

<b>Vulnerable Circumstances Policy</b>	
<b>Policy Owner:</b> Assistant Director of Housing	<b>Policy Ref No:</b> ILS-PL-005
<b>Date Approved:</b> May 2025	<b>Review Date:</b> May 2026

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## 1.0 Purpose

- 1.1 This policy describes Beyond Housing’s approach to supporting customers who may be experiencing vulnerable circumstances and highlights the ways it will identify customers with additional support needs. It also describes how it will work with customers to ensure they are provided with support to sustain their tenancy and access its services and external support services. This policy will be applied by all Beyond Housing colleagues throughout the course of their work.
- 1.2 Beyond Housing recognises that customers may experience vulnerable circumstances for various reasons and is committed to support through the provision of suitable accommodation and appropriate, responsive housing services. Beyond Housing recognises that some customers may experience a degree of vulnerability that could impact how they can manage their home or engage in their community, and that customers can experience vulnerability over time, and that this can be a temporary or permanent
- 1.3 No one should be disadvantaged in accessing Beyond Housing’s homes or services due to an additional need or vulnerability. Beyond Housing does not wish to stigmatise those in vulnerable circumstances or need; and recognises that such vulnerabilities may need a bespoke response. Therefore it uses the term vulnerable as a universally understood term in relation to circumstance, situation or need.
- 1.4 This policy focuses on customers who have capacity to make their own decisions (in accordance with the Mental Capacity Act 2005). Where a customer has been formally assessed by social care, or other qualified professional, as lacking, or believed to lack capacity, to make specific decisions, Beyond Housing will work with their legally appointed representative, or with a formally recognised Independent Mental Capacity Advocate.

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1.5 This policy complements Beyond Housing’s purpose of helping customers and communities to succeed and thrive and supports its mission to provide services customers value, homes they want, and places they are proud of, delivered by people who care.

## 2.0 Scope

2.1 This policy applies to all Beyond Housing customers, their families and people Beyond Housing comes into contact with through a wide range of activities in the community, and includes colleagues, volunteers, board members and agents/contractors acting on its behalf.

## 3.0 Definitions

3.1 **Vulnerability** is something which anyone can experience at any point in their lives and can be transient or permanent. Vulnerability occurs in all communities, and there are numerous life events, circumstances and reasons which may cause this, including the protected characteristic(s) of that individual. If effective **reasonable adjustments** have been put in place, this vulnerability **may** be reduced. This is outlined in Section 6.

3.2 Beyond Housing’s approach recognises that people may be in vulnerable circumstances at different times, for different reasons (e.g. following bereavement or relationship breakdown, due to a medical condition, or physical or mental ill-health), and recognises that people can move in and out of vulnerable circumstances depending on circumstances and how resilient they are to them. Beyond Housing will assess whether a customer is in vulnerable circumstances on a case-by-case basis. It will not assume; individuals or whole groups of people are vulnerable. There is potential overlap with those who have a **protected characteristic** under the Equality Act 2010. Beyond Housing acknowledges that not everyone with a protected characteristic will be vulnerable or require additional support. People may be in vulnerable circumstances for reasons other than those covered by the Equality Act 2010 and other related legislation.

3.3 **Protected characteristics** - As defined in the Equalities Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion/belief, sex, and sexual orientation.

3.4 **Reasonable adjustments** - As a provider of services, Beyond Housing has a duty to make reasonable adjustments to ensure those with protected characteristics can access its services; (such as interpretation support or the translation of documents, disability access/adaptations, and provision of easy read documents). Customers can be in vulnerable circumstances for other reasons, and this policy sets out Beyond Housing’s approach to making ‘reasonable adjustments’, in various forms.

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- 3.5 **Mental Capacity Act (2005)** makes clear who can make decisions, in what situations, and how they should go about this. It enables people to plan for a time when they may lose capacity. It applies to anyone aged 16 or over in England and Wales and defines a statutory framework for assessing whether a person has, or lacks capacity, to make decisions for themselves in all aspects of their lives. These rules apply whether the decision is a significant event, like moving home or everyday decisions, like what to eat. All colleagues will ensure that the Mental Capacity Act principles are followed when dealing with customers.
- 3.6 **Mental capacity** - The ability to make an informed decision based on understanding a situation, the information and options available, and the consequences of the decision, and then being able to communicate those decisions. The ability to make a decision can vary depending on the type of decision, the time it needs to be made in, and external influences; for example, someone may have the capacity to make everyday decisions like what to wear, although may lack capacity to make more important life decisions such as where to live.
- 3.7 **Lacking capacity** - Someone is unable to make or communicate a decision about a particular matter due to an impairment or disturbance of their mind or brain, this can be permanent or short-term. Permanent impairment is when a person's ability to make decisions is always affected, such as due to dementia, a learning disability, or brain injury. Short-term impairment is when a person's ability to make decisions changes from day-to-day, such as due to mental health problems, medication side effects, undue stress, or substance use.

A person may lack capacity if they are unable to:

- Understand information about a decision
- Remember that information long enough to make the decision
- Weigh up the information to make the decision
- Communicate their decision.

- 3.8 A customer in vulnerable circumstances does not necessarily lack capacity to manage their own affairs. An assessment of capacity must be undertaken in line with the principles of the Mental Capacity Act 2005, mainly that **there is always presumption of capacity**. Beyond Housing will assume that every customer has capacity unless there is strong evidence to the contrary (e.g. a formal capacity assessment or medical report, court order, or their behaviour upon presentation suggests that they lack capacity because it is erratic, dangerous or otherwise concerning).

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3.9 Through the application of the five underpinning principles of the Mental Capacity Act 2005 (notably principle 1 “Presumption of capacity”), Beyond Housing will assume customers *have* capacity to make decisions themselves. Where a customer’s behaviour causes sufficient concern to colleagues and suggests they may lack capacity, then colleagues will raise a concern through the Something’s Not Right process. If colleagues believe the customer is at immediate risk, then emergency services will be notified and the safeguarding policy applied.

3.10 Where customers have been formally assessed as lacking capacity to make decisions for themselves, or where it is believed they may lack capacity, Beyond Housing will work with social care, family members, carers, advocates and designated legal representatives to ensure customers are able to access the services and support they need. Certain customers who lack capacity may have someone appointed through **Power of Attorney** or by the **Court of Protection** to make decisions on their behalf about personal welfare, healthcare, property and/or financial affairs, Beyond Housing recognises its moral and legal obligation under the **Mental Capacity Act 2005** and will liaise with those who have a legal authority to act on their behalf. That may be a representative who has:

- Lasting Power of Attorney
- Deputyship Order from the Court of Protection
- Litigation friend appointed in court proceedings
- Appointeeship as authorised by the DWP.
- An appointed Independent Mental Capacity Advocate (IMCA)

3.11 **Something’s Not Right (SNR)** - The name given to Beyond Housing’s internal reporting procedure for safeguarding and other relevant person or property related concerns. SNR is available to all colleagues to raise concerns directly with the safeguarding coordinator. All alerts are recorded and tracked through to completion.

3.12 Beyond Housing will meet its statutory safeguarding obligations in line with the existing safeguarding policy and procedures where there are concerns regarding a customer in vulnerable circumstances.

## **4.0 Responsibilities**

4.1 The Chief Operations Officer, through the executive directors of Beyond Housing and associated managers, is responsible for ensuring that there are both adequate resources to

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deliver this policy and the facility to adapt service delivery (wherever possible) to accommodate customers in vulnerable circumstances, and that it is applied across the organisation.

- 4.2 The Supported Living Manager is responsible for ensuring that safeguarding features are a key element of service delivery and that Beyond Housing meets its responsibilities under the Care Act 2014, specifically in respect of customers in vulnerable circumstances.
- 4.3 The post of Safeguarding Co-ordinator ensures there is resource dedicated to safeguarding and protecting customers, colleagues, and their families.
- 4.4 The Safeguarding Coordinator and Supported Living Manager will act as points of contact for all colleagues to support, assist and lead on safeguarding concerns pertaining to customers in vulnerable circumstances.
- 4.5 All customer facing colleagues have a duty of care to identify and report any potentially vulnerable circumstances that a customer may present with, or be subject to, through Something's Not Right (if applicable) to ensure that the necessary follow up action is carried out.
- 4.6 The Service Centre will note any documented/declared customer vulnerability when responding to customer enquiries and will advise the relevant team of any requests for adapted service delivery made by the customer or their advocate.
- 4.7 Beyond Housing colleagues will update customer records to reflect identified vulnerabilities and ensure that specific details are recorded correctly and securely with the relevant User Defined Characteristic(s) (UDC) on the Housing Management System.
- 4.8 All colleagues are responsible for checking relevant software systems to ensure they have all the necessary information prior to delivering a service. If any changes are identified during this check, it is the responsibility of the colleague who identified the change to ensure that the Housing Management System (and other relevant software systems) is/are updated. If the colleague does not have access to the Housing Management System, they should raise the identified changes with a member of the housing team so that the changes can be updated.
- 4.9 It is the responsibility of the appropriate departmental managers to review and approve recommendations to remove and/or apply UDCs in accordance with the relevant policies.

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4.10 All colleagues have a responsibility to provide a safe and equitable environment for customers and colleagues by being aware of, and applying Beyond Housing’s vulnerable circumstances policy, and raising concerns regarding customers as appropriate.

## 5.0 Legislative and statutory requirements

5.1 Beyond Housing 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, to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act and to foster good relations between people who share a protected characteristic and people who do not share it. .

5.2 As a provider of housing and services, Beyond Housing has a duty to make **reasonable adjustments** to ensure that customers with a disability can access its housing and use its services. As an extension of the Act, Beyond Housing will, where possible, take into account the vulnerable circumstances of a customer and adapt its service delivery to accommodate this.

5.3 Beyond Housing recognises its moral and legal obligation under the **Mental Capacity Act 2005**, and in situations where a customer lacks mental capacity, it will liaise with those who have a legal authority to act on their behalf.

5.4 The **Social Housing Regulator’s Transparency, Influence and Accountability Standard** requires registered providers to “treat all tenants with fairness and respect” and “must use relevant information and data to understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs; and assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services”.

5.5 The **Housing Ombudsman Complaints Handling Code 2024** 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”. The Ombudsman defines vulnerability as, “A dynamic state which arises from a combination of a resident’s personal circumstances, characteristics and their housing complaint. Vulnerability may be exacerbated when a social landlord or the Housing Ombudsman Service does not act with appropriate levels of care when dealing with a resident’s complaint. If effective reasonable adjustments have been put in place, the vulnerability may be reduced”.

“Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustment requests”.

5.6 The development of this vulnerability policy has given due consideration to, and taken into account any other regulatory or legislative requirements under the following:

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- Landlord and Tenant Act 1985
- Housing Act 2004
- Data Protection Act 2018
- UK GDPR 2018
- Human Rights Act 1998
- Social Housing (Regulation) Act 2023
- Mental Capacity Act 2005
- Protection from Harassment Act 1997
- Domestic Violence, Crime and Victims Act 2004
- Domestic Abuse Act 2021
- Police and Justice Act 2006
- Anti-Social Behaviour Act 2003
- Protection of Freedoms Act 2012
- Children Act 1989 and 2004
- Adoption and Children Act 2002
- Anti-Social Behaviour Crime and Policing Act 2014
- Serious Crime Act 2015
- The Care Act 2014
- The Crime & Disorder Act 1998: Hate Crime/Hate Crime Incidents.

5.7 Associated Beyond Housing policies given due consideration regarding the Vulnerability Policy are:

- Safeguarding Policy
- Health & Safety Policy
- Data Governance Policy
- Domestic Abuse Policy
- Equality, Diversity, and Inclusion Policy
- Income Management Policy
- Anti-Social Behaviour Policy
- North Yorkshire Home Choice Common Allocation Policy
- Tees Valley Home Finder
- Adaptations Policy
- Repairs Policy
- Anti-Fraud Policy
- Damp, Mould and Condensation Policy
- Complaints and Compliments Policy.

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This policy ensures Beyond Housing complies with relevant regulatory requirements and legislation, including pre-action protocols.

## 6.0 Policy detail

6.1 As a responsible social landlord and community benefits society, Beyond Housing’s overall objective is to ensure its customers receive the services and assistance they require to sustain their tenancy. To achieve this, it aims to:

- Use all available information to identify if a customer is in a vulnerable situation
- Identify and record any (known) vulnerabilities on the Housing Management System and Customer Relationship Management (CRM) system and keep this up to date
- Take account of known vulnerability factors in the provision of services and decisions around tenancy management and enforcement
- Assist customers in accessing additional services
- Utilise data to tailor its approach and develop services to specifically meet the needs of customers
- Identify and 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 and, where appropriate and possible, tailor service delivery to ensure customers still receive the same level and quality of service
- Make appropriate referrals to Beyond Housing’s own advice, support and tenancy sustainment services
- Refer to statutory agencies and other (trusted) external partner support agencies where appropriate
- Make safeguarding referrals whenever needed.

6.2 This policy will also ensure relevant colleagues have the necessary skills, knowledge and guidance to deal effectively with the various ways customers may experience vulnerable circumstances. This will include training on mental health awareness, safeguarding, domestic abuse, equalities legislation, handling difficult situations, and drug and alcohol awareness (as appropriate to colleagues’ job roles).

6.3 **Identifying and recording vulnerability:** Beyond Housing aims to identify customers (and potential customers) who are or may be more likely to be in a vulnerable circumstance/situation. It will achieve this through capturing information on the commencement of service, customer visits and ongoing contact and broader customer insight. Where possible, it will collate information through existing measures using a ‘vulnerability matrix’ to identify customers who may require more support or be perceived

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more at risk. Where relevant, customers will be asked to share any circumstances which they feel will impact the way services are delivered and what ‘reasonable adjustment’ they feel would help. This information will be recorded, including where a customer declines or identifies that no changes are required.

- 6.4 Beyond Housing expects colleagues, contractors and agents acting on behalf of Beyond Housing, to be aware of the possibility that a customer may be experiencing vulnerable circumstances e.g. from information they receive or following their observations with the customer during customer contact, or while working in a customer’s home. It also expects all colleagues, contractors and agents to escalate any concerns, by following the Something’s Not Right process (as relevant).
- 6.5 Beyond Housing will record on the Housing Management System/CRM any communication or access needs, and whether there is anyone with delegated authority to speak to us on the customer’s behalf.
- 6.6 **Service offer** - Beyond Housing will consider customers’ needs, abilities and circumstances, in the delivery of services, and aim to provide customers with the required service, advice or assistance they need.
- 6.7 Each service area will consider what additional support or variation is appropriate for customers experiencing vulnerable circumstances. Beyond Housing recognises that this is personal and unique, so blanket variations will not apply, and will be tailored to individual circumstances, where possible. Beyond Housing is also aware its services are limited to mainly housing/support, and that in some instances, specialist support is required, when this occurs, it will refer to relevant partner agencies or statutory services.
- 6.8 Individual service areas will provide tailored approaches, where possible, through adapting typical procedures to enable an equitable and responsive approach to individual customer needs. This is applicable, but not limited, to service delivery in:
- Allocations and Lettings
  - Arrears
  - Repairs & Maintenance
  - Planned works
  - Anti-social behaviour
  - Tenancy management
  - Tenancy enforcement
  - Customer consultation/involvement
  - Customer communication and engagement
  - Employability support.

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While individual service areas in Beyond Housing will, where possible, adapt service delivery to accommodate customer needs, it recognises that this will only be feasible within the bounds of its existing policies and legislation, and this policy does not supersede them.

- 6.9 **Reasonable adjustments** - In the provision of services, Beyond Housing will ensure equitable access to services and make reasonable adjustments for those with protected characteristics under the 2010 Equality Act. A reasonable adjustment can include physical changes to buildings, such as to a step or doorway. It can also include additional provisions, such as heating, or additional ventilation. A reasonable adjustment can also be a change to the way Beyond Housing delivers its service, such as a female only colleague attending an appointment, or offering a single point of contact (SPoC). If a reasonable adjustment is required, Beyond Housing will always ensure this is given priority status and this will accelerate its response time.
- 6.10 **Communications** - Beyond Housing recognises that customers may have specific communication needs, or indeed their communication need is a vulnerable circumstance; therefore, it will communicate appropriately to customers' requirements or wishes and is committed to asking and recording customers communication preferences.
- 6.11 It will provide appropriate translation and interpretation services such as British Sign Language interpreters, braille or large print documents to meet identified needs.
- 6.12 Beyond Housing is committed to providing accessible digital information, regardless of ability. It provides a toolbar to read and translate the content on its website. Its features include text-to-speak, translation, text magnification, MP3 generation, screen mask, web page simplifier and a picture dictionary.
- 6.13 It will communicate about its services using a variety of methods to engage with its customers in a way which meets their needs. This includes social media, website, digital signage screens, online surveys, emails/text messages, phone calls, face to face and letters.
- 6.14 **Additional and specialist support** - Beyond Housing recognises that some customers will require additional support to manage their home and tenancy, although these services are not specifically designed solely for customers experiencing vulnerable circumstances. Beyond Housing colleagues can refer customers to services or seek advice, guidance and support from them (with customer consent) including:
- Intensive housing management
  - Aids and adaptations
  - Supported living accommodation
  - Benefits advice
  - Money advice
  - Employability support

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- Target hardening (for customers experiencing Domestic Abuse)
- Mediation.

6.15 **Partnership approach** - Where Beyond Housing is not skilled to provide specialist support in relation to a customer need, it will work with suitable partner organisations to ensure that appropriate support is made available. Beyond Housing fully recognises the need to work with qualified professional services and actively build and maintain links with these partners.

6.16 Beyond Housing will attend and participate in key multi-agency meetings to ensure it has strong and relevant local connections. Where a particular concern relating to a customer experiencing vulnerable circumstances, Beyond Housing may coordinate a multi-agency case conference, or escalate through the Local Authority’s safeguarding procedures, as appropriate.

## 7.0 Underpinning procedures

7.1 This vulnerable circumstances policy is underpinned by the Beyond Housing safeguarding procedure (ILS-PR-056).

7.2 Each service area within Beyond Housing will aim to tailor its approach, to try to accommodate customers’ vulnerable circumstances (as applicable) in relation to enabling and supporting customers or taking into account the specific needs of its customers when delivering services; therefore, reference needs to be made to individual service area’s procedures when applying this policy.

## 8.0 Controls and reporting

8.1 Beyond Housing will provide governance over the application of this policy through regular monitoring of reports provided to the Customer Health & Safety Group and the Asset Compliance Group (for ‘high risk’ households), or other relevant forums as requested, utilising data from the vulnerability matrix. Reports will focus on specific cases causing concern or households identified as high-risk, or with numerous vulnerabilities identified, how they are managed, resolved, or escalated as appropriate, and any identified concerns over the application of this policy or Beyond Housing’s approach.

Control	Line of defence (1st, 2nd or 3rd)	Responsible (Job role)	Reported to:
Something’s Not Right alerts	1st	All colleagues (Supported Living Manager owns SNR process)	Customer H&S group, feeding into audit & risk committee

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Intensive Housing Management referrals and cases (Hoarding and property condition) and SNR referrals/trends	2nd	Assistant Director of Housing	Customer H&S group, feeding into audit & risk committee
High risk households via vulnerability matrix	2nd	Director of Assets & Sustainability	Customer H&S Group and audit & risk committee

## 9.0 Consultation

- 9.1 Consultation has taken place on the development of this policy with the senior leadership team and housing operations managers, with the inclusion of the safeguarding coordinator, senior performance & research analyst, digital lead and chief operations officer.
- 9.2 Open consultation has taken place with the involved customer group and customer colleagues through the community partnership and engagement manager.
- 9.3 External consultation has taken place with North Yorkshire Council and Redcar and Cleveland Borough Council Health & Adult Services and Children’s Service leads, safeguarding leads in adult and children’s safeguarding, local safeguarding partnerships forum members, Prevent silver & bronze chair and partnership members, and domestic abuse partnerships.

## 10.0 Approval and revision

- 10.1 This policy will be reviewed every three years in line with normal review practices or sooner with any relevant legislative changes which would determine a change in Beyond Housing’s responsibilities or approach to supporting customers and/or colleagues experiencing vulnerable circumstances.

<b>Accountable:</b>	Chief Operations Officer
<b>Responsible:</b>	Assistant Director of Housing
<b>Approval body:</b>	Board (new policy)

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<b>Version</b>	<b>Date</b>	<b>Information</b>
1	May 2025	New policy

