

# Vulnerability Policy

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<b>Policy author /holder</b>	Director of Neighbourhoods
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## 1 Introduction

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- 1.1** At Livewest, our foremost commitment is to provide safe, secure, and affordable housing to all our customers, with special attention to those who are vulnerable and in need of additional assistance. We recognise that customers with vulnerabilities may face unique challenges that require tailored services and support to ensure their wellbeing and the successful sustainment of their relevant occupation agreement.
- 1.2** This policy sets out our commitment to assisting our vulnerable customers to ensure they can access our services, and to our vulnerable tenants to ensure they receive the assistance they need to sustain their tenancy.
- 1.3** Livewest 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 customers' needs. This policy sets out the steps we will take to achieve this.
- 1.4** It focuses on customers who are vulnerable but have capacity to make their own decisions. Where a customer 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 5.
- 1.5** We have an obligation to support customers where we have concerns about their safety or mental capacity and whilst we will alert those who have a statutory duty to investigate, we will support investigations and offer support to customers as appropriate. Our expectations are that customers will engage with us and the services that are able to provide support.

## 2 Aims and Objectives

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**2.1** The aim of this policy is to ensure that Livewest's approach to providing services to those with vulnerabilities aligns with the most current regulations, guidelines, and expectations set forth by the Social Housing Regulator and Housing Ombudsman Service.

We aim to:

- Have a policy that caters to the diverse needs of vulnerable customers, particularly those with complex requirements, by implementing flexible and personalised service delivery mechanisms.
- Strengthen accountability by incorporating measures that foster transparent communication, customer empowerment, and regular assessments to monitor the effectiveness of the policy.
- Provide comprehensive training to staff members to equip them with the skills and knowledge necessary to deliver high-quality services to vulnerable customers, ensuring consistency and excellence in our approach.
- Foster strategic collaborations with statutory and third party agencies, and other stakeholders to enhance the breadth and depth of support services available to vulnerable customers.

**2.2** As a responsible social landlord, our overall objective is to ensure that our vulnerable customers access the services and assistance they require, and for our rented customers to sustain their tenancy. To achieve this, we aim to:

- Record any vulnerabilities on the residents contact record and keep this up to date
- Use all available information to identify if a customer 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 LiveWest'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

## **Key Roles and Responsibilities**

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- 2.3** It is the responsibility of all employees, volunteers, contractors and Board Members to be aware of how vulnerability might be a barrier in terms of customers accessing and receiving services, and to identify how their own area or function may be improved to meet the needs of customers who may have a vulnerability.
- 2.4** Our key responsibilities as a responsible social landlord include providing suitable housing options tailored to the specific needs of individuals, including those that are vulnerable.
- 2.5** Our responsibilities include offering ongoing support and guidance to vulnerable customers throughout their tenure, including to ensure that vulnerable customers are aware of their rights as tenants, shared owners or leaseholders and have the necessary resources to exercise them effectively. The level of intervention varies by tenure type, from signposting and referring to general advice and in high need cases, intervention.
- 2.6** Each service area will consider what additional support, consideration or variation in usual service provision is appropriate for vulnerable customers. 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 those with a hoarding disorder 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 residents vulnerability would make it extremely difficult for them to secure suitable alternative accommodation should we take possession.

## **3 Defining and identifying vulnerability**

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### **3.1 Definition**

Our developed definition of vulnerability is:

*“A person with a vulnerability is an individual who due to a particular characteristic or exceptional life event may need additional support to manage their home, access services and/or to protect themselves from harm or exploitation.*

*We recognise vulnerability can be temporary or permanent.”*

**3.2** Vulnerability can be subjective, and in terms of determining the vulnerability of the customer, we aim to take a holistic and collaborative approach with the customer and other relevant partner agencies and parties to identify the most appropriate action on a case-by-case basis.

### **3.3 Our approach to identifying vulnerability**

As vulnerability can be subjective, it is important that vulnerability is identified with our customers. We will use a two stage approach when considering vulnerability. The first is recognising that certain situations could increase the risk of a customer being vulnerable, and assessing this by means of professional judgement. The second is the customer's own view of their situation. In some instances, we may use one of these approaches only to identify a vulnerability, though will make every effort to complete the two stage approach. We will assess risk and vulnerability using a Safeguarding approach as required.

**3.4** Situations that can increase the risk of a person being vulnerable are detailed in **Appendix 1**.

**3.5** We aim to ensure that our services are delivered by taking account of the individuals personal circumstances, including any protected characteristic, vulnerability and housing tenure and situation.

## **4 Support/signposting**

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### **4.1 Support provided by other agencies**

Often, we will not be the most appropriate organisation to provide the necessary support and we will seek to access specialist support services provided by our partner agencies. Our frontline teams will be proactive in developing links with advice, support and mediation services, which we are able to access for our customers.

**4.2** In order to ensure the best outcome for our customers, we will:

- Ensure our staff are competent and knowledgeable about how and where to make effective referrals with partner agencies and understand the referral requirements/thresholds
- Provide continued support with partners engaging with vulnerable customers. Implementing efficient information sharing and communication with partner agencies.
- Put safety first, and where appropriate work with other agencies to make sure our homes are safe for customers with vulnerabilities.

## **5 Mental Capacity**

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**5.1** When considering an individual's mental capacity, we will apply the five key principles of the Mental Capacity Act:

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- **A presumption of capacity** - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise.
- **The right for individuals to be supported to make their own decisions** - people must be given all appropriate help before anyone concludes that they cannot make their own decisions.
- **That individuals must retain the right to make what might be seen as eccentric or unwise decisions.**
- **Best interests** – anything done for or on behalf of people without capacity must be in their best interests.
- **Least restrictive intervention** – anything done for or on behalf of people without capacity should be the least restrictive of their basic rights and freedoms.

**5.2** In line with the Mental Capacity Act 2005, we will liaise with those who have legal authority to act on behalf of our customers 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.

## **6 Safeguarding and vulnerability**

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**6.1** We have a robust approach to Safeguarding for Identification, taking appropriate actions to escalate to statutory services as necessary, collaborative working with Risk Management on a multiagency level to provide protective factors to reduce harm and minimise risk. Recording of sensitive data is managed within the Cx Customer Record Management ensuring only individuals with a legitimate purpose to view/edit/monitor have access to Safeguarding Cases.

**6.2** Having a Corporate Safeguarding Lead enables our approach to be consistent and effective with a clear regard for supporting the workforce to act swiftly and efficiently, keeping the person(s) of concern at the heart of all processes.

## **7 Communication needs**

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**7.1** We will endeavour to tailor our communications to suit our individual customer's requirements, making them accessible in both written and verbal format.

**7.2** Rented customers are asked about any communication needs when they attend the tenancy sign up and at other opportunities during their tenancy and this is recorded on our housing management system.

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- 7.3** We can translate our written communications into over 240 different languages and provide formats suitable for visually impaired clients including Braille, Moon and large print. Our colleagues have access to spoken translators for conversations, which is available when we speak with the customer in person or on the phone, this includes British Sign Language.
- 7.4** Customers can also ask that correspondence is sent to someone who has ‘delegated authority’ to act on their behalf.
- 7.5** Our website is supported by Reach Deck to allow a customer to tailor the accessibility adaptations for their needs.
- 7.6** We commit to tailoring our communications once a customer has shared with us their preferred language or format.

## **8 Reasonable adjustments**

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- 8.1** We understand that some customers may require reasonable adjustments in order for them to access services.
- 8.2** A Reasonable Adjustment is a legal term described in the Equality Act (2010). These requirements are called the first and third requirements of the reasonable adjustment duty and are covered in sections 20(3) and 20(5) of the Equality Act 2010.
- 8.3** It means that LiveWest has a duty to make reasonable adjustments where its working practices (including policies and procedures, or physical premises) put a customer living with disability at a substantial disadvantage in comparison with customers who are not living with disabilities because of:
- a rule, practice, or way of doing things - the law calls this a ‘provision, criterion or practice’
  - not having extra equipment, aids, or services - the law calls this an ‘auxiliary aid’
  - A ‘provision, criterion or practice’ could include a term in your tenancy agreement or how we do something - like when or how we collect the rent.
  - An ‘auxiliary aid’ could include asking us to change some features in the home to make it easier for a customer to live there with their disability.
- 8.4** We might be asked to provide information in an accessible form, for example getting a copy of your tenancy agreement translated into Braille if you’re visually impaired.

- 8.5** The reasonable adjustments duty only covers certain changes. The duty doesn't require us to alter or remove 'physical features', for example structural changes, removing walls, widening doorways, or installing permanent ramps.
- 8.6** For an adjustment to be reasonable, it should be effective, but an adjustment which is deemed effective, may not be considered reasonable. For example, resourcing is not just about the cost, but it may involve other factors for example recruiting additional staff with specific skills.
- 8.7** The reasonableness of an adjustment will be evaluated against the resource available to us.
- 8.8** In changing policies, criteria or practices we are not required to change the basic nature of the service that we offer.
- 8.9** We only have to make reasonable adjustments if our customers ask us for adjustments and they are reasonable for us to provide. We cover this in our Reasonable Adjustment Policy which is an attachment to our wider Vulnerability Policy.

## **9 ASB and vulnerability**

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- 9.1** 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 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.
- 9.2** We also recognise that some customers with vulnerabilities are at higher risk of becoming victims of ASB and may be impacted more significantly by ASB than those without vulnerabilities. To help us safeguard vulnerable customers impacted by ASB we will adopt a best practice multi-agency approach working closely with partner agencies to minimise risk.
- 9.3** We will follow our ASB policy and procedure in ensuring a risk based approach when dealing with both perpetrators and victims of ASB; where the ASB is serious we will prioritise our response and provide the support of an ASB expert. Where there is a significant risk of external harm from others, we will take a victim centred approach.
- 9.4** We will provide self-help advice and support & a range of methods to report ASB including Noise/ASB Apps to record noise in real time. For those customers without digital access, we will provide sheets and support on how to complete these. We will tailor our support to meet the needs of our customers which can extend to supply of video doorbells and additional security. We will focus on early intervention and the use of methods such as mediation and support referrals.
- 9.5** Within the framework of the courts we are able to protect vulnerable victims through the use of screens, impact statements and where appropriate professional witnesses. Where the risk

is exceptionally high we will work closely with the local authorities to consider moving options.

- 9.6** 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.
- 9.7** 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
  - whether there is a right to review in mandatory possession cases.

## **10 Complaints**

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- 10.1** We recognise that sometimes when making complaints customers will let us know that they are vulnerable, or that the concerns they are reporting are making them feel vulnerable.
- 10.2** As soon as a customer lets us know about their vulnerability or we identify that they might be vulnerable we will follow and work alongside this policy.

We will:

- Make our complaints process easy and accessible for all customers
- Advertise the ways that a customer can complain and what support is available to assist them
- Provide clear outcome letters that make it easier for customers to understand what has been agreed upon and resolved

## **11 Repairs**

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- 11.1** We recognise that customers with a vulnerability may be disproportionately negatively affected if something goes wrong in their home and they need a repair, or that they may require additional support in ensuring that their home is well maintained.
- 11.2** When a customer contacts us to request a repair, the Customer Service Advisor (if requested via our Customer Service Centre) will confirm if there are any disabilities or support needs which should be taken into account to enable the repair to be carried out effectively.



- 11.3** This should be recorded on the customers record so that the service can be delivered appropriately, aligned to the needs of the household. In cases where a customers' vulnerability is preventing repairs from being carried out to their home, the repairs, tenancy sustainment and housing teams will work together to assess the situation and explore solutions with the customer.

## **12 Lettings**

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- 12.1** 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 tenants' circumstances before giving any additional priority due to vulnerability in line with our Allocations Policy.
- 12.2** When we let a LiveWest 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 further advice and support from our own support or tenancy sustainment services.

## **13 Rent arrears**

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- 13.1** It is essential that our customers maintain rent payments.
- 13.2** We recognise that some customers with vulnerabilities may encounter financial struggles related to their circumstances, and we are committed to providing support and signposting options. Eviction is considered a last resort, and instead, the focus is on offering tailored assistance, such as financial guidance, access to welfare benefits, or referrals to relevant support services, to help vulnerable customers overcome challenges and sustain their tenancy.

## **14 Equality, Diversity and Inclusion**

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- 14.1** LiveWest 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.

## 15 Performance monitoring

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- 15.1 We will monitor the outcomes of assessments and support under this procedure to ensure that the best use is made of our homes, support services, and that the procedure is contributing to sustainable communities.

## 16 Record keeping

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- 16.1 We will record information about vulnerable customers who are at risk and receiving support in a consistent and secure way. We will make sure that all information is regularly reviewed and managed in accordance with the Data Protection Act and GDPR.
- 16.2 We will record risk information to protect the health and safety of colleagues and contractors in line with our Sensitive Customer Information procedures.
- 16.3 The consent of the individual will be sought in advance of information being disclosed to third parties, unless exceptional circumstances apply when LiveWest's Data Protection and Confidentiality Policies will be followed.
- 16.4 The Social Housing Regulator'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".
- 16.5 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".

## 17 Linked/associated policies and other references

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- Anti-social behaviour policy/procedures
- Domestic Abuse policy/procedures
- Unacceptable customer behaviour guidance
- Fixed term tenancy reviews
- Safeguarding children and adults at risk policy/procedures
- Tenancy management policy/procedures
- Neighbourhood management policy/procedures
- [Data protection policies](#)
- Professional boundaries
- [Equality](#), Diversity and Inclusion Policy

## Appendix 1

Situations that can increase the risk of a person being vulnerable include:

- Health Challenges
  - Chronic illnesses
  - Disabilities
  - Mental health conditions
  
- Financial Hardship
  - Low income
  - Unemployment
  - Financial instability
  
- Age-Related Vulnerabilities
  - Elderly individuals
  - Young children
  - Single-parent households
  - Young people
  
- Domestic Abuse Survivors and Perpetrators
  - Individuals escaping abusive situations
  - Families impacted by domestic abuse
  
- Homelessness
  
- Isolation and Loneliness
  - Lack of social support networks
  - Social isolation
  
- Cultural and Linguistic Barriers
  - Limited proficiency in the local language
  - Cultural isolation
  
- Substance Abuse/Misuse
  
- Discrimination and Marginalisation
  - Minority groups facing systemic challenges
  
- Recent Trauma or Loss
  - Individuals dealing with recent bereavement or traumatic events
  
- Educational Disadvantages

- Limited access to education
  - Low literacy levels
- Digital Exclusion
  - Lack of access to technology and the internet