



# Havering

LONDON BOROUGH

## CABINET

|                                             |                                                                                                                                                     |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject Heading:</b>                     | <b>Vulnerable Person Policy for Council Tenants (2025)</b>                                                                                          |
| <b>Cabinet Member:</b>                      | Councillor Paul McGeary, Cabinet Member for Housing and Property                                                                                    |
| <b>ELT Lead:</b>                            | Paul Walker, Director of Housing & Property.<br>Patrick Odling-Smee, Director of Living Well.                                                       |
| <b>Report Author and contact details:</b>   | James Delaney,<br>james.delaney@havering.gov.uk                                                                                                     |
| <b>Policy context:</b>                      | This policy sets out Havering Housing Services' commitment to assisting our vulnerable tenants to access our services and to sustain their tenancy. |
| <b>Financial summary:</b>                   | No direct financial implications.                                                                                                                   |
| <b>Is this a Key Decision?</b>              | Yes. Significant effect on two or more Wards.                                                                                                       |
| <b>When should this matter be reviewed?</b> | Annually, to ensure that it continues to comply with legislative or regulatory requirements.                                                        |
| <b>Reviewing OSC:</b>                       | Place Overview and Scrutiny Sub-Committee.                                                                                                          |

### The subject matter of this report deals with the following Council Objectives

|                                                               |   |
|---------------------------------------------------------------|---|
| People - Supporting our residents to stay safe and well       | X |
| Place - A great place to live, work and enjoy                 | X |
| Resources - Enabling a resident-focused and resilient Council |   |

## **SUMMARY**

This policy sets out Havering Housing Services' commitment to assisting our vulnerable tenants to access our services and sustain their tenancy. It describes how a resident's vulnerabilities will be identified and recorded, and how we can adjust the way we deliver services to ensure the resident is not disadvantaged by their vulnerability.

## **RECOMMENDATIONS**

Cabinet are recommended to approve the Vulnerable Person Policy for Council Tenants.

## **REPORT DETAIL**

This new policy explains:

1. The staffing arrangements to be put in place to support this policy.
2. How vulnerabilities will be identified and recorded.
3. Safeguarding arrangements for vulnerable tenants.
4. How we will support vulnerable residents who lack the capacity to make decisions.
5. How services may be adjusted for vulnerable residents.
6. How tenancy management and enforcement will take vulnerabilities into account.
7. How this policy will be monitored.

## **REASONS AND OPTIONS**

### **Reasons for the decision:**

This policy is required because the Regulator of Social Housing requires registered providers to publish clear and accessible policies which outline their approach to tenancy management, including "their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness...including through the provision of tenancies which provide a reasonable degree of stability."

The Regulator's Consumer Standards Code of Practice states that registered providers should "be able to demonstrate how they have taken into account the needs of vulnerable households in their approach to tenancy management."

Vulnerable residents would benefit from a policy which makes clear how the delivery of services can be adjusted to ensure they have the same access to services as other residents.

**Other options considered:**

| <b><u>Other option</u></b>                                                                                                                            | <b><u>Reasons for not doing this</u></b>                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Relying on information contained within other policies, including the Tenancy Policy, Aids and Adaptations Policy, and Reasonable Adjustments Policy. | <p>The Tenancy Policy is brief on this topic and does not include specific actions or details on how vulnerabilities will be recorded and how any necessary service adjustments will be delivered.</p> <p>The Reasonable Adjustment Policy addresses the needs of disabled residents but not those with other types of vulnerabilities.</p> <p>The Aids and Adaptations Policy is concerned with physical adaptations, not service adjustments.</p> |
| Make minor amendments to other policies instead of creating this new policy                                                                           | <p>To clearly and demonstrably meet the Regulator's requirements, the amendments would need to be more than minor.</p> <p>Having a Vulnerable Person Policy will make compliance with the Regulator's requirements more obvious. Doing so will also make the information easier for residents to locate.</p>                                                                                                                                        |
| Do nothing                                                                                                                                            | <ul style="list-style-type: none"><li>• Will not meet Regulator's requirements.</li><li>• Residents will not know how we can adjust services in light of their vulnerabilities.</li></ul>                                                                                                                                                                                                                                                           |

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

The Housing Regulator requires providers to have a robust policy and procedures in place to identify and support vulnerable clients, ensuring they receive appropriate services and are treated with fairness and respect. This includes making reasonable adjustments to accommodate individual needs, particularly for those with disabilities or other support requirements, and complying with relevant legislation, for example Equalities Legislation. The Housing Regulator has not stipulated a specific way in which the needs of vulnerable tenants are to be taken into account, including in relation to tenancy management. But there is a clear requirement for Councils to have a policy, to have published the policy and to be working to that Policy in dealing with Vulnerable Clients.

This report is requesting the approval of the Havering Vulnerability Policy for residents. It outlines clearly the steps that Havering Council is taking to address the Housing Regulator requirement. It also identifies other policies upon which the Vulnerability Policy relies and relates. This Policy does not intend to increase the services in place and on offer to residents. However, there is a risk that the publication of the Policy could increase demand and this should be monitored, as this will be a demand led service. The increase may not be a direct cost in terms of money but could be indirect in staff time. Training mentioned within the policy, and any other demands relating directly to this policy for example requirements such as the need to ensure information is accessible and understood by vulnerable clients, will be met from existing budgets. This is a demand led service and as such if a client is entitled to the service it cannot be withdrawn on the basis of insufficient budget without risk of challenge which could ultimately end in judicial review if other avenues of the complaints procedure are exhausted first. As stated above additional training is to be provided, this is to be provided by current in house teams and no additional cost to the Council.

The publication of this policy, as with any, creates an obligation to meet the requirements within it. Failure to comply with the terms of the Vulnerability Policy once implemented could expose the council to risk of successful litigation, which is its most extreme could be a judicial review claim, or discrimination claim. This should be recorded on the risk register with clear mitigations to manage the risk. It should be noted that there are several stages before this risk would be reached, and the complaints procedure is referred to in the policy itself to clearly identify the stages a client could take if unhappy with the application of the policy or the Councils actions in meeting the policy commitments. Failure to publish the policy would be detrimental to the Council when reviewed and assessed by the Housing Regulator.

### **Legal implications and risks:**

The Council is required 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 for Social Housing Standards. Failing to comply with these puts the Council at risk of breaking the law.

The Regulator of Social Housing's new enhanced regulatory powers were introduced into law via the Social Housing (Regulation) Act 2023, which now make it possible for failing landlords to be fined and / or 'named and shamed' through published reports and findings. Where a 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.

The Regulator's Consumer Standards Code of Practice provides that registered providers should be able to demonstrate how they have taken into account the needs of vulnerable households in their approach to tenancy management.

The Regulator for Social Housing has issued Consumer Standard Code of Guidance in April 2024. This Code is issued by the Regulator of Social Housing, under section 195(1) of the Housing and Regeneration Act 2008 (as amended)

Section 195(2) of the HRA provides that the regulator may have regard to the Code when considering whether the standards have been met.

#### **Human Resources implications and risks:**

Training on how to recognise vulnerabilities will be delivered by the Havering Safeguarding Adults' Board (HSAB).

Training on how to record vulnerabilities will be delivered in-house by the Service Improvement team.

The two posts referred to under "Staffing" are already existing and occupied.

#### **Equalities implications and risks:**

An EHIA (Equality and Health Impact Assessment) has not been completed and is not required for this decision. The Council seeks to ensure equality, inclusion, and dignity for all. There are no equalities and social inclusion implications and risks associated with this decision.

#### **Health and Wellbeing implications and Risks**

This policy will help to improve the health and wellbeing of Havering residents by identifying and better supporting vulnerable council tenants.

#### **Environmental and Climate Change Implications**

None.

**BACKGROUND PAPERS**

None.