
Subject:	VULNERABLE TENANT POLICY
Meeting and Date:	Cabinet – 8 April 2024
Report of:	Rachel Collins, Head of Housing
Portfolio Holder:	Councillor Pamela Brivio, Portfolio Holder for Housing, Skills, and Education
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: To provide detail in relation to the proposed Vulnerable Tenant Policy (“the Policy”) and seek Cabinet approval for the Policy to be adopted.

Recommendation: That Cabinet:

1. Approves and adopts the proposed Policy.
2. Delegates authority to the Strategic Director (Finance and Housing), in consultation with the Portfolio Holder for Housing, Skills and Education, to make minor amendments to the Policy as required.

1. Summary

- 1.1 Dover District Council (“the Council”) is committed to ensuring that housing services are easily accessible to all our residents, including those with vulnerabilities.
- 1.2 The Council has both legal and regulatory duties to ensure it demonstrates a clear understanding of the different needs of individuals and that equal access to housing services is given to tenants with protected characteristics and vulnerabilities.
- 1.3 The Council does not have a Vulnerable Tenant Policy (“the Policy”). This report proposes that the Council adopts such a Policy to ensure that as a responsible social landlord it is (1) adhering to our legal and regulatory duties (please see sections 2 & 3) regarding supporting equal access to services, and (2) setting out how it will identify, record and support vulnerable tenants in accessing housing-related services. An established Policy will ensure there is a consistent approach by housing staff when supporting vulnerable tenants.

2. Background

- 2.1 In 2017 the Regulator of Social Housing (“the Regulator”) published its Tenant Involvement and Empowerment Standard (“the Standard”), which forms 1 of 5 consumer standards. The Standard sets the expectation for Registered Providers of Social Housing (including Local Authorities) to provide choices, information and communication that is appropriate to the diverse needs of tenants. The clauses within the Standard pertaining to this Policy are:
 1. **Clause 1.1.1(a)** - provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards.
 2. **Clause 1.3.1(a)** – treat all tenants with fairness and respect.

3. **Clause 1.3.1(b)** – demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.
 4. **Clause 2.3.1** – Registered providers shall demonstrate how they respond to tenants' needs in the way they provide services and communicate with tenants.
- 2.2 Currently, Housing Services records on internal housing systems if a tenant's vulnerability would affect the service provided to them, and so that any adjustments can be made to enable Housing to fulfil a first-class tenant-centred housing service. Housing Officers are also made aware of any vulnerabilities via the Housing Options team through homelessness applications, or via another social housing landlord if the tenant is mutually exchanging their property.
 - 2.3 Records of tenant vulnerabilities on our housing systems are incorporated under the current Housing Services Privacy Statement.

3. Legal and Regulatory Duties

- 3.1 The Council has a legal duty under the Equality Act 2010 to advance the equality of opportunity between persons who share relevant protected characteristics and persons who do not, and where required make reasonable adjustments to advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it.
- 3.2 Further regulatory requirements are set out in the Regulator's Tenant Involvement and Empowerment Standard (see para. 2.1). The proposed Policy complies with the Standard's requirements.
- 3.3 The Housing Ombudsman's Complaint Handling Code states that social landlords comply with the Equality Act 2010 and may need to adapt normal policies, procedures or processes to accommodate an individual's need.

4. The Policy

- 4.1 The aims of the Policy are:
 1. To ensure that vulnerable tenants receive equal access to services.
 2. To ensure vulnerable tenants are provided with the correct support and assistance to sustain their tenancy or home where required.
 3. To outline how the Council will identify and record tenant vulnerabilities, and what adjustments to service provision can be made to facilitate equal access.
- 4.2 The Policy recognises that 'vulnerability' can (1) be a changeable state and influenced by various factors and experiences, and (2) may not be a constant state but can occur at different points in a person's life that may require adjustments to service provision for a short period of time, or for the entirety of their tenancy.
- 4.3 Our definition does not assume that entire groups of people are vulnerable (i.e., age, disability) but highlights that some tenants may be vulnerable and may require additional support to access our services and sustain their tenancy or home.
- 4.4 The Policy defines an 'adjustment' as a change made to a housing-related service the Council provides. In accordance with the Equality and Human Rights Commission, a request for an adjustment made by a tenant must be both 'reasonable' and 'justified' (Appendix 1, 6.16 – 6.20).

- 4.5 The Housing Service areas included in the Policy are: complaints, communications, allocations and lettings, arrears and income collection, repairs and maintenance, anti-social behaviour, and domestic abuse.
- 4.6 The Policy applies to existing and prospective Council tenants (including those housed in temporary accommodation) as well as homeless applicants. Tenants can also inform Housing if they believe a household member is vulnerable as defined by the Policy and would require an adjustment to be made to a housing service the Council provide.
- 4.7 The Policy should be read in conjunction with the following documents:
- Tenancy Management Policy
 - Equality Policy
 - Complaints Policy
 - Safeguarding Policy
 - Anti-social Behaviour and Hate Crime Policy (when approved and adopted)
 - Domestic Abuse (Housing) Policy (when approved and adopted)
 - Managing Unacceptable Behaviour Policy (when approved and adopted)

5. Consultations

- 5.1 The following teams and groups were also consulted on the proposed policy:
1. Dover District Tenants Consultative Group (DDTCG)
 2. Housing Services
 3. Property Services
 4. Housing Options
 5. Legal team
 6. Corporate Services (complaints & equality)

6. Monitoring and Implementation

- 6.1 Formal reviews of the Policy will be conducted every 3 years or where changes to legislation and/or regulations require an immediate review. If the Policy is approved for use, the next expected review date will be in 2027.
- 6.2 Staff will be provided with guidance and processes to ensure that they can (1) comply with the Policy and (2) provide good customer service and care when dealing with vulnerable tenants.
- 6.3 A copy of the Policy will be provided online via our website for resident to access. Alternative forms of communication can be provided where requested.

7. Equality Impact Assessment (EIA)

- 7.1 In accordance with our Public Sector Equality Duty (PSED) (Section 149 of the Equality Act 2010), a full equality impact assessment (Appendix 2) has been completed for the proposed policy and has identified no negative impacts to the protected characteristics. The reason for this is the Policy is designed to make a positive impact through reasonable adjustments to services and provide additional support to vulnerable individuals, which will greatly increase access to housing services.

8. Identification of Options

- 8.1 Option A: Cabinet agrees to the recommendations of this report.
- 8.2 Option B: Cabinet does not agree to the recommendations of this report.

9. Evaluation of options

- 9.1 Option A is the preferred option for the following reasons:

1. The Policy will ensure that there is a consistent approach followed by housing staff when supporting vulnerable tenants.
 2. The Council will have a published Policy which informs housing staff and tenants how vulnerabilities are identified, and what support and reasonable adjustments will be made to accommodate the diverse needs of our tenants.
 3. The Council will be meeting its regulatory and legal duties as stated in section 3 of this report.
- 9.2 Option B is not the preferred option since it would be counterproductive to the points raised in 9.1.

10. Resource Implications

Financial Implications

- 10.1 The report does not highlight any significant financial implications as a result of adopting the Policy. While the Policy mentions 'adjustments' these are in reference to adjustments to the provision of services, and not adaptations or adjustments to properties. For this, the Council has a separate Disabled Adaptations Policy.

Operational Implications (including staff resources)

- 10.2 The Policy does not make significant changes to current operations since staff are already recording vulnerabilities using our internal systems (2.2) and the Council is legally obliged to reasonable adjustments where required, that are both 'reasonable' and 'justified'. However, it will establish an approved practice and process for staff to follow when identifying, recording and supporting vulnerable tenants. This will require staff to undergo an induction on the provisions of the policy to ensure they are complying with it. Accompanying processes have been written to assist staff to make informed decisions.

Policy/Legislative Implications

- 10.3 The Council will need to ensure that when supporting vulnerable tenants that it complies to the relevant legislation and regulations, which includes: the Human Rights Act 1998, the Equality Act 2010 and the Regulator's Tenant Involvement and Empowerment Standard. Failing to comply with these puts the Council at risk of breaking the law.
- 10.4 The Regulator's new enhanced regulatory powers as first proposed by the Social Housing White Paper and introduced into law via the Social Housing (Regulation) Act 2023, now make it possible for failing landlords to be fined and / or 'named and shamed' through published reports and findings. Should the Council fail to comply with its legal and regulatory duties towards its tenants, it is at the risk of being identified by the Regulator as non-compliant, which could result in both financial and reputational damage.

11. Climate Change and Environmental Implications

- 11.1 No implications or impacts have been identified in the preparation of this report or the development of the proposed Policy in relation to climate change or the environment.

12. Corporate Implications

- 12.1 Comment from the Director of Finance (linked to the MTFP): 'Accountancy have been consulted in the writing of this report and have no further comment to add (AC)'
- 12.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make (BD).
- 12.3 Comment from the Equalities Officer: As referenced at paragraph 7.1 the adoption of this policy will have a positive impact on those with a protected characteristic. The Equality Officer has no further comments to make, other than to remind Members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

13. Appendices

Appendix 1 – Vulnerable Tenancy Policy DRAFT

Appendix 2 – Equality Impact Assessment

14. Background Papers

[Tenant Involvement and Empowerment Standard - 2017 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Human Rights Act 1998 \(legislation.gov.uk\)](http://legislation.gov.uk)

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