



Mansfield  
District Council

Mansfield District Council

# Vulnerable Persons Policy

## March 2024

### Current Document Status

Version	
Approving Body	
Date of formal approval	
Date	
Author	Performance and Insight Manager
Location	
Date of next review	Insert web page / file location

### Version History

Date	Version	Author / Editor	Comment
04/03/2024	V1	Performance and Insight Manager	Draft policy sent to Operational Managers for comments

### Equality Impact Assessment Record

Date	Type of assessment completed	Completed by

## **1. Scope & purpose**

- 1.1 This policy sets out Mansfield District Council's (MDC) Housing Department commitment to assist customers to ensure that they can access our services. Where customers are recognised as being vulnerable, we will provide assistance or signpost for more specialist support to ensure that everyone receives the assistance they need to maintain their tenancy.
- 1.2 We want to ensure that we are consistent in our approach by providing staff and customers with information to help identify and respond effectively to customers' needs.
- 1.3 The policy focuses on customers who may be vulnerable but have the capacity to make their own decisions. Where a customer is assessed as lacking the capacity to make decisions we will work with their appointed representative.

## **2. Policy Objectives**

- 2.1 As a responsible social landlord, our overall objective is to ensure that our vulnerable customers receive the services and assistance that they require to sustain their tenancy.
- 2.2 To achieve this, we aim to:
  - Record customer contact information in respect of vulnerabilities identified.
  - Take account of vulnerabilities known in the provision of services and decisions in respect of the delivery of repairs and maintenance, tenancy management and enforcement.
  - Assist vulnerable customers to access services and signpost to additional support where this is required.
  - Refer to our Specialist Support officers where short-term enhanced support or an assessment may be required.
  - Make safeguarding referrals or raise a cause for concern where appropriate.
  - Refer to other support or statutory services where relevant.

## **3. Legal duties and regulatory requirements**

- 3.1 MDC 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" but 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 The Social Housing Regulator's Transparency, Influence and Accountability 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”.
- 3.4 The Government's Charter for Social Housing Residents needs to see all housing associations and local authority landlords using their knowledge of vulnerable tenants to monitor and support those tenants who may be at risk from crime and anti-social behaviour as well as supporting positive physical and mental health and removing barriers and access to housing and services.

### **Protected characteristics**

- 3.5 Under the Equality Act 2010 we are considered as providing a public function and must have due regard to the need to:
- (a) Eliminate discrimination, harassment, victimization and any other conduct that is prohibited under the Act.
  - (b) Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it.
- 3.6 The protected characteristics are: age, disability, gender re-assignment, marriage & civil partnership, race, religion or belief, sex and sexual orientation.
- 3.7 MDC does not define people with protected characteristics as “vulnerable” we will give due consideration to any known protected characteristic in deciding enforcement action to avoid inadvertent discrimination.
- 3.8 MDC will consider an individual’s protected characteristics in our decisions particularly where possession or enforcement is considered. Our pre action protocol will consider:
- If the residents behaviour, action, or lack of action is related to their disability or vulnerability.
  - If their behaviour puts others at risk
  - If alternative sanctions or options could resolve the tenancy breach
  - If action is proportionate and justifiable

## **4. How we define vulnerability**

- 4.1 MDC defines “vulnerable” in relation to the provision of our Housing services as:

*Customers who have a particular characteristic and/or experience an exceptional life event and are currently unable to cope with managing their tenancy without additional support.*

- 4.2 MDC’s definition reflects our understanding that “vulnerability” can be a changeable state influenced by multiple factors and experiences such as age, disability, bereavement, mental health etc. The more common characteristics, events and factors that we may take into consideration when considering a resident’s state of vulnerability are included below.
- 4.3 Some of the factors will be constant and others can be life events that do not represent a permanent state. The interaction of the different factors will determine how vulnerable a person is along with any additional assistance that they may require.

### **Assessment of Vulnerability**

1.	<p>Underlying characteristic <i>(people in these groups may not always require additional support just because of the characteristic)</i></p> <ul style="list-style-type: none"> <li>• Older people (particularly those aged over 75)</li> <li>• Disabled people or families with a disabled child</li> <li>• Care leavers under the age of 25</li> <li>• Lone parents (under 21)</li> <li>• People who are living with a terminal illness</li> </ul>
2	<p>Ability to act, engage or cope. (people may lack ability because of having one or more of these factors)</p> <ul style="list-style-type: none"> <li>• Learning disability</li> <li>• Mental illness</li> <li>• Autism Spectrum disorder</li> <li>• Permanently impaired mobility or frailness</li> <li>• Chronic, debilitating health condition</li> <li>• Addiction / serious substance or alcohol abuse</li> <li>• Low level of literacy</li> <li>• Low or no English language</li> </ul> <p>Age related condition that impacts on independent living</p>
3	<p>Exceptional life event <i>(people may not have factor 1 or 2 but may have recently experienced an exceptional trauma or event so may be vulnerable at this point in time)</i></p> <ul style="list-style-type: none"> <li>• Recently moved from Supported accommodation</li> <li>• Bereavement following close family member.</li> <li>• Victim of crime, abuse, harassment, or domestic abuse</li> <li>• Recently discharged from hospital or other institutional care</li> <li>• Pregnancy or recently given birth</li> <li>• Ex service personnel returned from an area of conflict.</li> <li>• Refugee or Asylum seeker</li> <li>• Experiencing exceptional hardship</li> </ul>

## **Identifying vulnerabilities**

- 4.4 There are a number of signs that someone may be vulnerable. These may include, but are not limited to the following:
- Concerns about an adult whose care and support needs are not to being met
  - Falling into rent arrears or other debt problems
  - Issues with maintaining the tenancy
  - Being the victim, or perpetrator, of anti-social behaviour, hate crime or harassment
  - Disputes with neighbours
  - Damage to the person's home
  - A detrimental change to a person's physical appearance
  - A failure to respond to correspondence or to answer the door when visited
  - Self-neglect, hoarding or other behaviour which results in the person's home and/or garden becoming damaged, neglected or otherwise unfit for occupation

## **Recording vulnerability**

- 4.5 MDC will record on the customer record within our housing management system (QL) any known vulnerability, any communication or access needs and if anyone other than the tenant is authorised to speak to us on the resident's behalf. This helps staff to have advance knowledge of any additional factors to consider when delivering services.
- 4.6 Safeguarding concerns will be raised in line with MDC's Safeguarding Policy which sets out how we ensure that the relevant services are notified when we have a concern.

## **Reasonable adjustment to services for vulnerable people**

- 4.7 While MDC do not define groups of people as "vulnerable" by default e.g. "the old" or "disabled", MDC will consider how we deliver our service taking into consideration vulnerable customers' needs, and circumstances, to help them to live well and sustain their tenancy.
- 4.8 MDC have a small team of officers who can provide assessment, signposting and short-term intensive support and a robust safeguarding referral process. Each of our service areas will consider any variation or adjustment that might be required and is appropriate in the circumstance for a vulnerable resident. (see the Reasonable Adjustment Policy) This will vary by service, but some examples are:
- Allowing longer for a customer to answer the door.
  - Arranging a joint visit with a support worker/representative.
  - When ordering a repair, if a member of the household is vulnerable and a delay will be detrimental to health the repair may be brought

forward from its scheduled target date (but should be booked as scheduled with a note to indicate the vulnerability).

- If damp and mould are reported and a member of the household is vulnerable the remedial process should be escalated accordingly as per the Damp and Mould Policy / procedure.
- Visit in person to explain matters or explain the content of a letter by telephone call.
- Provide or refer for additional support, a perpetrator of antisocial behaviour prior to enforcement.
- Make an application for a civil remedy rather than evict a vulnerable person.
- Provide welfare benefits and money advice rather than enforcement for a vulnerable person in rent arrears.
- Make provision to make good following repairs where a vulnerable person is not likely to be able to do this.

### **Mental capacity**

4.9 The Mental Capacity Act 2005 (the Act) assumes that every individual has capacity unless it is otherwise established but also provides the legal framework for acting and making decisions on behalf of people (aged 16 or over) who lack the mental capacity to make particular decisions for themselves.

4.10 Where it is established that a customer does not have the mental capacity to make decisions for themselves, the Housing Service will work with carers, advocates and legal representatives of the customer to ensure they are able to access the services they need in line with the Act.

## **5. Responsibility and decision making**

5.1 The information below illustrates the structure for responsibility and decision making in relation to this policy:

### **Head of Housing**

Overall responsibility for approval of the policy

### **Performance and Insight Manager**

Responsible for ensuring consultation on the policy is carried out with involved customers

### **Operational Managers**

All managers are responsible for reading, understanding and monitoring the delivery of services in line with the policy

### **All staff**

All staff are responsible for reading, understanding and delivering services in line with the policy.

## **6. Monitoring and reporting**

6.1 Key Performance Indicators (KPI's) and any outcome measures relating to this policy and any related policies will be monitored and reported to DMT quarterly performance clinic, and reported in our Annual Report to tenants.

6.2 KPI's will include:

- Customers in receipt of support as a proportion of all customers
- Tenancy turnover rates
- Number of tenants evicted as a % of all units (where a vulnerability was identified)
- Number of reasonable adjustment recorded

## **7. Review**

7.1 This Policy will be reviewed every three years or in line with changes in legislation / regulation, whichever is the sooner, updates or recommendations for changes will be presented to the Head of Housing for approval.

## **8. Related Policies**

- Reasonable Adjustment Policy
- Corporate Complaints Policy

## **9. Complaints**

9.1 If a customer is not satisfied with the service they have received, MDC's Corporate Complaints Procedure can be followed. Whilst we strongly encourage customers to submit their complaint online at [www.mansfield.gov.uk/council-councillors-democracy/complaints-1](http://www.mansfield.gov.uk/council-councillors-democracy/complaints-1) so that issues can be handled by the relevant service area quickly. Customers can also make a complaint:

- In writing
- By telephone – 01632 463463
- By email – [mdc@mansfield.gov.uk](mailto:mdc@mansfield.gov.uk)
- In person
- Through a representative or advocate (see section 4 of the policy)