

REPORT TO EXECUTIVE

Date of Meeting: 5 November 2024

REPORT TO COUNCIL

Date of Meeting: 17 December 2024

Report of: Strategic Director People and Communities

Title: Housing Residents' Vulnerabilities Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 The report summarises the new Housing Residents' Vulnerability Policy. It is proposed that the revised Policy 2024-2027 be adopted and implemented. A copy of the Policy document is appended.

2. Recommendations:

2.1 That Executive recommends that Council approve the adoption of the new Housing Residents' Vulnerability Policy.

3. Reasons for the recommendation:

3.1 According to the English Housing Survey 2021-22, the social rented sector contains a larger proportion of vulnerable groups than private rented and owner-occupied sectors. We as a responsible landlord must be able to recognise vulnerability amongst our tenants and leaseholders and ensure that we make reasonable adjustments to the services we provide to take these vulnerabilities into account

3.2 The Regulator of Social Housing under the Neighbourhood and Community Standard (of the new Consumer Standards) states the requirement that social landlords '*Registered providers must treat tenants and prospective tenants with fairness and respect.*'²

This is our proposed policy to ensure compliance.

4. What are the resource implications including non financial resources

4.1 Although we don't have an exact figure as this is ever-changing, we can say that we have an increasing number of people who would class themselves as vulnerable living as tenants in our homes. Our Housing Officers will help and support these vulnerable tenants to sustain their tenancies as part of their day-to-day work, calling on additional specialist support where required.

5. Section 151 Officer comments:

5.1 There are no additional financial implications for Council to consider.

6. What are the legal aspects?

6.1 The policy reflects the requirements of two key pieces of legislation, the Equality Act 2010, and the Care Act 2014.

6.2 Section 149 of the Equality Act 2010 imposes the 'public sector equality duty' on public authorities when exercising 'public functions. The authority must have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.3 In order to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not requires a public authority to, inter alia, remove or minimise disadvantages, take steps to meet the needs of persons who share a relevant protected characteristic compared to those who do not, and to 'encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.'6.3Any protected characteristic will be taken into account in assessing vulnerability and appropriate action.

6.4 Section 1 of the Care Act 2014 promotes individual well-being by setting out general responsibilities of local authorities to promote individual well-being, including 'personal dignity; physical and mental health and emotional well-being; protection from abuse and neglect; control by the individual over day-to-day life; participation in work, education, training or recreation; social and economic well-being; domestic, family and personal relationships; suitability of living accommodation and the individual's contribution to society.

6.5 The general responsibilities to promote the protection of individuals from abuse and neglect is a key statutory requirement imposed on local authorities. In practice, this is achieved by developing and assessing the effectiveness of its local safeguarding arrangements in order to aim to protect, for example, adults in the care system at risk of abuse or neglect. When a local authority exercises its functions under the Act, there are a number of assumptions, including '...that the individual is best placed to judge' their own well-being; their views, wishes, feelings and beliefs, and the importance of prioritising care and support requirements '...having regard to all the individual's circumstances'

6.6 The Council's policy seeks to incorporate the requirements of these key pieces of legislation and to reflect the findings of the Housing Ombudsman's report 'Spotlight on Attitudes, respect, and rights.

7. Monitoring Officer's comments:

7.1 Members will note the purpose of the policy is to focus on the Council's vulnerable tenants and their needs and requirements in accordance with the recommendations of the Housing Ombudsman service set out in the report details below.

8. Report details:

8.1 In January 2024 the Housing Ombudsman published a report entitled 'Spotlight on attitudes, respect, and rights – relationship of equals'.¹

8.2 In summary the report recognised the challenging and complex environment that social landlords now must work within, including: the cost-of-living crisis, increase in mental health difficulties and housing shortages. The Ombudsman stressed the need for landlords to create human-centric policies, adapt to meet the needs of all their residents and ensure the most vulnerable residents are not left behind.

8.3 The report centred on what it means to be vulnerable in social housing today, but also how landlords can respond effectively and how to do so without stigma or marginalisation.

8.4 It goes on to say 'Landlords must also transform their vulnerable persons policy from a passive document to an embedded practice. This means continuously stress testing it against the 3Rs – recognise, respond, and record vulnerabilities.'

8.5 This Residents' Vulnerability Policy has been drawn up to meet the requirements set out by the Housing Ombudsman and to co-ordinate our housing services to ensure that we address the issues of varying types of vulnerability amongst our tenants and leaseholders.

8.6 The policy seeks to define vulnerability as 'Residents who have a particular characteristic and/or experience an exceptional life event and are currently unable to cope with managing their tenancy without additional support.

The term 'vulnerable' could apply to any of these groups:

- Those with an underlying characteristic such as those people who are over 75 but recognising that people in these groups may not always require additional support just because of the characteristic.
- Those people who lack the ability to act, engage or cope.
- People who have experienced an exceptional life event.
- Those who are financially unstable

8.7 The documents were reported to the Council Housing and Development Advisory Board (CHADAB) in September 2024.

8.8 The policy has been taken to the Tenants' Voice Group and their comments and suggestions have been considered when finalising this document.

9. How does the decision contribute to the Council's Corporate Plan?

Corporate Plan Priorities include

"Housing and building great neighbourhoods and communities"

Exeter Live Better

"Exeter thrives on community spirit"

Wellbeing Exeter

"Community life and social connections are vital to all our health and wellbeing"

9.1 The delivery of this strategy will contribute to the Council's Corporate Plan, in particular the strategic priority of "housing and building great neighbourhoods."

9.2 The delivery of the objectives within this strategy accord with the principles of being a well-run council as set out in the Corporate Plan.

10. What risks are there and how can they be reduced?

10.1 There are reputational risks in not having an up-to-date Vulnerabilities Policy; with the introduction of more stringent regulation any inspection of the housing service by the Regulator of Social Housing would include a review of our policies and strategies to ensure they are fit for purpose.

10.2 The Social Housing Regulator's Neighbourhood and Community Standard requires registered providers 'to take action to deliver fair and equitable outcomes for tenants and, where relevant, prospective tenants. 2

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation, and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies, and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and

new and breastfeeding mothers, marriage, and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 There are no alternatives to the adoption of this policy as it is one of the 'required outcomes' within the Neighbourhood and Community Standard (part of the Regulator of Social Housing's Consumer Standards which came into force on 1st April 2024)²

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report: -

1. [Spotlight on: Attitudes, respect, and rights – relationship of equals \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)
2. [Annex 3: Consumer standards 1 April 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

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