

## Vulnerable Persons Policy

### 1.0 Policy statement

- 1.1 Stonewater recognises that some customers may be vulnerable for a number of reasons and is committed to meeting their needs through the provision of suitable accommodation, and appropriate, responsive landlord services.
- 1.2 We recognise that some customers will have a degree of vulnerability that may impact how they are able to manage their home or engage in their community.
- 1.3 We also recognise that a customer can become vulnerable over the course of their time with Stonewater.
- 1.4 Vulnerability can be a variable state and can occur at different points in a person's life. It can be temporary, periodic or recurring as well as ongoing and developing over time.
- 1.5 There are a number of indicators that someone may be vulnerable or in need of individual support. In a housing context these could be various factors.
- 1.6 Stonewater takes a strengths-based approach in supporting individuals and communities; meaning we look at what people and communities can do, rather than what they can't. However, we also recognise that vulnerabilities can feel limiting and require a different, person-led response. This policy sets out to recognise this and outline our approach when a customer identifies as vulnerable.
- 1.7 We are aware that the word "vulnerable" can have limitations and stigma attached to it. However, upon consulting our customers and recognising there is a real need for all housing professionals, contractors and stakeholders to recognise vulnerable customers may need a bespoke response, we continue to use the word vulnerable as a universally understood term.

### 2.0 Policy scope and objectives

- 2.1 This policy is tenure neutral and applies to all Stonewater customers, this can be a current or former customer, an applicant for Stonewater housing or person affected by our services.
- 2.2 This policy provides guidance in relation to the consideration of vulnerability and sets out the general approach that Stonewater will adopt in relation to the provision of accommodation and services to customers who may be vulnerable.
- 2.3 The aim of this policy is to ensure that all customers have equal access to Stonewater services and that we identify, understand, and respond to our customers' particular needs in providing services and communicating with vulnerable customers, making flexible housing and support services available where we can, and supporting all people to thrive in their homes and communities.
- 2.4 The policy sets out our approach to partnership working with statutory and specialist services in relation to vulnerabilities. Stonewater recognise that we are not always best placed or sufficiently specialist to meet customer needs and

will often need to work in effective partnership to respond to customer vulnerabilities.

### **3.0 Regulatory and legal considerations**

**3.1 Equality Act 2010** - Stonewater has a duty under the Equality Act 2010 to “advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it”. As a social landlord we recognise that many other customers can be vulnerable for reasons other than the characteristics protected under the equalities legislation, and this policy sets out how we define vulnerability and how we aim to respond to those customers’ needs.

### **3.2 Section 149 of the Public Sector Equality Duty**

(1) A public body must, 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 by or under this Act
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public body but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

**3.3 The Social Housing Regulator’s Tenant Involvement and Empowerment Standard (2017) requires** registered providers to “treat all tenants with fairness and respect” and “demonstrate that they understand the different needs of tenants, including in relation to the equality strands and tenants with additional support needs” with a specific expectation that providers will “demonstrate how they respond to those needs in the way they provide services and communicate with tenants”.

**3.4 The Housing Ombudsman Complaints Handling Code 2020** states that landlords should “comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual’s needs. Landlords shall have a reasonable adjustments policy in place to address this.”

**3.5 Data Protection Act 2018-** This sets out a range of obligations on us as a ‘data controller’ in safeguarding rights to privacy and security of personal information. In the context of this Policy the key elements relate to keeping information about the vulnerabilities of our customers and their household members appropriately secure as well as sharing information appropriately.

**3.6 Care Act 2014 & Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012):** places a statutory duty on housing providers to act on concerns that children or adults may be at risk of abuse or neglect (see Safeguarding Policy and Procedure). We recognise that

vulnerability and the risk of abuse are connected; customers who are vulnerable will therefore often meet the statutory definition of an 'adult at risk' and therefore require the application of our Safeguarding policies.

**3.7 Mental Capacity Act 2005-** Customers who lack the mental capacity to make some/all decisions by themselves are deemed to be vulnerable under this policy.

### **3.8 Hate crime/hate crime incidents**

The law recognises five types of hate crime on the basis of:

- race
- religion
- disability
- sexual orientation
- transgender identity

**Any crime can be prosecuted as a hate crime** if the offender has either:

- demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity

**Or**

- been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity

### **4.0 Related Stonewater policies**

- Access to Housing Policy
- Tenancy Changes Policy
- Aids and Adaptations Policy
- Income Management Policy
- Safeguarding Children & Adults Policy
- Data Protection Policy
- Domestic Abuse Policy
- Complaints Policy
- Anti-Social Behaviour Policy
- Repairs Policy
- Equality and Diversity strategy
- Confidentiality Policy

### **5.0 Policy details**

## **Identifying and recording vulnerability**

- 5.1 We will aim to identify customers and potential customers who are, or may at a later date be more likely to become vulnerable. This will be achieved through a mix of capturing data on commencement of service with us, customer census exercises and broader customer insight and through ongoing contact customers have with us. We will use our data to identify customers who may be struggling to proactively target contact. When delivering a service we will ask customers to share with us any vulnerabilities which they feel will impact the way we deliver the service and what reasonable adjustment they feel would help. We will capture this information including where a customer declines or identifies that no changes are required.
- 5.2 We expect all of our colleagues and contractors to be aware of the possibility that a customer may be vulnerable e.g. from information they receive or following their own observations discussed and agreed with the customer during customer contact or working in a customer's home.
- 5.3 Stonewater colleagues who are customer facing will have training within their induction period so they are able to recognise potential signs of vulnerability such as:
- anti-social behaviour as a direct result of mental health issues
  - being a victim of anti-social behaviour, harassment 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 customer previously had a good payment record.
- 5.4 Case managers will not act as a lead on complex cases involving vulnerabilities until they are deemed as sufficiently competent to do so by their line manager.
- 5.5 We will record on the customer record any known vulnerability, any particular communication or access needs and whether there is anyone with delegated authority to speak to us on the customers behalf, such as a care or support worker. This will ensure that we have advance knowledge of any additional factors to consider when delivering services.
- 5.6 We will always be aware that vulnerability can be a fluid state and may change over time.
- 5.7 Stonewater colleagues conduct reviews of vulnerability and ensure they are relevant and kept up to date.

## **Service offer in relation to vulnerabilities**

- 5.8 We will embed in our way of working consideration of vulnerable customers' needs, abilities and circumstances in the delivery of our services and ensure they receive the required service, advice or assistance to thrive in their home.
- 5.9 Each service area will consider what additional support, consideration or variation in usual service provision is appropriate for vulnerable customers. We recognise that vulnerability is hugely personal and unique, so this will unlikely be a blanket variation, but bespoke to each circumstance. We are also aware of the limits of our service and that in some instances specialist support will be required and this is where we will refer to relevant partner agencies or statutory services.

### **Service provision**

- 5.10 **Partnership approach:** Where we do not have expertise relating to a particular vulnerability, we will work with suitable partner organisations to ensure that appropriate support is made available. We fully recognise the need to work with qualified professional services and we actively build and maintain links with these partners. We will support those with vulnerabilities to sustain their home and tenure when it is safe to do so, and their wish, by signposting and accessing support services from relevant local partners. We will always aim to seek a customer's consent before referring to a partner agency.

We ensure that we proactively attend and participate in key multi-agency meetings to ensure we have strong and relevant local connections. We will regularly attend multi-agency forums such as MARAC, housing partnership meetings. Where we have a particular concern relating to vulnerabilities, we may coordinate a multi-agency case conference, to ensure a coordinated community approach.

- 5.11 **Reasonable adjustments:** We will ensure equal access to services and make reasonable adjustments for those with protected characteristics under the 2010 Equality Act.

A reasonable adjustment can include physical changes to buildings, such as to a step or doorway. It can also include additional provision, such as heating, or additional ventilation.

A reasonable adjustment can also be a change to the way we deliver our service, such as female only operatives attending or offering a single point of contact (SPOC). If a reasonable adjustment is required, we will always ensure this is given priority status and this will accelerate our response time.

- 5.12 **Decision making:** When making decisions relating to a customer, we will be clear on the overall objective of any action or decision being taken for example to sustain a tenancy in line with the terms of the tenancy agreement but will take into account vulnerabilities and exercise discretion e.g. issuing a tenancy, taking rent arrears and/or any legal action, effecting management transfers, approaching hoarding, and applying recharges.

We will always consider vulnerability information relating to all household members, when we are aware of this, to help inform decision making e.g. when seeking possession of a property following the death of a customer, where there is no legal right to succession, we will consider the needs of any remaining

occupants, and may grant a discretionary succession to this or another home, where there are vulnerability issues.

- 5.13 **Reflect and review:** Case reviews are a fundamental element of our casework management. In addition to this, where there are complex cases, concerning behaviours, or indications of vulnerabilities, we will implement internal mechanisms to ensure focus on customers of concern. This can be forums like a Customer Promise Group, where a team of multi-disciplinary colleagues review cases.

Our EDI champions will support complex case management and learning, with an intersection lens. We will also consider lessons learnt from Complaints and Housing Ombudsman cases that pertain to vulnerabilities, and share action plans and learnings with relevant colleagues.

### **Lettings**

- 5.14 When letting 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 and the applicant's safety and wellbeing.
- 5.15 Any prospective customer, in deciding to enter a tenancy agreement must be able to understand:
- Their obligation to pay rent /service charges, fuel, water and other household bills, and to occupy and maintain the interior of the property
  - 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
- 5.16 When we let a home, we ask new customers about their needs and that of any vulnerable household member and any existing care and support services received. Where appropriate a referral may be made to an external support agency. We rely on the information that is provided to us at application stage. If a customer chooses not to disclose their full information to us, this may impact the effectiveness of our service to them.
- 5.17 Where a vulnerability exists this will be recorded on the persons account and the housing management team will be made aware. We also may ask a customer to seek independent legal advice and support elsewhere to ensure they are able to understand their full obligation both before and on the tenancy start date.

### **Financial inclusion**

- 5.18 Maintaining regular rent payments, avoiding and reducing debt is a requirement of all customers. However, we also recognise that poverty and debt are a form of vulnerability. Our Income Maximisation team and associated support systems will aim to help customers to prevent or reduce debt. We will also be able to sign post customers to services to support money management, income maximisation and employability support.

- 5.19 We will ensure that our staff are aware of the impact of welfare reform to ensure we advise customers appropriately.
- 5.20 As per our Income Maximisation policy, we will consider vulnerability around rent payments. We recognise that not making rent payments may be a symptom of an individual's vulnerability. We will be sensitive to the individual's circumstances and use a variety of techniques to resolve tenancy breaches before situations escalate or debts become unmanageable. We operate an early debt prevention approach. We will aim to seek agreement and a manageable arrangement before taking enforcement action. We will ensure we are satisfied that we have made every consideration around an individual's vulnerability in relation to their rent management.

### **Repairs**

- 5.21 We will prioritise repairs according to their urgency and customers' particular needs or vulnerabilities in accordance with the Responsive Repairs Policy.
- 5.22 We will support adaptations to a property to accommodate a customer's disability/need or that of one of their dependents in accordance with the Aids and Adaptations Policy. This can mean working with the local authority on larger scale properties or sometimes moving the customer to a more suitable home where adaptation may not make the home suitable in the long term. Minor Adaptations are defined as non-structural alterations or additions to a property, like a grab rail. Major adaptations tend to be structural changes to a home.
- 5.23 Where practical, we will make provision for the requirements of vulnerable customers in new developments, such as appropriate size and space standards, access and safety, appropriate fixtures and fittings, and support requirements.

### **Communications**

- 5.24 We recognise that those with a vulnerability may have specific communication needs, or indeed their communication need is what identifies them as vulnerable.
- 5.25 We are committed to asking customers their communication needs and preferences and recording this. We will adapt our communication methods where possible, where this is associated with a customer's vulnerability e.g. we may:
- with consent, agree to communicate via a nominated contact person (such as a carer)
  - provide information in a format that is agreed with the customer such as large print, Braille, translated
  - allow more time for someone to answer the phone / door
  - communicate via a method that best suits the customer e.g. phone, email, text.
- 5.26 We will advertise and communicate about our services using a variety of platforms to engage with our customers in a way which meets their needs. This

includes via social media, our website, signage screens, online survey, email/text and letters.

- 5.27 We will provide translations, BSL interpreters, braille or large print documents to meet identified needs as appropriate.
- 5.28 We also recognise the role of carers, advocates and personal representatives and where appropriate, shall take their views into account when consulting vulnerable customers on issues which affect them.
- 5.29 We ensure that our website and My Home is as accessible and user-friendly as possible and meets the Web Content Accessibility Guidelines AA Standard. Our accessibility features include the ability to change the language displayed, a full site map and support for multiple web browsers and mobile platforms.
- 5.30 We are fully aware of digital equity and digital inclusion and actively work to identify this as a need and promote partnerships, organisations and initiatives to tackle this. In all of our communications, we will aim to include those who may not be able to get involved digitally and offer alternative contact/communication methods.

### **Anti-social behaviour**

- 5.31 Stonewater recognises that anti-social behaviour or harassment may be directed towards a vulnerable individual or household because of prejudices held by a perpetrator. As per our ASB Policy, this constitutes a hate incident.
- 5.32 We know that because of a vulnerability, some people may be reluctant to make their concerns known to us. We also understand that a vulnerable person/household may be less able to cope with what may traditionally be regarded as low-level harassment or anti-social behaviour. We will be alert to repeat incidents of such behaviour and will not underestimate its potential impact on vulnerable people. As set out in our Anti-Social Behaviour Policy, we will take a harm-centred, sensitive approach when responding to reports made in such circumstances.
- 5.33 We will link with partner agencies and specialist services as it is appropriate to do so, whether that be way of a multi-agency meeting, engaging with designated professionals, or referring into specialist services.
- 5.34 We will also be proactive in raising awareness about prejudice and in encouraging tolerance and respect for others. We will always have due regard to the Equality Act and Section 149 of the Public Sector Equality Duty.
- 5.35 We recognise that some residents may act in an anti-social way due to behaviours due to their vulnerability. Where possible, we will try to engage them and relevant support services to improve the situation before taking legal action. However, where we identify a link between vulnerability and ASB, we will consider the impact of any action against the perpetrator (and known members of their household) to ensure a proportionate response.

### **Customer involvement**

- 5.36 We are fully committed to promoting customer voice, influencing our service and learning from feedback, complaints, data and insight. We know that those who identify as vulnerable are often marginalised and can face barriers to



getting involved. We commit to reviewing how accessible our ways to get involved are and will continue to adapt them and provide flexible involvement opportunities to ensure representation from vulnerable people.

5.37 We will seek independent advocacy or mediation to ensure customers are able to be heard and understood. This will be something we actively promote, encourage and signpost to.

5.38 We understand that the term “vulnerable” can carry negative stereotypes. We are committed to working with customers and communities to bring out the resilience and strengths of people and communities that challenge these stereotypes.

## **6.0 Data storage and sharing approach**

6.1 Information relating to vulnerabilities should be regarded as sensitive personal data. Information will be stored consistently within our housing management system.

6.2 Our Data Protection Policy applies in the handling and storage of this data.

6.3 All Managers are responsible for ensuring Stonewater colleagues comply with the data protection policy and implement appropriate practices, measures, controls and training to ensure compliance.

## **7.0 Compliance, monitoring and quality assurance**

7.1 Compliance with this policy will be monitored by periodic reviews of case records by the relevant manager. Complaints and customer feedback will also be used to assess our considerations around vulnerabilities and reasonable adjustments.

7.2 Staff who interact with vulnerable customers will undergo intensive safeguarding training every three years. We are also committed to providing training for colleagues around issues that correlate with vulnerability such as hoarding, reasonable adjustments, Domestic Abuse awareness, county lines and cuckooing.

7.3 The following KPI's will be used to measure performance in relation to this policy:

- Reduction in the number of abandonments or failed tenancies involving a vulnerable person or household.
- Reduction in the number of cases of Anti-social behaviour or harassment involving a vulnerable person (either victim or perpetrator)
- Reduction in number of complaints for failure to identify and support a vulnerable customer
- Improved outcomes for a customer as a result of internal or external support services intervention
- Increase in number activities/campaigns that promote awareness of vulnerabilities

- Number of Housing Ombudsman determinations involving vulnerabilities.

## **8.0 Equality, diversity and inclusion**

- 8.1 Actions taken in relation to vulnerabilities, should always be appropriate to the individual. They should not discriminate because of disability, age, gender reassignment, gender, sexual orientation, race, religion, culture or lifestyle, marriage and civil partnership, or pregnancy and maternity.
- 8.2 Stonewater will ensure that we address barriers to support / adjustments for those with protected characteristics who may also identify as vulnerable. This will include ensuring that information is available to customers in a range of formats and languages, providing bespoke support dependent on the persons needs, this could be an advocate or an interpreter, for example.
- 8.3 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.
- 8.4 We will always aim to take an intersectional approach when working with vulnerable people. Intersectional approaches offer a way to understand and respond to the ways different factors, such as gender, age, disability and ethnicity, overlap to shape individual identities, thereby enhancing awareness of people's needs, interests, capacities and experiences. Taking an intersectional approach will help us to understand vulnerability but also resilience of an individual or household.

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