

# VULNERABLE TENANTS POLICY

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## 1. Legal and Regulatory Framework

- 1.1. The Council has a duty under the Equality Act 2010 to advance equality of opportunity for persons with the protected characteristics set out in the Act. However as a Council we also formally recognise other characteristics including socio-economic class and having experience of care.
- 1.2. Under the Care Act 2014, local authorities are required to ensure that people living in their areas receive services that prevent their care needs from becoming more serious, including in the provision of accommodation. Housing must form part of an integrated care, support and health service, with a duty for relevant partners to co-operate.
- 1.3. The Social Housing Regulation Act 2023 introduced new consumer standards. The Transparency, Influence and Accountability Standard requires social landlords to “use relevant information and data to: a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs; and b) assess whether their housing and landlord services deliver fair and equitable outcomes for tenants.”. Additionally, the Neighbourhood and Community Standard sets outcomes that social landlords must deliver about working with other parties so that tenants live in well maintained neighbourhoods, and feel safe in their homes.
- 1.4. Mental Capacity Act 2005 The Mental Capacity Act (MCA) sets out how organisations protect and empower people aged 16 and over who may lack the mental capacity to make their own decisions about their care and treatment.
- 1.5. Safeguarding Vulnerable Groups Act 2006 aims to avoid harm, or risk of harm, by preventing people who are deemed unsuitable to work with children and vulnerable adults from gaining access to them through their work. It requires organisations with responsibility for providing services or personnel to vulnerable groups to refer relevant information to the Disclosure and Barring Service (DBS).

## 2. Equality

- 2.1. In line with the Equality Act 2010, we will ensure that no tenant is treated less favourably on the grounds of gender, ethnicity, age, religion, sexuality or any other protected characteristic..

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- 2.2. Some decisions involving tenants may also be subject to individual equalities impact assessments (EqIAs). This is particularly common in cases involving enforcement, reposessions and prosecutions.

### 3. Scope and terminology

#### Scope

- 3.1. This policy applies to secure, introductory and fixed term tenants of Newham Council homes and members of their household. Some aspects also apply to those who occupy as leaseholders and households placed in temporary accommodation (non-secure tenancies) in Newham Council-owned properties, and the policy makes clear which parts are applicable to which groups.
- 3.2. It covers both sheltered and general needs properties owned by Newham Council.

#### Terminology

- 3.3. Definitions of vulnerability vary, but for the purposes of this policy, being vulnerable is being in need of special care, support, or protection because of age, disability, risk of abuse or neglect. This may be for a short period of time where they are unable to cope, or due to long-term conditions that mean they are vulnerable for their entire tenancy.
- 3.4. Vulnerability can be influenced by a number of factors including, but not limited to:
- A health condition or illness that affects an individual's ability to carry out day-to-day tasks, such as a physical disability or mental ill-health
  - A life event or circumstances that might negatively affect a person's life, such as having experience of being in care as a child or being a survivor of domestic abuse
  - Having low ability to withstand financial or emotional shock, for example living in poverty
  - Having limited capability, low knowledge or confidence in managing day-to-day affairs, for example a learning disability, low level of literacy or being neurodivergent.

It may often consist of a combination or interaction of these factors.

- 3.5. This policy does not assume any individual is vulnerable as a result of possessing a particular protected characteristic. Vulnerability may be caused or influenced by an individual's protected characteristic(s), but vulnerability is not the same as having a protected characteristic.
- 3.6. When this policy refers to a 'resident', this means any member of the household of a Council tenant, tenant placed in Council-owned temporary accommodation, or resident leaseholder.
- 3.7. When this policy refers to a 'tenant', this means any member of the household of a Council tenant or tenant placed in Council-owned temporary accommodation.

### 4. Aims and Objectives

- 4.1. The aim of this policy is to set out how the Council recognises, records and responds to the needs of its vulnerable residents.
- 4.2. The objectives of this policy are to:
- 4.2.1. keep residents safe;

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4.2.2. ensure that all residents can access our services; and

4.2.3. support tenants to maintain their tenancies.

## 5. Recognising vulnerability

5.1. There are a number of routes through which we might become aware of a tenant or leaseholder's vulnerability. These include:

- Self-reporting, when the tenant tells us directly
- Reports from family or caregivers
- Officers may become aware over the course of regular or scheduled contact, for example during a annual gas safety check, during a tenancy audit or in responding to a service request
- Referrals from other parts of the Council, including Adult Social Care
- Enquiries made as a result of a breach of tenancy such as falling into arrears
- Reports from neighbours, repairs and maintenance staff or other relevant individuals who may come into contact with an individual or their property and notice something unusual

5.2. Newham Council expects all its officers and contractors to exercise professional curiosity. Council staff who have resident-facing roles are responsible for reporting any potential signs of vulnerability among tenants and leaseholders to the Housing Service's Independent Living team, who will then contact the resident to triage their case. Signs of vulnerability might include:

- Behaviour associated with mental health issues
- Victims of anti-social behaviour and hate crime
- Survivors of domestic abuse
- Substance abuse
- Failure to respond to correspondence or answer the door
- Hoarding or self-neglect
- Arrears/erratic rent payments where this hasn't been the case historically

5.3. Family members and caregivers of a vulnerable tenant should notify their Housing Liaison officer at the earliest possible opportunity to ensure the Council is able to put measures in place in response. If you know who the Housing Liaison Officer is for your area, please use the contact details with which you have been provided. If you do not know who your Housing Liaison Officer is, please contact the team by email at [HLOTeam@newham.gov.uk](mailto:HLOTeam@newham.gov.uk) and an officer for your area will respond. You can also call the team by telephoning the Contact Centre on 020 8430 2000 and asking for the Housing Liaison Team.

5.4. Details of any required reasonable adjustments are also added to the tenant's record, and kept under review. This includes details of anyone with the authority to speak on behalf of the tenant, such as a family member

## Allocations and lettings

5.5. Determinations on housing priority and successions which are the result of an applicant's vulnerability will comply with our housing allocation policy.

5.6. While a household is on the housing register, they should make the Council aware if they or a member of their household becomes vulnerable, is at risk of becoming vulnerable, or if their circumstances change and they are no longer vulnerable.

## Mental Capacity

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- 5.7. Mental capacity is a key consideration for vulnerable tenants, and where this is in question, we may make a referral to Adult Social Care to make an assessment of mental capacity. Mental capacity is not assumed as a result of any characteristic or behaviour, and is only determined through a formal assessment. We also take into account medical evidence, for example a letter from a hospital or GP.
- 5.8. In accordance with the Mental Capacity Act 2005, we will liaise with appropriate representatives where a tenant lacks mental capacity to make decisions about their behaviour, care, property and tenancy. We recognise that not all decisions a tenant has to make may be the responsibility of their representative. We will work within the guidance set out by the Mental Capacity Act Code of Practice..

## 6. Recording vulnerability

- 6.1. When we are made aware of a tenant's vulnerability, we record details of an individual's vulnerability on our secure internal management systems and this information will be accessible to relevant officers. This includes keeping a record of whether the tenant requires an advocate (such as family member or carer) to be present in their interactions with the Council.
- 6.2. Where the resident's vulnerability presents a challenge to their ability to maintain their current housing or their tenancy, staff will refer the case to the specialist Independent Living team, who will conduct an initial home visit (or in some cases, phone call).
- 6.3. When a member of Council staff (or contractor working on behalf of the Council) visits a vulnerable tenant or leaseholder's home, for example for a tenancy audit, repairs works, or gas checks, they can access details of the vulnerability. Where relevant, the Housing Liaison Officer or Independent Living Officer (or equivalent role) will work with the tenant to ensure that they are aware that they will be required to grant access, and arrange any reasonable adjustments.

### Keeping data under review

- 6.4. All officers are responsible for identifying vulnerable residents, recording their vulnerability and any required adjustments. The HLO team are responsible for building in regular contact and reviews with vulnerable tenants.
- 6.5. This policy has been produced to align with the Council's safeguarding processes and safeguarding is considered whenever we become aware of a tenant's vulnerability. Where staff have safeguarding concerns, they are expected to refer the case on to the Multi-Agency Safeguarding Hub (MASH) at the earliest opportunity.

## 7. Responding to vulnerability

### Independent Living Support

- 7.1. The Council's Housing Independent Living Team exists to enable vulnerable secure Council tenants to remain living in the community, or where appropriate, to help them move into supported or sheltered accommodation. Tenants referred for support to the Independent Living Team will have mental health support needs, a learning disability and/or autism and have been assessed as having a housing-related support need.
- 7.2. The Independent Living Team will provide housing-related support to secure Council tenants. The support focusses on managing the tenant's home and tenancy, paying bills, finding employment and managing health. It does not include personal care.

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- 7.3. Support from the Housing Service's Independent Living Team is available to Council by referral. Support is time-limited, with the aim of supporting tenants to reach a point of managing their own tenancy and property.
- 7.4. In exceptional cases the Independent Living Team may provide support to leaseholders, however the cost of cleaning and repairs would be recharged to the leaseholder.
- 7.5. The Independent Living Team will make all reasonable endeavours to engage with vulnerable residents, with an understanding that vulnerable residents in particular may struggle to engage or maintain engagement for a variety of reasons.

### **Adapting our services for vulnerable tenants**

- 7.6. Where appropriate, we will endeavour to adapt how we deliver our services to enable us to better support vulnerable tenants and leaseholders. The adjustments we make will vary on a case-by-case basis and will be agreed with the tenant or leaseholder.
- 7.7. In deciding what adjustments to make, we consider the following:
  - The wishes and best interest of the tenant or leaseholder or their authorised representative
  - Effectiveness
  - Practicality
  - Cost and whether possible within existing resources
  - Any disruption incurred
- 7.8. In order to understand the adjustments required, we may need to request additional information from the tenant, and they are required to respond and co-operate with us to provide this information. If the tenant doesn't have capacity their representatives will act on their behalf.

### **Communications**

- 7.9. When assessing a tenant or leaseholder's vulnerability and need for adjustments, we will ask if they have communication preferences, or need support with communications. Communications preferences will be recorded on our internal system and will be updated if a tenant's preferences change.
- 7.10. We will work with tenants and leaseholder to reach agreement on what communications arrangements work best for them, for example where a tenant or leaseholder's English language is limited, we may arrange to speak to them at a time when a relative with more fluent English is available. In some cases, there may be a member of staff who is able to translate for the resident.
- 7.11. Where a tenant or leaseholder has a delegated authority who acts on their behalf, we can agree to have letters sent directly to them.

### **Arrears and income collection**

- 7.12. The Income Collection team, who are responsible for collecting rent and responding to arrears, have been trained to recognise vulnerability. The team can provide empathetic advice for tenants struggling to pay their rent or keep on top of debts, and may refer tenants for support from the Independent Living Team. They may also signpost to Newham-run services such as Our Newham Money or external organisations like Citizens Advice Bureau.
- 7.13. Our Housing Income Collection Policy and procedures sets out our commitment to support vulnerable tenants, and includes detail around responding to financial vulnerability and domestic abuse.

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## Repairs and maintenance

- 7.14. We recognise that living with issues that require repair or maintenance can be additionally distressing and/or lead to an increased risk of harm for vulnerable tenants and leaseholders. Where we have a record of a tenant, leaseholder or member of their household having a vulnerability and we consider that the issue requiring repair could have a negative impact upon them, we may:
- Increase the urgency of the repair so that it is scheduled sooner
  - Provide assistance or guidance to reschedule an appointment so that a family member, caregiver or advocate is present
  - Ensure that a housing officer or Independent Living Officer is present for the appointment
- 7.15. If a tenant or leaseholder's vulnerability is preventing the Council's operatives or external contractors from entering the property to carry out required work, we will work with the tenant or leaseholder to find a solution.

## Aids and adaptations

- 7.16. Where required, we may adapt our Council homes to meet the needs of our tenants. Adaptations considered include:
- Grab rails
  - Chair raises
  - Step alterations
  - Stair-lifts
  - Wheelchair ramps
  - Level access shower or wet room
- 7.17. An occupational therapist works with Council tenants to assess individual needs and adaptations required to Council properties.

## Anti-Social Behaviour

- 7.18. In line with the Council's Anti-Social Behaviour, Noise and Nuisance Policy and the Anti-Social Behaviour, Crime and Policing Act 2014, anti-social behaviour (ASB) is defined as:
- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
  - Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
  - Conduct capable of causing housing related nuisance or annoyance to any person
- 7.19. Vulnerable tenants and leaseholders can be disproportionately affected by ASB. We also recognise that in some cases, anti-social behaviour may stem from vulnerability. In referring a case of ASB, officers will also report any vulnerabilities complainants and perpetrator's files, ensuring any investigations and responses are well-informed.
- 7.20. A perpetrator's vulnerability does not diminish the impact of their behaviour on the victims nor their responsibility for their behaviour. The priority is always the wellbeing of the victim and a perpetrator being vulnerable does not mean that we will not pursue enforcement action where required.
- 7.21. We aim to work with vulnerable tenants and leaseholders through the mechanisms set out in this policy to prevent ASB taking place in the first place, however where it occurs we will work with vulnerable tenants and leaseholders to provide an appropriate response to ASB.

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- 7.22. An Equalities Impact Assessment is always produced as part of any ASB case being brought against a tenant, leaseholder or member of their household.

### **Survivors of domestic abuse**

- 7.23. Surviving domestic abuse can be a risk factor for vulnerability, particularly where it is combined with other factors. Our response to vulnerable tenants who are survivors of domestic abuse will be in line with the Council's [Domestic Abuse Policy for Housing](#). This includes a commitment to prioritising the safety of the survivor or survivors, treating disclosures of domestic abuse respectfully and sensitively, and keeping careful records to avoid re-traumatisation.

### **Self-neglect and hoarding**

- 7.24. Our approach to self-neglect and hoarding affecting our residents are set out in the Council's Hoarding and Self Neglect Policy for Housing.
- 7.25. As with all vulnerabilities, it is the responsibility of all housing staff to report suspected cases of hoarding and/or self-neglect. Staff are required to report suspected cases to the Independent Living team who will carry out the initial triage.
- 7.26. The Independent Living Team may either work with the resident to address the issue, in some cases alongside the Fire Safety Team and/or London Fire Brigade, or they may refer more complex cases to Adult Social Care.

### **Cuckooing**

- 7.27. Cuckooing is a practice where people take over a person's home and use the property to facilitate exploitation. It takes its name from cuckoos who take over the nests of other birds. Vulnerable people are frequently targeted, especially those who have mental health needs, people with learning disabilities, older people, and people who have drug and/or alcohol addictions.
- 7.28. It can involve taking over or using the property:
- To take or store drugs, or to manage drug runners (county lines)
  - For sex work and/or human trafficking
  - To store weapons
  - As a place to live
  - To financially abuse the tenant or resident leaseholder
- 7.29. Officers and maintenance staff are provided with guidance around signs of cuckooing among tenants and leaseholders, including:
- An increase in visitors, or people more frequently coming and going
  - An increase in cars or bikes outside
  - Increase in noise and/or anti-social behaviour in and around the property
  - An increase in litter or drug paraphernalia outside the property
  - Healthcare visitors who formerly visited are no longer visiting
- 7.30. Where housing staff become aware of cuckooing, we take a multi-agency approach. The case will be referred to MASH as an adult safeguarding issue, as well as being referred to the ASB team and Police to consider whether illegal activity is taking place.
- 7.31. The first priority in responding to cuckooing cases is ensuring the wellbeing of the vulnerable person.

### **Evacuation**

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- 7.32. The Council will conduct Person-Centred Fire Risk Assessments (PCFRAs) with tenants in high-rise and other priority blocks who have been identified as being vulnerable.
- 7.33. Where a vulnerable resident in a high-rise block has been assessed as having specific needs in the event of an emergency evacuation, this is recorded via an emergency evacuation information-sharing form. Forms will be stored in the building's secure information box.

## 8. Implementation of the policy

- 8.1.1. The operational management of this policy is the responsibility of the Head of Independent Living and the Head of Housing Services, although all Council officers are expected to have regard to this policy in their interaction with vulnerable tenants and leaseholders living in Council-owned properties.
- 8.1.2. This policy will be reviewed every three years, or in order to respond to relevant changes in legislation, guidance or best practice. This review is the responsibility of the Housing Strategy and Partnerships team.
- 8.1.3. Where successful delivery of the policy requires the development of new systems, this is the responsibility of the Director of Housing.

## 9. Appeals and complaints

- 9.1. Our approach to handling housing complaints is set out in our Housing Complaints Policy. This notes that where required we will make reasonable adjustments to support a vulnerable tenant to make a complaint.

## 10. Data protection

- 10.1. The delivery of this policy must be consistent with the Council's policy on managing personal data. More information on the Council's approach to this issue is available on the following link:  
<https://www.newham.gov.uk/contact-information/processing-personal-data-privacy-notice>

### Policy author

| Name                  | Role                     | Service area and directorate      |
|-----------------------|--------------------------|-----------------------------------|
| Emma Brunskill-Powell | Housing Strategy Manager | Housing Strategy and Partnerships |

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## APPENDIX – POLICY RECORD

|                                                 |                                                                                                                                                                                                             |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Policy approval process</b>                  | Housing Cabinet Accountability Portfolio Meeting<br><br>The policy was approved on: 5 <sup>th</sup> August 2025                                                                                             |
| <b>Record of changes to the policy</b>          | N/A                                                                                                                                                                                                         |
| <b>Risk management</b>                          | N/A                                                                                                                                                                                                         |
| <b>Equality impact assessment (EQIA)</b>        | N/A                                                                                                                                                                                                         |
| <b>Data protection impact assessment (DPIA)</b> | N/A                                                                                                                                                                                                         |
| <b>Next review date for the policy</b>          | This policy is will be reviewed by the following financial year 2026/27<br><br>N.B. Please note the above date is indicative, and may be subject to change due to legal, regulatory or operational reasons. |

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