional support rather than enforcing punitive measures.
  - Opting for injunctions instead of possession actions when a resident's vulnerability would significantly impede their ability to secure suitable alternative accommodation if we were to take possession. Proportionality assessments will be carried out at all stages of the enforcement process.

### 8.5. Communications

- Tenants and residents are asked about any communication needs at the start of a new tenancy, and through the life of the tenancy with each contact with customer services.
- It is normally expected that tenants and residents have made arrangements to communicate effectively, but in some exceptional circumstances where not to do so would severely disadvantage the resident, we will consider making documents available in other languages and formats such as large print and audio or engage an interpreter.

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

### 8.6. Lettings

- When allocating our homes, we will review any information we receive on vulnerability to help us ensure any offer of housing is right for the individual and their family, as a commitment to longer-term tenancy sustainment. This information does not prevent offers of accommodation being made and accepted but may be discussed with the prospective tenant at the point of an offer being made.
- Confirmation from a medical professional or other support agency of the tenants' circumstances is normally required before giving any additional priority due to vulnerability in line with our Allocations Policy, however professional judgement will be exercised, and decisions may be made without this information if not doing so would cause a serious detrimental impact.
- Any prospective tenant, in deciding to enter a tenancy agreement must be able to understand:
  - Their obligation to pay rent as a tenant, and to occupy and maintain the interior of the flat
  - The landlord's obligations, e.g. to maintain the property.
  - That failure to keep to the terms of the tenancy agreement may mean they could be evicted.
- When we let a Council property a Tenancy Health Check (THC) is carried out with all new tenants. Officers will use this opportunity to understand any vulnerability needs in the household and any existing care and support services in place and will record this as appropriate. Where appropriate a referral can be made to an external support agency or further advice and support from our own support and tenancy sustainment services. Information on then THC will be used to support tenancy audits and other visits and checks through the life of the tenancy.

### 8.7. Rent Arrears

- The Council's Income Management Team takes a supportive approach to rent arrears prevention and the promotion of financial inclusion. Any vulnerabilities are taken into account when supporting tenants to manage their rent accounts; access and understand welfare benefits eligibility; access additional sources of income; and successfully maintain their tenancy. Where enforcement action is required proportionality tests are applied to ensure vulnerabilities are taken into account.
- We recognise that many vulnerable tenants may well have other money problems and difficulties with budgeting. In these cases, we will refer tenants and/or their carers to external agencies who can support residents with budgeting advice (i.e. Citizens Advice Bureau,) and in some cases, where other support needs are identified, our Household Support Team.

## 8.8. Repairs

- We recognise that vulnerable residents may find it more difficult to cope if something goes wrong in their home and they need a repair.
- When a tenant or resident contacts Council Housing to request a repair, the customer services call handler will confirm if there are any disabilities, support needs, or other vulnerabilities which should be considered. This information is recorded on the housing management system so that the service can be delivered appropriately, aligned to the needs of the household.
- Where there is a risk to health, for example reports of suspected damp, mould or condensation, a triage and risk assessment is carried out which takes into account any vulnerabilities. The service response to this report is then prioritised based on the level of risk.

## 8.9. Anti-Social Behaviour

- We recognise that some residents may act in an anti-social way due to behaviours related to their vulnerability, and we will try to engage them and relevant support services and/or carers to improve the situation before taking any tenancy enforcement action.
- However, we do have to balance the safety and well-being of neighbouring residents with the well-being of the vulnerable ASB perpetrator in considering the most appropriate response.
- We will always investigate reports that include domestic abuse, hate crimes and harassment. These are criminal behaviours so we will work closely with Police to support residents who experience these as well as those who are victimised or taken advantage of because of a disability or other vulnerability.
- We also recognise that residents with vulnerabilities may be particularly adversely affected when they are victims of anti-social behaviour. We operate a harm-centred approach to report of ASB which includes early triage and risk assessments of all reports of ASB. Any vulnerabilities picked will be considered and acted upon within the ASB case action plan.

## 8.10. Independent Living

- We recognise that some of our tenants residing in Independent Living Accommodation are vulnerable due to disability, impaired mobility, or for a range of other reasons.
- When a new resident moves into Independent Living Accommodation the Independent Living Officer will confirm if there are any disabilities, support needs or other vulnerabilities which should be considered.
- These are recorded on the resident's Support Plan and where applicable a Personal Emergency Evacuation Plan should be completed and reviewed regularly.

## 9. Protected Characteristics

### 9.1. The protected characteristics are:

- age,
- disability,



- gender re-assignment,
- marriage & civil partnership,
- race,
- religion or belief,
- sex and sexual orientation.

While we do not necessarily define all people with a protected characteristic as ‘vulnerable’ 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.

9.2. Under the Equality Act 2010, The Council may be considered as exercising a public function in the provision of its services and so has to “in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;”

9.3. In managing tenancies and leases and delivering services, we will consider whether our decision would have an unfair or disproportionate impact on the resident compared with another tenant or resident who does not have a protected characteristic.

9.4. Where possession action is being considered, we will ensure that pre-action consideration is given to:

- whether the residents’ behaviour, actions or lack of action is related to their disability.
- whether the behaviour is putting the health and safety of others at risk e.g. 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.

## 10. Tenants and Residents Lacking Capacity

10.1. 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.

10.2. That may 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 if the resident lacks capacity to litigate.
- Appointee appointed by the DWP to manage a person’s benefits if they lack capacity.
- 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.

## 11. Compliance and Monitoring

11.1. Compliance with this policy will be monitored by:

- Periodic reviews of case records by the relevant team manager
- Quarterly reviews of system held vulnerability information by the Council Housing Management Team.
- Annual review of all Independent Living Support Plans
- Reporting through service area quarterly reports

11.2. Any resident who receives support from our Household Support Officers will have their cases reviewed regularly.

## 12. Related Policies and Procedures

12.1. The following policies relate to resident vulnerability:

- Reasonable Adjustments
- Safeguarding Adults & Children
- Domestic Abuse
- Hate Crime
- Adaptations
- Allocations
- Anti-Social Behaviour

## 13. Review

13.1. This policy will be reviewed on a biennial basis (every 2 years). It may also be reviewed immediately following any major incident or legislative change.

## Appendix 1 – FACTORS IN DEFINING VULNERABILITY

The categories below do not list every possible factor as the whole spectrum of who could be regarded as vulnerable at any point in time is wide, but these are the more common factors to take into consideration when considering a resident's state of vulnerability.

### Factor 1- Underlying Characteristic

People in these groups may not always require additional support just because of this characteristic:

- Older people (particularly those 75 years or older)
- 16 – 21 year olds
- Disabled people
- Care leavers
- Lone parents under 21 years old
- Refugees or asylum seekers
- Carers
- Families with disabled children
- Ex service personnel
- Those living with a terminal illness.

### Factor 2 Ability to Act, Engage and Cope

People may lack ability because of having one or more of these factors:

- Learning disability
- Mental illness
- Autism Spectrum Disorder
- Permanently impaired mobility or frailness
- Chronic, debilitating health conditions
- Addiction / serious substance or alcohol abuse
- Low level of literacy
- Low or no English language skills
- Age related conditions that impact on independent living

### Factor 3 Exceptional Life Event

People may not have factors 1 and 2 but may have recently experienced an exceptional or traumatic event and so may be vulnerable at this point in time.

- Recent history of street homelessness.
- Recently moved from supported accommodation to independent living.
- Bereavement following the death of a partner, child or other close relationship.
- Having recently left care as a young person.
- Sexual or racist abuse or serious harassment or other hate crime.
- Recent experience of domestic violence.
- Living in or recently left a refuge or homeless person's hostel.
- Recently discharged from hospital or other institutional care.
- Periods of sustained physical or mental illness at home.
- Multiple debts and unable to meet basic needs e.g. fuel or food poverty.
- Pregnant women.
- Recently given birth, still born or miscarried.
- Recently released from prison after a custodial sentence.
- Families with children excluded from school.
- Ex-service personnel returning from area of conflict.

## Appendix 2- Common areas of concern

### **Mental capacity**

Mental capacity is “The ability to make an informed decision at a specific point in time. Tenants with mental capacity to make a decision can understand, remember and weigh up information, which is presented to them, and communicate their decision.”

**Mental capacity limitation** is where “people with a mental capacity limitation are **unable** to understand, remember or weigh up informed information presented to them, or to communicate a decision.”

It is important not to presume that all tenants with mental health issues also have a mental capacity limitation. Mental capacity is not the same as mental health. Some tenants with mental health difficulties may have mental capacity limitations, but some will not.

Mental capacity limitations can also fluctuate. For example, a person with dementia may find that they have capacity in the mornings but struggle to understand and retain information as the day progresses. In this instance we would accommodate the tenant by offering advice and appointments in the mornings.

In our support of tenants with mental capacity limitations, we will:

- encourage tenants to feel comfortable disclosing any potential mental capacity limitations.
- look for indicators that a tenant may be lacking mental capacity, and not just rely on tenants to tell us.
- record the mental capacity limitations where identified and help the tenant to make an informed decision.

### **Disclosures of sensitive personal data**

Tenants in vulnerable situations will often disclose personal data. We have adopted a data protection policy in line with general data protection regulation (GDPR). We will ensure that all officers are aware of the importance of following this policy. You can read our data protection policy on our intranet.

### **Tenants who talk about taking their own life**

There may be occasions when officer suspect or are told by vulnerable tenants that they are considering taking their own lives. We recognise that these situations may be a rarity, but that it is important that officer are clear on what action to take. We will ensure that officers are aware of the importance of the following steps:

- Listening to the tenant, acknowledging their circumstances and feelings and making it clear we are taking them seriously.
- Understanding our safeguarding policies which explain the circumstances around breaching tenant confidentiality and calling 999 in an emergency. You can read our policies for safeguarding adults and children on our intranet.

We will ensure that officers are able to seek support following these challenging situations.

Where a tenant's mental health is seriously affected by their current living circumstances, and they reference that the situation has caused them to consider suicide then immediate action must be taken to support the tenant.

This may include but is not limited to:

- Moving the tenant to another property that is more suitable to their needs.
- Providing temporary accommodation.
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### **Tenants with a terminal, life-threatening or long-term condition**

We recognise that being told a tenant is suffering from a serious illness or condition can be difficult to hear. Officers may be concerned about how to respond and the best way to support tenants in these circumstances.

We will ensure that our officers are aware of the following ways to help the tenant, fully acknowledging and communicating their own boundaries:

- Provide the tenant with guidance relevant to their situation.
- Acknowledge the disclosure of a serious condition in an appropriate and sympathetic way.
- Ask the tenant if they mind talking about the situation, and if it is not an illness or condition, they have an awareness of, tell the tenant this and ask for more information.
- Listen to a tenant who has disclosed a serious illness or condition and ask the tenant what support they need.
- Be sympathetic but avoid the use of phrases such as "I know how you feel".
- Be aware that tenants in these situations may have a range of emotions including confusion, anger, distress, fear, depression and sadness,

We will ensure that officers are aware of the importance of looking after their own wellbeing and that they can seek support from their line managers whenever needed.

### **When someone else gives us information about a tenant**

In some situations, we may receive advice from a carer or family member about a vulnerable tenant.

We will ensure that our officer understand that whilst they should not discuss a tenant's case with anyone who does not hold the appropriate authority, this does not mean they cannot listen to the information being provided by a third party.

We recognise that disclosures from carers can be valuable. We are committed to engaging with carers and taking appropriate action, whilst ensuring that we maintain tenant confidentiality.

We will ensure that all officers are aware of confidentiality.

### **If agencies are failing vulnerable tenants**

If we are concerned that an agency is failing vulnerable tenants, we will consider requesting copies of its policies and procedures for dealing with these customers. We will then use the information provided to assist us in pursuing a tenant's case and also in making the agency aware of potential breaches of their policy.

We can also consider using the agency's complaints policy.