

Vulnerable Residents Policy

1.0 Purpose and Scope

- 1.1 This policy sets out Clarion Housing Group's commitment to assisting our vulnerable customers and residents to ensure they can access our services, and to our vulnerable tenants to ensure they receive the assistance they need to sustain their tenancy.
- 1.2 Clarion provides a significant amount of additional support and responds flexibly to residents who are facing exceptional circumstances that can make them more vulnerable and unable to cope and manage their tenancy. We know there is more we can do, particularly in ensuring we are consistent in our approach by providing our staff 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.
- 1.3 It focuses on residents who are vulnerable but have capacity to make their own decisions. 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 8.0.

2.0 Policy Objectives

- 2.1 As a responsible social landlord, our overall objective is to ensure that our vulnerable residents receive the services and assistance they require to sustain their tenancy. To achieve this, we aim to:
 - record any vulnerabilities on the resident's contact record and keep this up to date
 - use all available information to identify if a resident is vulnerable
 - take account of known vulnerability factors in the provision of services 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 Clarion's own advice and support and 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.

3.0 Legal duties and regulatory requirements

- 3.1 Clarion 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" (see Section 8 on Protected Characteristics) but as a social landlord we recognise that many

other residents 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 The Regulator of Social Housing's Tenant Involvement and Empowerment Standard 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".
- 3.3 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".

4.0 Defining Vulnerability

- 4.1 Clarion defines 'vulnerable' in relation to the provision of its services as:

*residents 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.*

- 4.2 Our definition reflects our understanding that 'vulnerability' can be a changeable state influenced by multiple factors and experiences such as age, disability, bereavement, mental health, domestic violence, poverty, etc. The more common characteristics, events and factors we take into consideration when considering a resident's state of vulnerability are included at Appendix 1.
- 4.3 Some of these 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.
- 4.4 An individual's ability to act, engage or cope with everyday activities varies and so is an important factor in considering vulnerability. For example, many older or disabled people are very independent and active and often do not need any additional assistance to sustain their tenancy and remain independent.

5.0 Identifying Vulnerability

- 5.1 A resident's vulnerability may be identified by:
- residents when they apply for housing or contact us, or self-refer
 - any member of Clarion staff who has contact with residents in person, on the phone or through any other channel of communication
 - our contractors
 - a referral from an external agency or organisation.

- 5.2 We expect all of our staff to be aware of the possibility that a resident may be vulnerable, e.g. from information they receive or from their own observations during routine work such as home visits or anti-social behaviour (ASB) interviews.
- 5.3 Clarion staff delivering services to residents will have training so they are able to recognise potential signs of vulnerability such as:
- anti-social behaviour as a result of mental health issues
 - being a victim of anti-social behaviour, harassment or domestic violence
 - 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.

6.0 Recording Vulnerability

- 6.1 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 resident's behalf, such as a care or support worker. This will ensure our staff will have advance knowledge of any additional factors to consider when delivering services.
- 6.2 Safeguarding concerns will be raised with the relevant local authority in line with our Safeguarding Policy which sets out how we identify and support vulnerable adults and children at risk, and ensure statutory agencies are involved immediately we have a concern.

7.0 Provision of services

- 7.1 While we do not define whole groups of people as vulnerable by default, e.g. 'the young', 'the old' or 'single parents', we will embed in our way of working consideration of vulnerable residents' needs, abilities and circumstances in the delivery of our services and ensure they receive the required service, advice or assistance to sustain their tenancy and live well.
- 7.2 As part of our routine service delivery we already provide a significant level of support for vulnerable tenants as well as our dedicated support services and a robust safeguarding referral process. Where a vulnerable tenant has been identified, they can be assessed for further advice and support and where appropriate referred to the tenancy sustainment service, welfare benefits advisors, aids and adaptations or Clarion's money guidance services.
- 7.3 Each service area will consider what additional support, consideration or variation in usual service provision is appropriate for vulnerable residents. This may vary from service to service but some examples are: allowing longer for customers to answer their door when we call for an appointment; arranging a joint visit of servicing engineers with carers or Tenancy Sustainment Officers for hoarders or those known not to let people in due to mental health issues; visits in person where we would normally provide a phone service; explain a letter over the phone in addition to sending it; provide or refer for additional support for an ASB perpetrator with mental health issues instead of enforcement action; applying for an injunction instead of possession action when the resident's vulnerability would make it

extremely difficult for them to secure suitable alternative accommodation should we take possession.

7.4 Communications

7.4.1 Residents are asked about any communication needs when they attend the tenancy sign up and at other opportunities during their tenancy. In line with our Translation and Interpreting Policy we will normally expect the resident to 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 a British Sign Language interpreter.

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

7.5 Lettings

7.5.1 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. We will require confirmation from a medical professional or other support agency of the tenant's circumstances before giving any additional priority due to vulnerability in line with our Allocations Policy.

7.5.2 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 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.

7.5.2 When we let a Clarion home, new tenants will be given the opportunity at the tenancy sign up to tell us about the needs of any vulnerable household member and any existing care and support services received. Where appropriate, a referral can be made to an external support agency or for further advice and support from our own support and tenancy sustainment services.

7.6 Rent arrears

7.6.1 All tenants must pay their rent on time and we will advise and support those who are struggling to make these payments. We recognise that many vulnerable tenants may well have other money problems and difficulties with budgeting; we will refer tenants and/or their carers who approach us for help or who fall into arrears to our welfare benefits advisors and other money advice services to ensure the tenant is maximising their income, supported in managing their budget, and has a realistic plan to repay their rent and arrears.

7.7 Repairs

7.7.1 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 resident contacts Clarion to request a repair, the contact centre call handler will confirm if there are any disabilities or support needs which should be taken into account. This should be recorded on the resident record so that the service can be delivered appropriately, aligned to the needs of the household.

7.7.2 The Repairs Contact Centre will, at the first point of contact, prioritise residents who:

- are over 75 years old and/or
- receive support from another organisation and/or
- receive a Personal Budget for care and support needs.

7.8 Anti-Social Behaviour

7.8.1 We are not able to investigate every report of ASB but we will always investigate those that are classed as Priority 1 which includes 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.

7.8.2 In line with our ASB Policy for Priority 2 and 3 ASB complaints, we will still investigate these for residents who:

- are over 75 years old and/or
- receive support from another organisation and/or
- receive a Personal Budget for care and support needs.

7.8.3 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 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.

8.0 Protected Characteristics

8.1 Under the Equality Act 2010, Clarion 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;”

8.2 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.

8.3 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 resident 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 resident’s 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.

9.0 Residents Lacking Capacity

9.1 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. That may be a representative who has, or is, a/an:

- 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.

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 persons 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.

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