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**Author****Title of Policy**

Head of Housing

Assessing and Supporting  
Vulnerability**Section**

Operations

August 2024

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**1. Policy statement**

- 1.1 At Rooftop Housing Group (Rooftop) we are committed to supporting all our customers and recognise that customers can be vulnerable for many reasons including those characteristics protected under Equalities legislation. This Policy sets out how we define vulnerability and how we aim to respond to those customers' needs.
- 1.2 We know that some customers experience vulnerability and may, temporarily or permanently, need support or adjustments to have fair access to our services. We are committed to identifying these customers to make sure our working practices and services meet their needs.
- 1.3 This Policy applies to Rooftop residents, leaseholders, licensees, shared owners, and customers receiving support services who may not be tenants.
- 1.4 This Policy explains how we will support customers and it provides guidance for colleagues and contractors on how we define vulnerability and make any reasonable adjustments.

**2. Statutory and Regulatory context**

- 2.1 Our approach to identifying and providing services to customers in vulnerable circumstances complies with relevant legal and regulatory requirements including, but not limited to the legislation, regulations and good practice guidance summarised below.

**2.2 Human Rights Act 1998**

- 2.2.1 The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law.
- 2.2.2 The Act requires all public bodies (such as local authorities, police and hospitals) and other bodies carrying out public functions to respect and protect your human rights.
- 2.2.3 Human Rights covered by the Act are set out in a series of 'articles' and include:
  - Article 3: Freedom from torture and inhuman or degrading treatment. Inhuman treatment is treatment which causes intense physical or mental suffering. Degrading treatment means treatment that is extremely humiliating and undignified.
  - Article 8: Respect for private and family life, home and correspondence. Amongst other things, this includes the right to peacefully enjoy your own home and that personal information about a person (including official records and letters) should be kept securely and not shared without permission, except in certain circumstances.

**2.3 Equality Act 2010**

2.3.1 The Equality Act 2010 sets out personal characteristics that are protected by the law. Personal characteristics that are protected by the Equality Act are Age; Disability; Gender reassignment; Marriage and Civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex; Sexual orientation.

2.3.2 It is against the law to discriminate against someone because of a protected characteristic.

## 2.4 **Safeguarding Legal Framework**

2.4.1 The Care Act 2014 provides the legal framework in England for safeguarding adults who are at risk of harm or abuse

## 2.5 **Housing Regulation**

2.5.1 Various aspects of housing related legislation in England and Scotland set out requirements for social landlords in relation to providing services to customers with different vulnerabilities.

2.5.2 Vulnerability is defined differently in relation to specific aspects of service delivery, for example, priority for housing allocation or risk of harm in relation to housing repairs.

2.5.3 Housing legislation with clauses relevant to providing services to customers in vulnerable circumstances include the Housing Act 2004 (England) which sets out requirements for assessing housing conditions and enforcing housing standards using risk based procedures to identify potential risks or hazards in homes.

## 2.6 **Housing Ombudsman Guidance**

2.6.1 The Housing Ombudsman (England) Spotlight Report on Attitudes, Respect and Rights highlights the importance of the 'three Rs' in relation to vulnerabilities - Recognise, Respond and Record.

## 3. **Policy outline**

3.1 This Policy sets out Rooftop's approach to identifying and working with customers in vulnerable circumstances. It applies to all colleagues, contractors and volunteers.

3.2 We are committed to taking a 'human-centric' approach to delivering services. This means treating customers as individual people with unique combinations of needs and preferences that need to be recognised and addressed in order to ensure that services are delivered fairly and effectively.

3.3 We recognise that vulnerability is a changeable state that is influenced by multiple factors and experiences such as age, disability, bereavement, mental health, pregnancy, domestic abuse and poverty.

3.4 Having a particular characteristic, such as disability, does not necessarily make someone vulnerable, but failing to understand a person's individual circumstances and take them into account when delivering services can make that person more vulnerable to harm or unfair treatment.

3.5 Making reasonable adjustments to our approach to consider a person's individual circumstances can reduce vulnerability and risk of harm or unfair treatment.

## 4. **Equality, Diversity and Inclusion: Principles**

4.1 At Rooftop we are committed to creating and sustaining a diverse and inclusive environment achieving positive outcomes for potential and existing customers, our colleagues and the wider community. Our commitments to our customers, colleagues and communities are detailed in our Equality, Diversity and Inclusion (EDI) Strategy. We are an organisation that values diversity, champions equality

and inclusion. We demonstrate this through the activities and the services we provide. This means living by, working to and acting on our Values.

## **5. Vulnerability: Reasonable Adjustments**

- 5.1 There are occasionally circumstances where we need to consider working outside of the parameters of this Policy. This may be where there are several complexities present, or where customers have vulnerabilities that may lead us to make reasonable adjustments to the way we apply this Policy. In such cases, a referral should be made to the Complex Cases Review Group via the Head of Housing, where any approach outside of this Policy (and potentially other policies) will be considered and recorded, if agreed. This will always be considered in the context of this Policy (Assessing and Supporting Vulnerability Policy).

## **6. Data Protection: Principles**

- 6.1 Rooftop recognises the importance of protecting the personal data of our customers, colleagues, contractors and other stakeholders and our commitment to compliance with data protection laws and managing personal data responsibly. As an organisation, we are committed to ensuring everything we do with personal data follows the principles of lawfulness, transparency, fairness and accuracy whilst minimising the amount of data we collect and only using it for specific, explicit and legitimate purposes until we no longer need it.

## **7. Objectives**

- 7.1 As a responsible social landlord, our overall objective is to ensure that our customers receive the services and assistance they require to sustain their tenancy. To achieve this, we will follow a process of recognising, responding and recording vulnerabilities with the aim to:
- Record any vulnerabilities on the customer's contact record and keep this up to date.
  - Use all available customer insight to recognise if a customer is vulnerable.
  - Take account of known vulnerability factors in responding and in decisions around tenancy management and enforcement.
  - Assist vulnerable customers 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 customer's behalf.
  - Consider any additional needs due to the vulnerability and where appropriate vary our service delivery to ensure vulnerable customers still receive the same level of service.
  - Make appropriate referrals to Rooftop'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.

## **8. Defining vulnerability**

- 8.1 Rooftop recognises that everyone has individual strengths and abilities, and that having a specific personal characteristic such as old age or disability does not automatically mean that a person is vulnerable in all or any respects.
- 8.2 Rooftop also recognises that different circumstances in life can sometimes make people more vulnerable and that an alternative approach or additional support might be needed to avoid poor service or harm to that individual.

8.3 In providing services Rooftop defines vulnerability as –  
Individuals [over 18yrs] with a temporary or permanent reduction in capacity, or resilience, due to their physical / mental health or a life event that prevents them from being able to manage their tenancy without additional adjustments or support.

8.4 We understand that vulnerability can be changeable, affected by multiple factors and experiences such as age, disability, mental health, domestic violence and poverty, etc.

8.5 Below are some common factors which assist us defining and considering vulnerability –

**Factor 1 – Underlying characteristics** (customers in these groups may not require adjustments or additional support just because of the characteristic)

- Frail older people [particularly those over 75 years or older]
- 16–21-year-olds
- Those with a physical or sensory disability or impairment
- Care Leavers
- Younger Lone Parents [under 21 years]
- Refugee or asylum seekers
- Carers
- Families with disabled children
- Those living with a terminal illness

**Factor 2 – Ability to act, engage and cope** (customers may lack ability due to 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 or low / no English language skills
- Age related conditions that impact on independent living
- Lack of capacity to make decisions [under the Mental Capacity Act 2005]

**Factor 3 – Exceptional life event** (customers may not have factors 1 or 2 but may have recently experienced an exceptional or traumatic event, leading to vulnerability)

- Recent history of homelessness or living in a refuge or hostel
- Recently moved from supported housing to independent living
- Bereavement following the death of a partner, child or close relationship
- Recently left care as a young person
- Experienced sexual, racial abuse or serious harassment or hate crime
- Recent experience of domestic violence
- Recent discharge from hospital
- Periods of sustained physical or mental illness at home
- Multiple debts and unable to meet basic needs e.g. fuel or food poverty
- Pregnancy
- Families with excluded children
- Ex-service personnel returning from conflict

8.6 We do not assume that any group or individual needs additional support, this is decided on a person-by-person basis

## **9. Recognising vulnerability**

- 9.1 Customers may not always feel comfortable to tell us about their vulnerable circumstances straight away, so it is important to make use of the general day to day contact we have with customers to identify when people might be living in vulnerable circumstances.
- 9.2 It is important to maintain a sense of professional curiosity about our customers and their lives with the aim of delivering the best possible services. It is not being nosy to politely enquire about a customer's circumstances so that we can better understand their needs in the context of the services we provide.
- 9.3 In the course of day to day duties, all colleagues should be alert to possible signs that a customer is in vulnerable circumstances and ensure that relevant information is appropriately recorded and shared with colleagues and contractors that provide services to that customer.
- 9.4 Some opportunities for identifying when a customer might be living in vulnerable circumstances include when:
- Processing an application for housing and initial sign-up
  - Phone contact with a customer at Repairs Officer or Customer Advisor level
  - Responding to a complaint or report of anti-social behaviour
  - Entering a customer's property to carry out a repair or annual safety check
  - Carrying out a Tenancy Audit
  - Any other customer contact.

## **10. Recording vulnerability**

- 10.1 Information about customers' vulnerability should be handled as 'personal data' in line with Rooftop's Data Protection and Privacy Policy. Some information, such as medical conditions or gender reassignment, should also be considered 'sensitive data'. Care should be taken to ensure that all personal and sensitive data is handled securely, kept up to date and disposed of when no longer needed.
- 10.2 We will record known protected characteristics and vulnerability on our housing system. Records will be reviewed during routine contact with customers to ensure that permanent vulnerability is not assumed.
- 10.3 Records will include any adjustments needed to deliver a fair service e.g. communication and /or language needs, access needs, authority to speak to another person, known risks, details of support staff involved with the customer etc.
- 10.4 Where safeguarding adults or children concerns arise, these must be reported to the relevant local authority in line with the Safeguarding Children and Vulnerable Adults Policy.

## **11. Responding to vulnerability**

- 11.1 When a customer is identified as living in vulnerable circumstances, care should be taken to determine the right approach to reduce the risk to the customer and ensure they receive the right service to meet their individual needs.
- 11.2 The right approach will depend on the individual needs of the customer and their household, but could include actions such as:
- Making a reasonable adjustment to usual procedures for service delivery
  - Agreeing with the customer to refer them or members of their household for additional support to the appropriate agency e.g. social care, health or financial services

- Working with partner agencies, such as Police, to highlight additional risk due to vulnerability and/or escalate the response to an anti-social behaviour issue when action needs to be taken more urgently
- Making a safeguarding referral, where indicated in line with rooftop Safeguarding Children and Adults Policy and Procedures

### **11.3 Allocation and Letting of Properties**

11.3.1 Our Allocations and Lettings Policy requires colleagues to ensure that information about the type of allocation schemes and available housing options is made accessible to applicants according their individual circumstances. In practice this can mean providing information in different languages and formats e.g. large print.

11.3.2 Colleagues should provide assistance with the completion of application forms where requested and you should also work with other agencies that provide support where needed.

11.3.3 We may seek further information including medical references where required to better understand the individual needs of applicants for housing and to ensure that their application is accorded the correct level of priority.

### **11.4 Property allocation and sign up**

11.4.1 We aim to take account of current housing need and circumstances as well as any anticipated housing needs or foreseeable changes in circumstances when making decisions about property allocation.

11.4.2 We recognise that customers' needs may change over time and that as a result properties may become less suitable than they were when the customer originally moved in.

11.4.3 We use management transfers to move existing customers to alternative accommodation where their life is at immediate risk and / or they cannot enter their home for medical or other reasons, including safeguarding concerns. Decisions about whether or not to offer a management move will be made during the Tenancy Sustainment Panel meetings.

### **11.5 Property Repairs**

11.5.1 Customer vulnerability should be taken into account when assessing risk linked to property repairs. The level of assessed risk should in turn be used to determine priority for repair.

11.5.2 A repair issue might generate higher risk of harm in some households than in others because of the relative vulnerability of the occupants, and therefore need to be dealt with more urgently in some cases than in others.

11.5.3 When there are unavoidable delays in completing repairs (e.g. due to their complexity or shortage of materials or skilled labour), we consider offering customers temporary accommodation through our decants procedures.

11.5.4 We follow our procedures for managing requests for aids and adaptations to homes in line with the requirements of the Equality Act 2010 to make reasonable adjustments and ensure that all customers are able to live comfortably and make best use of their living space.

11.5.5 In other situations, small adjustments, such as allowing a little more time for a customer to answer the door and allow a tradesperson in, might be all that's needed to give that customer a good service and make sure their repair is completed in good time. See below for more guidance on reasonable adjustments.

### **11.6 Handling complaints**

11.6.1 We are committed to ensuring that our complaints process is accessible to everyone who may wish to complain. We recognise that some customers may experience particular barriers to complaining because of their vulnerable circumstances, and we take steps to support people to make a complaints should they wish to. This includes providing a named complaint owner to be the main point of contact for the person making the complaint and who is responsible for keeping them informed of progress on their complaint.

## 11.7 Tackling anti-social behaviour

11.7.1 A vulnerability assessment must be carried out in relation to all reports of anti-social behaviour as set out in Rooftop's Anti-social behaviour procedures.

11.7.2 As part of the initial assessment, the colleague responsible for carrying it out must ask the customer about any personal circumstances they have that might increase their vulnerability, as well as any support that is available to them, for example, from friends, family or carers.

11.7.3 Risks may change, so it's important to re-assess risks frequently to ensure that any new risks or previously undisclosed vulnerabilities are taken into account.

## 11.8 Managing payments and arrears

11.8.1 All customers 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 customers may well have other money problems and difficulties with accessing payment process or budgeting; we will refer customers and/or their carers who approach us for help or who fall into arrears to our Money Advisors and other money advice services to ensure the customer is maximising their income, supported in managing their budget and has a realistic plan to repay their rent and arrears.

## 11.9 Safeguarding people at risk of abuse, neglect or harm

11.9.1 At Rooftop we take Safeguarding concerns very seriously. We believe every person has the right to live in safety and free from abuse, harm, and neglect. We recognise that safeguarding is everyone's business. All colleagues are equipped to recognise signs that someone is experiencing or at risk of abuse, harm or neglect, and able to respond appropriately.

## 12. Customers lacking capacity

12.1 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 customer lacks capacity to litigate.
- Individual appointed by the Department of Work and Pensions to manage a person's benefits if they lack capacity.
- Independent Mental Capacity Advocate 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.

### **13. Reasonable adjustments**

13.1 Rooftop is committed to ensuring that people with specific protected characteristics, including disability, are not disadvantaged when seeking to access our services. Under the principles set out in our Equality, Diversity and Inclusion Policy, we carry out Equality Impact Assessments on our policies and processes to ensure that they support our overall aim to remove barriers faced by people from different groups and provide –

- Fair access to our services
- Fair outcomes for the people using our services
- Fair opportunities to participate and be involved in sharing our services.

13.2 We make reasonable adjustments to our usual services where required.

#### **13.3 Defining what is reasonable?**

13.3.1 There is no prescribed list of reasonable adjustments; the adjustment will depend on the individual's needs. Colleagues should discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable in the circumstances. You should not make assumptions about whether a person who has a disability requires any reasonable adjustments or about what those adjustments should be.

13.3.2 Some examples of reasonable adjustments that we can make depending on individual circumstances include:

- visiting in person where we would normally provide a phone service
- arranging to visit or phone when a carer or other advocate is present to support the customer
- allowing longer for customers to answer their door when we call for an appointment explaining a letter over the phone in addition to sending it
- arranging for interpretation or translation services.
- working with another agency or third party such as an advocate or family member providing support to the customer

13.3.3 The Equality Act does not define what is 'reasonable' but guidance from the Equality and Human Rights Commission suggests that the most relevant factors in deciding whether an adjustments is reasonable are:

- The effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the disabled person
- The practicality of us making the adjustments
- The availability of our resources including external assistance and finance
- Any disruption to the service that making the adjustment may cause.

#### **13.4 Effectiveness**

13.4.1 The adjustment should be designed to fully address the disadvantage it is meant to overcome. For example providing an audio version of documents may not properly overcome the barriers faced by the disabled person if there are other requirements that need to be overcome, for example the customer also has a hearing impairment.

#### **13.5 Practicality**

13.5.1 For example it may not be possible for us to offer ground floor accommodation to a customer if there are no such vacant properties in the area the customer wants to live.

## 13.6 Resources

13.6.1 For an adjustment to be reasonable, it should be effective. However, it is important to remember that is an adjustment which is deemed effective, may not be considered reasonable. Resources can include things like the availability of colleagues with specific skills, as well as additional costs. For example, whilst it might be effective to provide translation services in a particular sign language, this might not be reasonable if these resources are not available or would be very expensive to procure. In practice many reasonable adjustments involve little or no cost or additional resourcing requirements and are relatively easy to implement.

13.6.2 In changing policies, criteria or practices we are not required to change the basic nature of the service we offer.

## 13.7 Potential disruption to activities

13.7.1 For example, it would not usually be reasonable for a Housing Manager to reduce work with other customers and devote all of their time to one person as others will inevitably suffer. The amount of extra time provided to one individual must therefore be 'reasonable' in all the circumstances.

## 14. Review

14.1 This Policy will be reviewed every three years unless there are major changes in legislation or good practice.

## 15. Consultation

15.1 Leadership Team Sub-Group

15.2 Executive Team August 2024

## 16. Responsibilities

### Responsible body

16.1	Formulation, amendment and approval of Policy	Executive Team
	Monitoring of Policy	Leadership Team
	Operational management of Policy/Policy author	Head of Housing
16.2	<b>Date of formulation of Policy</b>	April 2024
16.3	<b>Dates of Policy reviews</b>	August 2024
16.4	<b>Date of next review</b>	August 2027

## Associated documents

### Internal – Rooftop policies and procedures

- Safeguarding Children and Vulnerable Adults Policy
- Allocations and Lettings Policy
- Anti-Social Behaviour and Hate Incidents Policy
- Domestic Abuse Policy
- Data Protection and Privacy Policy
- Equality, Diversity and Inclusion Strategy
- Aids and Adaptations Policy

### External

- Regulator of Social Housing Standards (April 2024)  
Transparency, Influence and Accountability  
Neighbourhood and Community  
Safety and Quality  
Tenancy
- Housing Ombudsman's Complaint Handling Code (April 2024)
- Mental Capacity Act (2005)