

Vulnerable Residents and Reasonable Adjustments Policy



1. Introduction

1.1 Clarion Housing Group (Clarion) provides a significant amount of advice and assistance to our vulnerable residents who are less able to cope in managing their tenancy. We are committed to providing high quality services to all our residents and to adjusting our services to meet the diverse needs of our residents where it is practical and reasonable to do so.

1.2 Where the policy refers to 'Residents' it means tenants, leaseholders and shared owners. Where it refers to 'Tenants' it means those who rent a home from Clarion.

2. Purpose

2.1 The purpose of this policy is to set out Clarion's commitment to assist our disabled and vulnerable residents, the types of adjustments that can be made in our services to meet their needs and how Clarion complies with its legal duties and regulatory requirements.

2.2 Our residents circumstances and needs can be very different, so this policy does not try to explain how we will approach every situation, it is intended as a general statement of our commitment to ensuring fair access for our disabled and vulnerable residents, setting out the factors that we will take in to account when dealing with requests for reasonable adjustments or enhancing the services we offer.

3. Policy Objectives

3.1 The objectives of this policy are to ensure that our staff:

- understand and recognise vulnerabilities and how to take them into account in the delivery of services.
- record any disabilities, physical and mental health conditions and communication needs on the resident's contact record once it's provided and keep it up to date.
- record any known representatives who act as a 'delegated authority' or with power of attorney to act on the resident's behalf.
- understand the duty to use the information about residents' and/or their household members' disabilities, health and communication needs and make reasonable adjustments when delivering services and in decisions around tenancy management and enforcement.
- make referrals for further assistance and support, with the resident's consent, to Clarion's own advice and support and tenancy sustainment services as required.
- refer vulnerable residents to external statutory and other support agencies for additional services where appropriate and with the resident's consent, including referrals to local authority homelessness services where possession action is being pursued.
- make safeguarding referrals whenever needed.

4. Policy Scope

4.1 This policy applies to all Clarion Housing Group residents and tenants and prospective residents and tenants who are applying to Clarion to rent or buy a home. Tenants in supported housing, by the

nature of the accommodation, may receive different services but Clarion will consider the tenant's needs and any reasonable adjustments due to a disability, or other vulnerability in line with this policy.

4.2 Safeguarding concerns will be raised with the relevant local authority in line with Clarion's Safeguarding Policy which sets out how we identify and support vulnerable adults and children at risk, so that statutory agencies are quickly made aware of our concern.

4.3 This policy focuses on residents who have capacity to make their own decisions. Where a resident has been assessed as lacking, or is believed to lack, capacity to make decisions for themselves we will work with their appointed representative as set out in section 9.

4.4 This policy does not apply to the provision of aids and adaptations to our residential properties which is set out in our Aids & Adaptations policy. It also does not apply to aids and adaptations to common parts of a building which are not subject to the same anticipatory duty as the provision of services under the Equality Act 2010.

The Policy

5. What we mean by 'vulnerability'

5.1 There is no single definition of vulnerability across the social housing sector. Clarion defines vulnerability as:

residents who have an underlying 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 assistance or support.

5.2 Our definition recognises that vulnerability can change due to many factors and experiences such as age, disability, or mental health, or because of a significant life event such as bereavement or domestic abuse. Some underlying characteristics may never change, and the resident may usually be independent and able to cope in managing in their tenancy. For example, many older or disabled people are very independent and active and may not need any additional assistance. For this reason, we aim to take a person-centred approach by taking account of the resident's circumstances at the time of the service request and delivery. Examples of some common characteristics, life events and other factors we take into consideration when considering a resident's vulnerability are included at Appendix 1.

5.3 As a landlord, our focus is on ensuring our services are accessible; that we take account of the needs of our residents and assist those who need additional help to manage and sustain their tenancy. We recognise that many residents will have a wide range of health and other needs that as a landlord we are not able to address but, where we can and with the residents' consent, we will signpost residents to other organisations that may be able to provide the services they need.

6. Recognising Vulnerability

6.1 We will provide training for Clarion staff who work with our residents so that they have a better understanding of, and are more able to recognise, potential signs of vulnerability including mental health conditions and learning difficulties, so that they are open to the possibility that a resident may be vulnerable.

6.2 The training aims to assist our staff in having a better understanding of how vulnerability can sometimes impact how a resident engages with us, and that behaviours can be an indicator of a vulnerability. For example:

- antisocial behaviour can be due to mental health conditions.
- 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 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, due to mental health or an exceptional life event.
- requests from a tenant to have their gas capped, as this may be to prevent access and the discovery of hoarding, self-neglect or other vulnerability.
- neglect or mistreatment of children or adults who may be at risk and require a safeguarding referral.
- unusual contact, for example a resident who calls multiple times in a row.

7. Recording Vulnerability

7.1 We will make reasonable efforts to establish with our residents whether they or a member of their household have a disability, a health condition, or any other needs such as low literacy or numeracy and whether they require a reasonable adjustment in how we deliver our service.

7.2 We will confirm with the resident whether they want us to record this information on their contact record and will make a clear note of any agreed reasonable adjustments. Any adjustments will be discussed and confirmed with the person concerned to avoid making incorrect assumptions about their needs or agreeing to adjustments that Clarion is unable to provide.

7.3 Clarion staff who book appointments for visiting residents at home are expected to check for any agreed reasonable adjustments and vulnerability alerts and note these on the appointment for the visiting staff member or contractor where it is relevant to the visit so that they have advance knowledge of any additional factors to consider when delivering services and can check the resident record for further information.

7.4 All staff are responsible for ensuring that any health, disability or other vulnerability information that they are made aware of is recorded, with the resident's verbal consent. Where residents experience life events such as bereavement or relationship breakdown, we expect our staff to be sensitive to these and where appropriate include them in case notes, but do not record them in a specific vulnerability data field.

7.5 We will record any known communication preferences such as telephone or email contact only, or large print so that communications can be adjusted. We do however reserve the right to send some communications in writing in addition to the preferred method where there is a legal requirement or other legitimate reason to do so; for example, where other attempts at contacting the resident have failed.

7.6 We endeavour to keep resident vulnerability data, including any agreed reasonable adjustments, up to date. Where the data has not been updated in the preceding 12 months, we aim to contact the resident as soon as possible to check on their wellbeing and that the data is still up to date.

7.7 We will record the contact details of a nominated person who the resident has given written delegated authority to speak to us on their behalf, such as a relative, carer or support worker.

8. Responding to vulnerable residents needs

8.1 We want to respond to our vulnerable residents needs by being sensitive to and taking account of their circumstances and the impact of the situation on them. Each service area will consider and

develop what additional actions, or variations from our usual service provision, are appropriate and possible by way of reasonable adjustments or enhanced service levels.

8.2 By *reasonable* adjustment we mean making a change to the way that we usually do things so that our services are accessible to that individual. Appendix 2 provides further detail on what is meant by 'reasonable'. By enhanced service levels we mean having different responses to particular groups of vulnerable residents which will be stated in the relevant policies. For example, different response times to Anti-social Behaviour (ASB) enquiries or repairs appointments.

8.3 Some of the types of adjustments we can offer to our customers are given below, but this is not an exhaustive list and other requests will be considered:

- using email or the telephone instead of, or in addition to, sending a letter where appropriate which may assist those with a visual impairment.
- taking more time to explain services and issues or reading and explaining written information or correspondence to explore different methods of communication such as visual aids to a person with a learning disability.
- texting the resident on arrival if they are deaf or hard of hearing or may be alarmed by sudden noises.
- offering to read information to a resident with a visual impairment or learning difficulty.
- leaving longer for the resident to answer the door or phone for those with mobility conditions or knocking more loudly for those with a hearing impairment.
- booking visit appointments with a carer for when they can be present for those who have very limited mobility or are confined to their bed or may have difficulty understanding or remembering.
- providing information or correspondence in large print or to use text to speech/ read aloud technology for visually impaired or blind residents.
- providing a sign language interpreter for Deaf residents who use British Sign Language (BSL) if it is necessary to communicate in person.
- translating correspondence into braille if alternative options such as read aloud technology or reading out a document aren't appropriate.
- use of typetalk/Minicom for people who cannot speak or hear on the phone.
- communicating with people through their delegated authority or person with power of attorney, or other officially appointed representative.
- avoiding certain times of day to visit because due to health and medical needs, the resident is likely to be asleep or undergoing treatment.

8.4 We recognise that some residents with complex mental health conditions resulting from violence or abuse may make specific requests such as having only female staff to visit or no visits at all. We will endeavour to meet these requests where we employ female staff in the area but maintain our right to access the property for repairs, maintenance and tenancy checks. We will work with the residents in such circumstances so that they can make arrangements to have somebody else present or to find an alternative reasonable solution.

8.5 Where it isn't possible to meet a resident's request for a particular adjustment because of the level of additional costs, time or resource required or it's impractical to do so, we will work with them to find an alternative solution. For example, our system generated letters are printed centrally on white letterhead paper; where we receive requests for a particular colour paper due to a visual impairment, we will discuss what alternative solutions are available and practical for both the resident and Clarion to enable effective communication. We will record why we could not make the requested adjustment on the customers record.

8.6 We aim to produce a range of customer information in Easy Read formats to support those with

reading or learning difficulties and make these available online and as printable copies on request. We will also ensure that general resident communications and the annual rent review letter are available in large print.

8.7 We provide residents with a range of ways to access our services to suit their needs: by telephone, post, email, live chat, social media, online web forms, or via their on-line account. We will provide in-person visits where this is appropriate and possible. We also provide a wide range of information about our services on the Clarion website which is fully accessible for residents with communication and language needs.

8.8 Clarion has a range of services to provide advice and assistance to our vulnerable tenants and a robust safeguarding referral process. Our housing management teams will work with tenants where they are struggling to cope with their tenancy and offer assistance, and if appropriate can refer the tenant to our specialist services. These include tenancy sustainment, welfare benefits advice, support for carers, money guidance, digital inclusion and aids and adaptations services.

8.9 Where a vulnerable resident is experiencing challenging and complex issues involving several Clarion services we will convene a complex case action group. This will involve all relevant departments to ensure that we remain focused on the needs and safety of the resident and respond in a co-ordinated way.

8.10 Where Clarion provides dedicated supported housing for particularly vulnerable people such as those living with a learning disability, a mental health condition, with recovery from substance misuse, those escaping domestic abuse, young people and refugees, we aim to help those tenants to live in the community and to eventually move on to general needs accommodation.

8.11 This policy will be published on our customer website and periodically promoted through other resident communications. We will make it available in Easy Read format with options for translation to other languages.

8.12 Should a resident wish to appeal against any decision to not meet a request for an adjustment this will be considered by the relevant regional Head of service within 5 working days of the appeal having been received. The appeal can be made verbally or in writing.

9. 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
- An 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.

Clarion staff should refer to the Guidance on Mental Capacity document for further information.

10. Responsibilities

10.1 All employees who are involved in delivering services to Clarion residents are responsible for implementing and adhering to this policy. Failure to comply with an agreed reasonable adjustment

that's recorded on a resident's contact record will be addressed with the staff member at their one to ones with their line manager, and repeated failure to comply may lead to disciplinary action.

10.2 Heads of service are responsible for ensuring their teams are aware of and know how to comply with the policy operationally and offer support and guidance to their teams where it is unclear whether Clarion is able to comply with an adjustment requested by a resident.

10.3 The Chief Customer Officer has overall responsibility for ensuring services are provided in adherence to the policy.

10.4 The Housing (Projects) team are responsible for keeping the policy under review and updating it.

11. Our Legal Duties

11.1 The Equality Act 2010 (s6 (1) (a) and (b)), requires Clarion to provide reasonable adjustments in the provision of services to those who have *"a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on [their] ability to carry out normal day-to-day activities"*. The duty is 'anticipatory' to disabled people in general as well as to individuals, so we must think in advance and anticipate what disabled people might reasonably need. For example, being able to provide large print, or a website that enables residents to utilise read aloud software.

11.2 The duty requires reasonable adjustments where our arrangements for accessing or receiving services place a disabled person at a *substantial* disadvantage in comparison with those who are not disabled. 'Substantial' is defined in the Equality Act 2010 as 'more than minor or trivial', so should be more than a minor inconvenience. Our focus is on achieving the same or similar outcome for the disabled resident through making a reasonable adjustment.

11.3 We must make reasonable efforts to establish whether a disability exists so that we do not inadvertently commit unlawful discrimination. For example, withdrawal of all or part of our service from someone using bad language could be unlawful if the person has Tourette's Syndrome, and we fail to ask if they have any disability or any particular needs or circumstances we should take in to account.

11.4 Clarion also has a general duty under the Equality Act 2010 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 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;"*

The protected characteristics are age, disability, gender re-assignment, marriage & civil partnership, pregnancy and maternity, 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.

11.5 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, before taking action we will give consideration to:

- whether the resident's behaviour, actions or lack of action is related to their disability or other vulnerability
- 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

12. Regulatory Requirements

12.1 The Regulator of Social Housing's (RSH) Transparency, Information and Accountability standard expects registered providers (RPs) to

- treat all tenants with fairness and respect.
- take action to deliver fair and equitable outcomes for tenants and, where relevant, prospective tenants in relation to the housing and landlord services they provide.
- use relevant information and data to a) understand the diverse needs of tenants including those arising from protected characteristics, language barriers and additional support needs, and b) assess whether their housing and landlord services deliver fair and equitable outcomes for tenants.
- ensure that communication with and information for tenants is clear, accessible, relevant, timely and appropriate to the diverse needs of tenants.
- ensure that landlord services are accessible, and that the accessibility is publicised to tenants. This includes supporting tenants and prospective tenants to use online landlord services if required.
- allow tenants and prospective tenants to be supported by a representative or advocate in interactions about landlord services.

12.2 The RSH associated Code of Practice expects us to consider the diverse needs of our tenants across all landlord services and housing. It should be integral to the culture of the organisation, and that in treating our tenants fairly we should consider how we can adapt our services and communications to meet individual tenants' needs. It also expects us to make tenants aware of the different ways in which services are tailored to meet their needs.

12.3 The Housing Ombudsman's statutory Complaint Handling Code 2024 states that landlords must:

- make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.
- make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.

13. Associated documents

The following Clarion policies relate to resident vulnerability:

- Safeguarding Adults & Children
- Domestic Abuse
- Tenancy Management (Hoarding)
- Aids and Adaptations
- Translation and Interpreting
- Guidance on Mental Capacity
- Tenancy Sustainment

APPENDIX 1 – FACTORS IN DEFINING VULNERABILITY

The categories below do not list every possible factor as the full range of those who could be regarded as vulnerable at any point in time is wide, but these are the more common factors to take in to 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 have recently experienced an exceptional or traumatic event that may make them vulnerable at this point in time, although not everyone will be, or will consider themselves to be, vulnerable because of this)

- 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.
- Recently left care / looked after accommodation.
- Sexual or racist abuse or serious harassment or other hate crime.
- Recent experience of domestic abuse or 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 or recently given birth.
- Recently experienced a miscarriage or still born birth.
- Recently released from prison after a custodial sentence
- Ex-service personnel returning from an area of conflict.

APPENDIX 2 – WHAT IS MEANT BY REASONABLE?

Under the equalities legislation an organisation is not required to do more than is reasonable for it to do. The measure will be whether the current arrangements, process or service puts disabled people at a *substantial* disadvantage compared with people who are not disabled *and* whether the required adjustment is *reasonable* to make.

There is no requirement to change the basic nature of the service we offer and in practice, many reasonable adjustments will involve little or no additional cost or resourcing. What is a reasonable step to take depends on all the circumstances of the case. It will vary according to:

- the type of service being provided;
- the nature of the service provider and its size and resources; and
- the effect of the disability on the individual disabled person.

The Equality and Human Rights Commission's statutory Code of Practice, Chapter 7 'Disabled Persons: reasonable adjustments' suggests that in deciding what is "reasonable" the most relevant factors are:

- a) how effective will the adjustment be in overcoming the difficulty that the disabled person may have? The adjustment should be designed to fully address the disadvantage it is meant to overcome; for example, providing a meeting room which is accessible by wheelchair may not properly overcome the barriers if there are no disabled toilet facilities available.
- b) how practical is it to provide the adjustment? For example, it would not be practicable or necessary to produce every document in large print, but to ensure the resident is aware that we can offer other alternatives such as reading it on our website that is enabled for Read Aloud technology.
- c) the resource implications of making the adjustment. Are the financial and other costs proportionate to the adjustment being requested? For example, if a resident who is unable to put a complaint in writing requests a home visit so that a staff member can take down the details of the case for them, it might be reasonable to refuse on grounds of cost and staff time provided that a different adjustment can be made such as taking down the details over the phone and sending them to the resident for checking.
- d) would the adjustment cause disruption to others? For example, how much additional time would it require and how that would impact on services to other residents? It would not usually be reasonable for a Clarion officer to devote most of their time to one person as other residents will inevitably suffer. The amount of extra time provided must therefore be "reasonable" in all the circumstances.
- e) what is the extent of the service providers financial and other resources – while a larger organisation may be expected to do more, consideration can be given to what amount has already been spent on making adjustments.