

# Corporate Vulnerability Policy

## Document Control

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Consultation	Corporate Debt Working Group, Management Team, Cabinet Member for Financial Services
Date published	2022
Review	June 2025, review every 3 years.

## 1. Introduction

This policy sets out Gravesham Borough Council's commitment to assist customers to ensure that they can access our services and meet their Council liabilities. Where customers are recognised as being vulnerable, we will assist or signpost for more specialist support to ensure that everyone receives the assistance they need.

We want to ensure that we are consistent in our approach by providing staff and customers with information to help identify and respond effectively to customers' needs. The policy focuses on customers who may be vulnerable but have the capacity to make their own decisions.

Where a customer is assessed as lacking the capacity to make decisions we will work with their appointed representative.

## 2. Policy Objectives

As a responsible local authority, our overall objective is to ensure that our vulnerable customers receive the assistance that they require to access relevant services and meet their liabilities. To achieve this, we aim to:

- Record customer contact information in respect of vulnerabilities identified.
- Take account of vulnerabilities known in the provision of Council services for all departments.
- Assist vulnerable customers access services and signpost to additional support where this is required.
- Make safeguarding referrals or raise a cause for concern where appropriate.
- Refer to other support or statutory services where relevant.

## 3. Regulatory and Legal Duties

We have a legal 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" but as a local authority we recognise that many other customers can be vulnerable for reasons other than the characteristics protected under the equality legislation. This policy sets out how we define vulnerability and how we respond to those needs.

A separate Vulnerability Policy has recently been adopted specifically for Gravesham Tenant's and Leaseholders under the Social Housing Regulator's Tenant Involvement & Empowerment standards. Information referring specifically to these customers can be found within that policy.

## 4. Protected Characteristics

Under the Equality Act 2010 we are considered as providing a public function and must have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it.

The protected characteristics are:

- Age.
- Disability.
- Gender re-assignment.
- Marriage & civil partnership.
- Pregnancy and maternity
- Race
- Religion or belief
- Sex (gender)
- Sexual orientation.

Whilst we do not define people with protected characteristics as “vulnerable” we will give due consideration to any known protected characteristic in deciding enforcement action to avoid inadvertent discrimination.

We will consider an individual’s protected characteristics in Council decisions particularly where enforcement is considered. Our pre action protocol will consider:

- If the customer’s behaviour, action, or lack of action is related to their disability or vulnerability.
- If recovery action is proportionate and justifiable.

## 5. Defining and Assessing Vulnerability

We will define “vulnerable” in relation to the Council’s services as:

- Customers who have a particular characteristic and/or experience an exceptional life event and are currently unable to cope with managing their Council liabilities without additional support.

Our definition reflects our understanding that “vulnerability” can be a changeable state and influenced by multiple factors and experiences such as age, disability, bereavement, mental health etc.

The more common characteristics, events, and factors that we may take into account when considering a customer’s state of vulnerability are included below.

- Underlying Characteristic – people in these groups may not always require additional support.
  - Older people (particularly those aged over 75)
  - Disabled people or families with a disabled child
  - Care leavers under the age of 25
  - Lone parents
  - People who are living with a terminal illness

- Ability to act, engage or cope - people may lack ability because of having one or more of these factors:
  - Learning disability
  - Mental illness
  - Autism Spectrum disorder
  - Permanently impaired mobility or frailness
  - Chronic, debilitating health condition
  - Addiction / serious substance or alcohol abuse
  - Low levels of literacy
  - English not the first language
- Exceptional life event - people may not have factor 1 or 2 but may have recently experienced an exceptional trauma or event so may be vulnerable at a particular point in time, which may include:
  - Recently moved from supported accommodation
  - Bereavement following the death of a family member.
  - Victim of crime, abuse, harassment, or domestic abuse
  - Recently discharged from hospital or other institutional care
  - Pregnancy or recently given birth.
  - Ex service personnel returned from an area of conflict.
  - Refugee or asylum seeker.
  - Experiencing exceptional hardship

Some of the above factors will be constant and others can be life events that do not represent a permanent state. The interaction of the different factors will determine how vulnerable a person is along with any additional assistance that they may require.

## **6. Identifying Vulnerability**

A customer's vulnerability may be identified by:

- The customer or their representative contacting us for additional support.
- Any member of staff or elected Member who is in contact with the customer.
- A referral from an external agency/organisation.

Specific Council staff receive training to recognise potential signs of vulnerability such as:

- Being the victim of antisocial behaviour, harassment, domestic abuse, or crime
- Repeated failure to respond to correspondence or home visits.
- Hoarding, self-neglect or other behaviour which results in a person's home or garden becoming neglected or damaged.
- Failing to meet their Council liabilities i.e., rent payments.

## **7. Recording and Reviewing Vulnerability**

We will record any known vulnerability on the customer account(s) relating to the service they are interacting with including any communication preferences, access needs and if anyone other than the customer is authorised to speak to us on their behalf. This helps staff to have advance knowledge of any additional factors to consider when delivering services.

Acknowledging that some vulnerabilities may be temporary in their nature, we will review and reassess someone's vulnerability annually depending on the circumstances.

## **8. Reasonable Adjustments**

While we do not define groups of people as “vulnerable” by default e.g., “the old” or “disabled”, we will consider how we deliver our services taking into consideration vulnerable customers’ needs, and circumstances.

Each of our service areas will consider any variation or adjustment that might be required and is appropriate in the circumstance for a vulnerable customer. This will vary by service, but some examples are:

- Allowing longer for a customer to answer the door.
- Arranging a joint visit with a support worker/representative.
- Visit in person to explain matters or explain the content of a letter by telephone call.
- Provide information in relevant language.
- Provide welfare benefits and money advice rather than enforcement for a vulnerable person in Council liability arrears.

## **9. Customers Lacking Capacity**

In line with the Mental Capacity Act 2005, we will liaise with those who have legal authority to act on behalf of our customers who lack capacity. That might be a representative who has /or is:

- Lasting power of attorney
- Deputyship Order from the Court of Protection
- Litigation friend appointed in court proceedings.
- Appointee appointed by the Department of Work and pensions (DWP) to manage a person’s benefits.
- Independent Mental Capacity Advocate

## **10. Safeguarding**

Safeguarding duties apply to adults who:

- Have needs for care and support (whether or not they are receiving any services).
- Are experiencing, or at risk of, abuse or neglect.
- As a result of those care and support needs are unable to protect themselves from either the risk of, or the experience of abuse or neglect.

If a safeguarding concern is identified by a member of staff, they will follow the Council’s Safeguarding Policy to make a referral to Adult Social Services, or the Police in an emergency, to protect the adult from harm.

## **11. Communication Preferences**

A customer has the opportunity to specify a secondary contact who the Council can communicate with in respect of correspondence, in particular relating to Council bills.

The secondary contact can also be someone who has “delegated authority” to act on their behalf.

We will expect that customer or their representative to update any communication preference if it changes.

The way that we communicate with customers who are vulnerable should be considered to ensure that it will be understood and is relevant.

## **12. Equality and Diversity**

A full Equality Impact Assessment (EIA) has been conducted for this policy in accordance with the Council's Public sector Equality Duty (PSED) when carrying out our duties (S149 of the Equality Act 2010) and mitigations put into place where potential negative impacts to individuals with protected characteristics were identified.

## **13. Policy Review**

This policy will be reviewed every three years, unless legislative or regulatory changes require an earlier review.