



# FAIR ACCESS POLICY

## HOUSING

Date of policy	July 2025
Date for review	July 2028
Policy author	Mike Bailey, Tenant Engagement & Independent Living Manager
Policy owner	Gill Butler, Chief Officer - Housing
Approved by	Cabinet
Associated documents	<p>Tenancy Strategy</p> <p>Housing Management Policy</p> <p>Housing Allocations Policy</p> <p>Housing Anti-Social Behaviour Policy</p> <p>Housing Domestic Abuse Policy</p> <p>Housing Repairs &amp; Maintenance Policy</p> <p>Housing Rechargeable Repairs Policy</p> <p>Children, Young People &amp; Vulnerable Adults Safeguarding Policy</p> <p>Equality &amp; Diversity Policy</p>

Revision history			
Version	Date	Revision description	Policy author
1	April 2025	New policy	Mike Bailey

<b>NEW POLICY / POLICY REVIEW</b>
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New policy	Yes
Early review – change in legislation	
Early review – significant changes in practice	
Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

### **Reason for new policy / summary of changes**

Under the Regulator of Social Housing's Transparency, Influence & Accountability Standard, the council as a landlord is required to ensure that its landlord services are accessible, and that tenants have equitable and fair access to our services. This policy sets out our commitment to ensuring all tenants can access our services fairly and receive any support they may need to do so.

### **CONSULTATION**

List of people/roles who have been consulted	Date
Chief Officer – Housing Neighbourhood Services Manager Housing Assets Lead Manager Repairs Manager Assets & Major Works Manager Compliance Manager Retrofit Manager Independent Living Team Leaders Neighbourhood Services Team Leader Customer Support Team Leader Housing Income & Corporate Debt Team Leader Tenant Liaison Officer	February 2025
Strategic Tenant Advisory Panel	April 2025
Corporate Leadership Team	June 2025

### **EQUALITY IMPACT ASSESSMENT**

Completed	Date
Yes	1 April 2025

### **DISSEMINATION**

Role	Awareness	Essential
All Housing Operations staff		Yes
All Housing Assets staff		Yes
All Housing Customer Support staff		Yes

All Housing Income staff		Yes
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#### **TRAINING**

Role	Trainer	Date completed
All Housing Operations staff		
All Housing Assets staff		
All Housing Customer Support staff		
All Housing Income staff		

#### **MONITORING AND COMPLIANCE**

Method	Responsibility	Frequency
Reviews of data held	Housing Managers	Periodically
Internal Audit	East Kent Audit Partnership	As required
Regulator of Social Housing inspection	Chief Officer, Housing	Every four years

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## **1. Purpose of the policy**

- 1.1. The policy sets out Folkestone & Hythe District Council (F&HDC)'s commitment to its housing tenants to ensure they can access our services fairly and receive assistance to sustain their tenancy.
- 1.2. We will consider ways to improve and tailor our approach when delivering housing services to meet the diverse needs of our tenants. This may include providing signposting, advice and guidance and/or referrals where appropriate, to help tenants with information and access to specialist services to meet their needs.

## **2. Policy objectives and scope**

- 2.1. Through this policy we aim to:
  - Treat all our tenants fairly and with respect, being clear about where and how we will tailor the way we deliver housing services, taking into account their needs and/or vulnerabilities
  - Ensure our staff listen, are patient, aim to identify any vulnerabilities and provide help or signposting and referrals as required
  - Be proactive in considering the differing needs of our tenants and take steps to meet those needs, so that tenants can access and use our housing services
  - Ensure we record any known vulnerabilities on a tenant's records, and provide opportunities for tenants to keep this information up-to-date
  - Recognise the use of advocates to support tenants, and record known representatives on a tenant's records where they have "permission to discuss", act as a "delegated authority" or have power of attorney to act on the tenant's behalf
  - Refer to statutory agencies and make safeguarding referrals where required
  - Ensure communication with, and information for, tenants is clear, accessible, relevant, timely and appropriate to diverse needs
  - Complete Equality Impact Assessments and use customer insight in the design and delivery of our housing services, policies and procedures, considering how we can address barriers to service access and inclusion
- 2.2. The policy focuses on tenants who are vulnerable but have capacity to make their own decisions. Where a tenant has been assessed as lacking, or is believed to lack, capacity to make their own decisions, we will work with their appointed representative as set out in section 8 of the policy.
- 2.3. The policy does not aim to explain how we will approach every circumstance where a tenant requires a service to be adjusted, but it sets out a general statement of our commitment to ensuring vulnerable tenants are not disadvantaged when accessing our housing services.

### **3. Legal / regulatory framework**

- 3.1. F&HDC has 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*”. We also recognise that tenants can be vulnerable for reasons other than the protected characteristics set out in the Act, and this policy sets out how we define vulnerability and how we aim to respond to vulnerable tenants’ needs.
- 3.2. The Regulator of Social Housing’s Transparency, Influence & Accountability Standard came into effect on 1 April 2024. This requires us to:
- Understand the diverse needs of tenants, including those arising from protected characteristics, language barriers and additional support needs
  - Assess whether our housing and landlord services deliver fair and equitable outcomes for tenants
  - Ensure that landlord services are accessible, and that the accessibility is publicised to tenants. This includes supporting tenants and prospective tenants to use online landlord services if required
  - Allow tenants and prospective tenants to be supported by a representative or advocate in interactions about landlord services.
- 3.3. The Housing Ombudsman’s Complaint Handling Code 2024 requires that we “*must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process*”. Our Customer Feedback & Complaints Policy takes this into account and should be read in conjunction with this policy.

### **4. Definitions and abbreviations**

- 4.1. ‘Tenants’ refers to all tenants of F&HDC.
- 4.2. F&HDC defines ‘vulnerable’ in relation to the provision of its housing services as tenants who have a particular characteristic, impairment, disability and/or experience an exceptional life event and are currently unable to act independently and/or manage their tenancy, and may require services to be tailored to their needs, or to access additional support to sustain their tenancy and remain safe.
- 4.3. We recognise that vulnerability can be a changeable state, influenced by multiple factors and experiences. Some of these factors are constant and some can be a life event, e.g. bereavement. It is the interaction of these factors that determine how vulnerable a person is at any point in time, and how much assistance they may need to sustain their tenancy. Appendix 1 provides examples of vulnerability factors to consider.

- 4.4. 'Capacity' is a person's ability to understand information and make decisions about their life.
- 4.5. 'Adjustment' means a change made to a housing service we provide. It does not apply to physical adaptations or alterations to properties as a result of an identified disability, our approach to which is covered in our Housing Disabled Adaptations Policy.

#### 4.6. **Abbreviations**

ASB: Anti-social behaviour

DA: Domestic abuse

DHP: Discretionary Housing Payment

F&HDC: Folkestone & Hythe District Council

### 5. **Responsibility**

- 5.1. All housing staff are responsible for identifying any tenant vulnerabilities and recommending that details are added to the tenant's records. Staff must obtain the tenant's consent to record this information before doing so. See Appendix 1 for further details of what we consider to be vulnerability factors.
- 5.2. Managers and Team Leaders are responsible for ensuring staff compliance with this policy, and for deciding whether vulnerability details should be added to the tenant's records.

### 6. **Identifying vulnerability**

- 6.1. Vulnerability can be identified in many ways, including but not limited to:
- At the signup stage for a new tenant
  - A member of council staff, or a contractor working on our behalf, raises concerns about potential vulnerability after contact with a tenant
  - Reports from a tenant's relatives or caregivers
  - Reports from an external agency such as Kent Police, Kent County Council Social Services, Kent County Council Wardens or HM Probation Service
  - Through local knowledge gathered or observed through day-to-day housing management activities, including neighbourhood inspections, tenancy visits, repairs & maintenance, or because of a breach of tenancy.

- 6.2. We will attempt to identify if a tenant is vulnerable whenever they contact us at any point during their tenancy, or where we are made aware of a potential vulnerability from another source.
- 6.3. F&HDC staff delivering housing landlord services will use this policy and Appendix 1 to recognise potential signs of vulnerability, including but not limited to:
- Anti-social behaviour (ASB) because of mental health issues
  - Being a victim of ASB, harassment or domestic abuse (DA)
  - Repeated failure to respond to correspondence, telephone calls or answer the door when visited by a member of council staff
  - Hoarding, self-neglect or other behaviour which results in the tenant's home and/or garden becoming damaged, neglected or unfit for occupation
  - Erratic rent payments and/or falling into arrears when the tenant previously has a good payment history.
- 6.4. Staff should be alert to all signs and possibilities that a tenant may be vulnerable, and ensure that actions are taken to review making adjustments and/or that support is given to the tenant. Staff should refer to the vulnerability factors set out in Appendix 1.
- 6.5. If the tenant believes that they, or a member of their household may require an adjustment to a housing service we provide, and they inform us of this we can provide an adjustment if we deem it to be reasonable and justified. Section 8 of this policy provides details of our approach to adjustments.

## **7. Recording vulnerability**

- 7.1. Subject to the tenant giving us their consent to do so, we will note on the tenant record any known vulnerabilities, communication or access needs, and whether there is anyone with delegated authority to speak on the tenant's behalf, such as a care or support worker, or a family member. This ensures our staff have advance knowledge of any additional factors to consider when delivering services.
- 7.2. F&HDC has a duty to protect children and vulnerable adults. Where it is brought to our attention that a child or adult may be at risk or there are safeguarding concerns, all housing staff will adhere to the council's Children, Young People & Vulnerable Adults Safeguarding Policy and associated procedures. This may include referrals to external organisations who provide specialist support and where a safeguarding referral is made, staff must have the tenant's consent to do so, unless they are in immediate danger.

## **8. Tenants lacking mental capacity**

- 8.1. The Mental Capacity Act 2005 provides the legal framework for acting and making decisions on behalf of people who lack mental capacity. This might be due to illness, injury, a learning difficulty or a mental health condition.
- 8.2. In accordance with the Mental Capacity Act 2005, the council will liaise with those who have legal authority to act on behalf of a tenant who lacks capacity. In these circumstances, we consider a representative of the tenant to be:
  - Lasting Power of Attorney (LPA)
  - Deputyship Order from the Court of Protection
  - Litigation friend appointed in court proceedings if the tenant lacks capacity to litigate
  - Appointee appointed by the Department for Work & Pensions (DWP) to manage a person's benefits if they lack capacity
  - An Independent Mental Capacity Advocate (IMCA) appointed where a person aged 16 or over lacks ability to act to decide for themselves where to live and has no one, such as a friend, relative, attorney or deputy to advise or support them.
- 8.3. Staff will work in line with the Mental Capacity Act Code of Practice in any dealings with tenants who lack, or are believed to lack, mental capacity.

## **9. Adjustments to housing services**

- 9.1. By making adjustments to our housing services, we aim to ensure that vulnerable tenants have fair and equal access and are not disadvantaged because of their vulnerability.
- 9.2. An adjustment to a housing service can be requested from the Housing team in the following ways:
  - By the tenant calling, emailing or writing to the Housing team, explaining what adjustment they need and why
  - By referral from a support or external agency
  - By a family member or friend, where the tenant has given them authority to do so
  - A member of Housing staff may suggest an adjustment is made if they believe it will support the tenant's access to housing services. In such circumstances, all suggestions made must be discussed with the tenant and the tenant's permission must be given before any adjustment is made.
- 9.3. In deciding whether to approve an adjustment to service provision, we will consider the following factors in determining whether an adjustment is reasonable and justified:

- How effective the adjustment would be in assisting a tenant with the vulnerability, and in preventing or reducing the possibility of them being disadvantaged
  - The practicality of making the adjustment
  - If there is a cost associated with making the adjustment, and whether this can be accommodated within our available resources
  - Any disruption that making the adjustment may cause to service delivery.
- 9.4. In determining whether an adjustment is reasonable and justified, we may ask for additional information. Tenants are expected to respond and provide this information if requested.
- 9.5. We will aim to make adjustments to housing services we provide where they are requested, however in some cases we may be unable to approve a request if we cannot deem it reasonable and justified as set out above.

## **10. Service delivery**

- 10.1. While we do not define whole groups of people as vulnerable by default (e.g. due to age or disability), we will always consider vulnerable tenants' needs, abilities and circumstances in the delivery of our housing services.
- 10.2. Where a vulnerable tenant is identified, they can be assessed for further advice and support needs, and where appropriate signposted to other agencies, including but not limited to:
- The council's Assets & Development team regarding aids and adaptations
  - The council's Income and Welfare teams for financial advice and support
  - The council's Community Safety team
  - Kent County Council Social Services.

## **10.3. Communications**

- 10.3.1. F&HDC communicates with tenants in a range of methods, including but not limited to:
- In person, including home visits and booked appointments
  - Telephone calls
  - Letters
  - Emails
  - Text messaging
  - Social media
  - Reports
  - The council website and webchat

- The website's Housing Online function
- Tenant newsletters and bulletins
- Posters on notice boards in blocks of flats.

10.3.2.Tenants will be asked at the earliest possible opportunity whether they have any support needs and/or any communication preferences, but this will also be asked at other opportunities throughout the duration of their tenancy. This will ensure that the Housing team communicates with tenants effectively and, where appropriate, in their preferred method of communication.

10.3.3.Tenants can request that correspondence is sent to someone who has delegated authority to act on their behalf.

10.3.4.Where possible, we will communicate with tenants according to their specific needs (for example, if a tenant is unable to read or write and informs us of this, we will instead communicate with them over the telephone or face-to-face). However, it will not always be possible to do this as some communications legally have to be sent by post.

10.3.5.Tenants can update their communication preferences at any time, should they wish to change them. Officers will periodically check that the tenant's records have the correct communication preferences, and that the contact information held is up-to-date.

#### **10.4. Allocations and lettings**

10.4.1.When allocating our homes, we will review any information we receive on vulnerability to help ensure that an offer of accommodation is right for the individual and their family, as a commitment to tenancy sustainment. F&HDC operates a 'choice-based lettings' service which gives home seekers direct control over the homes they are considered for. All determinations on housing priority due to an applicant's vulnerability will be made in accordance with our Housing Allocations Policy.

10.4.2.When we let a property, the new tenant will be given the opportunity at the signup stage to tell us about their needs, the needs of any vulnerable household members, and any existing care and/or support received. Where appropriate, adjustments can be made by staff to accommodate the vulnerable tenant and/or household member. This may include, but is not limited to:

- Providing documents in alternative formats (e.g. large print, translated into another language, Braille etc)
- Communicating with tenants and applicants in their preferred communication channel.

These are just some of the adjustments we can make, however, we will adjust our support based on the individual's requirements. We may also make a

referral to an external agency for further advice and support, though this will only be done with the individual's permission.

10.4.3. For offers of accommodation in one of our Independent Living properties, the Independent Living team will carry out an assessment of the prospective tenant to identify whether an Independent Living property is right for them.

10.4.4. We will ensure that all new and prospective new tenants are able to understand the following before entering into a tenancy agreement:

- Their obligation to pay rent and service charges, and to occupy the property as their main and principal home
- Tenant and landlord obligations regarding maintaining the property
- That any failure to keep to the terms of the tenancy agreement may result in enforcement action, which as a last resort could result in possession action and the tenant being evicted.

10.4.5. We will ensure that tenancy agreement information is provided to tenants in a format that is both accessible and understandable by them.

## **10.5. Rent arrears**

10.5.1. Under the terms of the tenancy agreement, all tenants are required to pay their rent and any service charges on time. Advice and support is available to tenants who may struggle to make their payments on time, including from the council's Income and Welfare teams. The council will also signpost tenants to external advice and support services for assistance, including but not limited to debt advice agencies, Citizens Advice or other appropriate agencies.

10.5.2. We recognise that vulnerable tenants may well have other financial and/or budgeting difficulties as a result of their circumstances. Such tenants will be referred to the council's Welfare team who will:

- Complete a benefit review to ensure tenants are in receipt of their correct entitlements, and support them with any applications for other welfare benefits they may be entitled to
- Offer advice on any schemes to help those on low incomes with their utility bills and low tariff options
- Make referrals to the most appropriate local and/or national support agencies, subject to the tenant granting permission to do so
- Where necessary, work with the tenant over a longer period of time
- Support or complete applications for grants, financial support and/or Discretionary Housing Payments (DHP) where appropriate
- Update the tenant's records if details of any vulnerabilities and/or support needs are missing, incorrect or out-of-date
- Liaise with the Income team regarding arrears processes where appropriate.

## **10.6. Repairs and maintenance**

10.6.1. We recognise that vulnerable tenants may find it more difficult to cope if something goes wrong in their home, and where repairs and/or maintenance are needed.

10.6.2. When a tenant makes contact to request a repair, the person taking the call will:

- When made aware by the tenant of a vulnerability, ensure this is noted on the tenant's records. Where the person taking the call is unable to do this themselves, information about the vulnerability should be securely shared with the Housing Customer Support team who will add it to the tenant's records. Where this is the case, the person taking the call will inform the tenant that this is being done
- Update the tenant's records if details of any vulnerabilities and/or support needs are missing, incorrect or out-of-date
- Ensure that the contractor attending to the repair is aware that the tenant is vulnerable and/or has support needs, so that the service can be adapted to meet their needs.

10.6.3. In some circumstances where a tenant is vulnerable, the council may consider:

- Scheduling the repair to be completed earlier than the target response time, particularly if the repair will have a detrimental effect on the vulnerable tenant if it is not repaired urgently
- Providing appropriate assistance or guidance for tenants in carrying out repairs that are the tenant's responsibility
- If necessary, arranging for a member of Housing staff to be present while the repair is carried out.

10.6.4. If a tenant's vulnerability is preventing the council and/or its contractors from entering the property to complete the repair, we will work with the tenant to make adjustments that are reasonable and justified, while allowing us to complete the repair.

10.6.5. We recognise that some tenants with a vulnerability may not feel comfortable allowing a contractor into their home unless they are certain they are genuine. To ensure this is the case, we have created the option for tenants who wish to have a password protocol put into place. This gives tenants a unique password which is securely held on file for contractors to quote when attending appointments at their property, so that the tenant can be assured that the contractor is genuine and feel confident and comfortable allowing them into their home.

## **10.7. ASB and noise nuisance**

10.7.1. Officers will comply with our Housing ASB Policy when investigating and responding to reports of ASB.

10.7.2. F&HDC's definition of ASB is based on the statutory definition set out in the Anti-Social Behaviour, Crime & Policing Act 2014, and our definition is *"conduct capable of causing housing-related nuisance, annoyance, or distress to any person"*.

10.7.3. We recognise that some vulnerable tenants may act in an anti-social way due (or partly due) to behaviours related to their vulnerability. When ASB is reported, Housing staff will endeavour to evidence any vulnerabilities and note them on the complainant and/or perpetrator's ASB case. This will ensure that officers investigating ASB are well informed, and that their investigation is completed objectively in line with our Housing ASB Policy.

10.7.4. Whilst we understand that a tenant's vulnerability may be (or partly be) a relevant consideration in respect of alleged ASB, any adjustments made to housing services in no way mean that we condone or excuse any alleged ASB. It also does not mean that we will not pursue enforcement action for ASB.

## **10.8. Survivors of DA**

10.8.1. We recognise that survivors of DA may need additional support and may require adjustments to how we provide our services. Some of the adjustments we may make include, but are not limited to:

- Where appropriate, only contacting them on their chosen or preferred method of contact
- Arranging to meet them at places they feel safe
- Only using same sex officers to contact, support and advise.

These are some of the most common adjustments requested by survivors, however we understand that not all survivors require the same support and we will tailor our approach and any adjustments on a case-by-case basis according to the needs of the individual.

10.8.2. In providing support and making adjustments, staff will comply with our Housing DA Policy which provides a framework of what we can do to support survivors of DA and how, and also comply with our Children, Young People & Vulnerable Adults Safeguarding Policy.

## **11. Equality and diversity**

11.1. F&HDC is committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of any protected characteristic or any

other difference that could lead to discrimination or unfair treatment considering the principles of the Equality Act 2010.

- 11.2. The provisions set out within this policy aim to make a positive impact to all vulnerable tenants, including those who have one or more protected characteristics.

## **12. Data protection**

- 12.1. Information relating to a tenant and/or household member's vulnerability will be kept confidential, and only accessible by staff who are required to know. To ensure that we provide a consistent and person-centred service to vulnerable tenants, we may need to inform other staff, including but not limited to repairs contractors, of any adjustments that are required.
- 12.2. All data captured in relation to the provision of housing services will be used in accordance with the council's Housing Service Privacy Notice.

## **13. Monitoring and review**

- 13.1. This policy will be reviewed every three years, unless changes in legislation, business sector developments, or wider council strategies and policies mean an earlier review is required. This is to ensure that the policy continues to meet its objectives and takes account of good practice.

## **Appendix 1**

### **Factors in defining vulnerability to tailor service delivery**

The categories below do not list every possible factor, as the scope for someone who could be classed as vulnerable is wide.

These are some of the more common factors to take into consideration when considering a tenant's state of vulnerability.

#### **Factor 1: Underlying characteristic**

*Please note that people in these groups may not always need additional support because of this characteristic alone*

- People aged 65 and over
- People with a disability
- Carers
- Families with disabled children
- People living with a terminal illness

#### **Factor 2: Ability to act, engage and cope**

*People may lack ability due to one or more of these factors*

- Learning difficulty
- Mental illness
- Autistic spectrum disorder
- Permanently impaired mobility or frailty
- Chronic, debilitating health conditions
- Addiction / serious substance or alcohol abuse
- Low level of literacy
- Low or no English language skills
- Age-related conditions which impact the ability to live independently

#### **Factor 3: Exceptional life event**

*People may not have any of factors 1 or 2, but may be vulnerable at this point in time as a result of having recently experienced an exceptional or traumatic event*

- Recent history of street homelessness
- Recently moved on from supported accommodation
- Bereavement following the death of a partner, child or other close relationship
- Recently left care as a young person
- Sexual or racist abuse, serious harassment or other hate crime
- Recent experience of domestic abuse
- Living in or recently left a refuge or homeless hostel
- Recently discharged from hospital or other institutional care
- Periods of sustained physical or mental illness at home
- Multiple debts and unable to meet basic needs, e.g. food or fuel poverty
- Pregnant women
- Recently given birth to stillborn, or miscarried
- Recently released from prison after a custodial sentence
- Ex-service personnel returning from area of conflict