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Registered provider of social housing registration number LH4014. Co-operative and Community Benefit Societies Act 2014, society number 27656R.

Vulnerability, Protected Characteristics and Reasonable Adjustments Policy

November 2024

# Policy Statement

This policy will support colleagues to provide an accessible and inclusive service to all our customers and will ensure that we do not discriminate by not recognising, responding and recording a disability, or by not adhering to an agreed reasonable adjustment.

This policy is intended as a general statement as Broadacres understands that everyone's needs are different, and each solution should be personalised to the individual.

This policy applies to all Broadacres customers.

1. **Definitions**

1.1 Vulnerability: A dynamic state that arises from a combination of personal circumstances and characteristics. If effective reasonable adjustments have been put in place, the vulnerability may be reduced. This is outlined further in section three of this policy.

1.2 Protected Characteristics: As defined in the Equality Act 2010. There is a legal duty to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This is outlined further in section two of this policy.

1.3 Reasonable Adjustments: As a provider of services, we have a duty to make reasonable adjustments to ensure that people with protected characteristics can access or use our services. However, we recognise that many other customers can be vulnerable for reasons other than the characteristics protected under the equality legislation, and this policy sets out our approach.

1. **Key legislation, regulation and best practice reflected in this policy**

2.1 The Equality Act 2010

2.1.1 Broadacres 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”. The protected characteristics are:

* age
* disability
* gender reassignment
* marriage and civil partnership
* pregnancy and maternity
* religion / belief
* sex
* sexual orientation

2.1.2 As a provider of services, we have a duty to ensure that we make reasonable adjustments to ensure that people with protected characteristics can access or use our services.

2.1.3 However, we recognise that many other customers can be vulnerable for reasons other than the characteristics protected under the equality legislation, and this policy sets out our approach.

2.2 The Mental Capacity Act 2005

2.2.1 For those customers lacking mental capacity, in line with the Mental Capacity Act 2005, we 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 appointed by the Department of Works and Pension
  1. Regulation
     1. The Regulator of Social Housing Transparency, Influence and Accountability Standard requires registered providers to “treat all customers with fairness and respect” and states they “must use relevant information and data to:

1. understand the diverse needs of customers, including those arising from protected characteristics, language barriers, and additional support needs
2. assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services”

2.4 The Housing Ombudsman

2.4.1 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 Housing Ombudsman service defines vulnerability as, “A dynamic state which arises from a combination of a customer’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.”

2.4.2 Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustment requests and Broadacres policy sets this out.

2.5 Other Relevant Legislation

* Landlord and Tenant Act 1985
* Housing Act 2004
* Data Protection Act 2018
* General Data Protection Regulation 2016
* Human Rights Act 1998
* Social Housing (Regulation) Act 2023

2.6 Related Policies

* Safeguarding Adults Policy
* Safeguarding Children Policy
* Health & Safety Policy
* Lone Working Policy
* Data Protection Policy
* Domestic Abuse Policy
* Equality and Inclusion Policy
* Income Collection Policy
* Anti-Social Behaviour Policy
* Allocations Policy
* Adaptations Policy
* Responsive Repairs Policy
* Landlord Compliance Policies

1. **What is vulnerability**

3.1 As a provider of services, we have a duty to ensure that we make reasonable adjustments to ensure that people with protected characteristics can access or use our services (see section two of this policy). However, we accept that many other customers can be vulnerable for reasons other than the characteristics protected under the Equality Act 2010.

3.2 It is not possible to give an example of every situation where a person may be considered vulnerable, and vulnerability does not necessarily mean that a person needs support. There are some conditions, circumstances, ailments, or disabilities that are more likely to mean a customer has a vulnerability. Equally, people can move in and out of vulnerability depending on their circumstances.

3.3 A customer’s ability to act, engage or cope with everyday activities varies and is an important factor in considering vulnerability. Some examples (non-exhaustive) that may indicate a vulnerability which need to be considered in making a reasonable adjustment include:

* a customer who has experienced domestic abuse that requires the door locks changing immediately or needs window locks fitting
* someone who is a victim of anti-social behaviour or hate crime
* a customer whose mental health issues are impacting on their ability to pay their rent
* a customer who is hoarding, self-neglecting or displays some other behaviour which results in an unsafe living environment
* issues maintaining their tenancy
* disputes with neighbours
* a failure to respond to correspondence or open their door when visited
* a customer who has suffered from financial hardship
* someone who has suffered from bereavement
* a relationship breakdown.

3.4 The following (non-exhaustive) list sets out some examples of conditions, ailments or disabilities that might be a strong indicator that a customer may have a vulnerability and/or a protected characteristic.

* Sensory impairments such as visual and hearing impairments.
* English is not their first language.
* Socially isolated or lonely.
* Disabilities limit their physical mobility.
* Learning disabilities.
* Mental health problems.
* Frail or elderly.
* Alcohol or substance misuse problems.
* Experiencing domestic abuse or harassment.
* Customers who lack capacity to make decisions (Mental Capacity Act 2005).

1. **Reasonable adjustments**

4.1 Customers may not always feel comfortable disclosing their circumstances straight away. General day to day contact and connection will be used to identify when people might be living in vulnerable circumstances.

4.2 We aim to establish customers information and communication needs at the first point of contact with their basic personal details and any details of their nominated representative if required.

4.3 In the course of their day-to-day duties, colleagues are trained to be alert to the possible signs that a customer is in vulnerable circumstances and ensure that relevant information is appropriately recorded.

4.4 We will routinely ask customers whether they need additional support. We will explain how we usually deal with the issue that has been raised then ask, “do you need any additional support, for example because of a disability or a special circumstance”. This allows the customer the opportunity to inform us about their circumstances and any reasonable adjustments which should be considered.

4.5 All customers can communicate with Broadacres via telephone, email, face to face, social media and by post. Our contact centre and website provide customers with practical solutions and communication services at the first point of contact. The website provides customers with access to self-service accessible services and options, such as screen readers, translation and large print.

4.6 The basic personal details include name, preferred name, title, pronoun, address, correspondence address, telephone numbers and email address.

4.7 The customer can confirm their desire to appoint another person or organisation to represent them at any point during their communications with us. We will record their representative’s details along with the customers confirmation of consent.

4.8 The practical communication requirements will be recorded on the customer’s account, alongside the supporting communications information which includes:

* their preferred means of contact – such as email, telephone, post – we will try to use the preferred method, but when this is not possible or appropriate we may need to use other methods, and we will tell you why.
* what we should be aware of, or need to consider, when contacting the customer – such as telephoning in the afternoon.
* the requirement for any translation or interpretation services and the language required.

4.9 The basic customer details and communication information collected at the first point of contact helps ensure our colleagues:

* address the customer appropriately, using their preferred name and pronoun
* use their preferred contact method
* adapt the communication channel

Colleagues will take these practical steps to ensure that customer’s requirements are met when communicating with them.

4.10 If the customer is unsure if the standard offer meets their needs, or it does not enable us to effectively communicate with the customer, they will be offered a tailored service.

4.11 The tailored service requires us to assess the customer’s needs, to help us best understand and establish if and how this can be achieved.

4.12 If we are not able to meet the needs of the customer through “our service offer” we will proactively work with the customer to enable us to provide an appropriate, reasonable and practicable adjustment to our service.

4.13 Customers may not know our processes and taking this approach helps us understand how we can best support them. We will request information to help us by asking:

* the reason why they have requested us to tailor or adjust the service
* what they would like to share with us about themselves, for example, if they have a disability, are neurodivergent or have a vulnerability
* if they require support understanding the information we provide
* what they would like us to consider when communicating with them
* what they would like us to do differently (whilst we take a proactive approach by providing options and suggestions of how we can adjust the service and linking it to what has been shared with us)
* if there is any other information they want to share about their household and the household members (this is to understand if a member of the household is disabled, neurodivergent or vulnerable which should be considered when considering their request)

4.14 On receipt of the customer and household information we can then gain a holistic view of their needs. This enables us to assess the request, what we can achieve and what is deliverable.

1. **Reasonable adjustment request**

5.1 For each request we will:

* never make assumptions about whether someone needs an adjustment or what that adjustment may be
* always consider how best to overcome the difficulty facing the customer
* consider the effectiveness of the adjustment to make sure it fully addresses the issue it’s meant to overcome
* consider if we’re practically able to provide the reasonable adjustment (for example, if a customer requests additional time to read documents but there is a legislative deadline out of our control that means we can’t provide this)
* consider our resources (this could be costs, number of colleagues available or skills of colleagues)
* put the reasonable adjustments into place with minimum delay
* let the customer know if more time is needed to look into the request
* seek advice from expert organisations or signpost the customer to other forms of specialist support if needed
* keep the customer up to date about their request

1. **How do we decide what’s reasonable?**

6.1 The Equality Act 2010 does not define what is ‘reasonable’ but guidance from the Equality and Human Rights Commission Act suggests that the most relevant factors are:

* the effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the disabled person
* the practicality of us making the adjustments
* the availability of our resources including external assistance and finance
* any disruption to the service that making the adjustment may cause

Effectiveness: The adjustment should be designed to address the disadvantage it is meant to overcome.

Practicality: It may not be possible for us to provide additional time to customers if there are legislative deadlines to meet.

Resources: Resourcing is not just about the cost; it may involve other factors and colleague’s time. If an adjustment requires substantial resources from the organisation, it may not be deemed reasonable.

6.2 The reasonableness of an adjustment will be evaluated against the resources available. In practice, many reasonable adjustments involve little or no cost or additional resourcing requirements and are relatively easy to implement.

6.3 In changing policies, criteria or practices we are not required to change the basic nature of the services we offer.

6.4 It would not usually be reasonable to devote our resources to one customer as others will inevitably suffer. The amount of extra time provided must therefore be ‘reasonable’ in all circumstances.

6.5 For example, it’s not practical for one Broadacres colleague to be working solely on one customer’s concerns as others who also need our help and support may suffer. While it may solve the issue for that one customer in the short term, it could affect the services that we deliver to all customers in the long term.

1. **Types of Reasonable Adjustments we can offer**

7.1 There is no set list as each reasonable adjustment is suited to an individual’s needs. Examples could include:

* providing information in alternative formats such as braille or audio CD
* extension of time limits (where there isn’t a legal time limit)
* sending letters or emails in large print
* changing a meeting venue to one that is easily accessible
* rest or comfort breaks in meetings
* using a representative or intermediatory
* using a password when calling or visiting a customer’s home

7.2 Where required, we will signpost or refer customers to other specialist services, such as:

* GPs and other health services
* mental health services
* adult Social Services (care/support/safeguarding)
* local authority (Occupational Health)
* substance misuse services
* domestic abuse services
* debt advice/welfare benefit services
* advocacy services

1. **Recording reasonable adjustments**

8.1 We will monitor and record any reasonable adjustment requests on our customer relationship management (CRM) system. This will help us to identify the needs of our customers and improve our services. It’s the responsibility of the colleague receiving the request for a reasonable adjustment to record the details on the CRM system and to ensure there is a recorded review date. Colleagues will be able to identify a reasonable adjustment via the CRM system by means of a system flag.

8.2 A vulnerability alert will be visible to any colleague taking an enquiry including the nature of the vulnerability and how the customer needs to be assisted.

8.3 The allocation of housing and sign-up process is robust and needs and vulnerability will be identified prior to a tenancy commencing. Customers’ needs will be added to the tenancy record.

8.4 As and when we become aware of an arising need or a need that has changed, the tenancy record will be updated.

1. **Customer Dissatisfied with a reasonable adjustment**

9.1 We’ll always work with all customers in a fair way and free from discrimination. If a customer is unhappy with an agreed reasonable adjustment, they can make a formal complaint. Details of how to raise a formal complaint are in our Complaints Policy, details of which can be found on the website.

1. **Colleague training**

10.1 All colleagues are required to complete mandatory training, as well as additional training relevant to their role and service delivery (including handling complaints, anti-social behaviour, hate crime and arrears management.)

1. **Diversity and Inclusion Implications**

11.1 Fairness and accessibility is a key aim of this policy. Whilst it is designed to ensure we meet our legal obligations, it’s also because we want to provide accessible and inclusive services that are personalised to meet the needs of our customers. All requests for reasonable adjustments from customers with any of the protected characteristics will be actioned and responded to, with a personalised solution put into place.

11.2 This policy and associated documents are available in different languages and alternative formats where necessary.

1. **Reporting and Monitoring**

12.1 This document will be reviewed every three years. The review will be brought forward if there are significant changes to best practice, regulatory or legislative requirements.

1. **Data protection and privacy**

13.1 We have a clear policy on data protection and sharing data with other partners/third parties under the requirements of the GDPR. This is clearly set out in the Data Protection Policy for Broadacres and must be followed throughout the operation of this policy.