

Vulnerability Policy – Collectable Debt

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Summary

Middlesbrough Council recognise that residents/customers who are experiencing financial problems may be vulnerable, this could be the prime reason for the vulnerability, or may be because of another vulnerability that results in the residents/customer overlooking/disregarding their payment obligations. As such, we have various duties and obligations to ensure that all elements of our work are consistent with our strategic plan and organisational values. In recognition of our responsibilities, we will take positive steps to put in place reasonable adjustments and appropriate support, where needed and if requested, to take account of those vulnerabilities and to ensure each resident/customer is not at risk of undue detriment when Middlesbrough Council are seeking to secure outstanding debts/monies due to the Council.

This policy is intended for use by Middlesbrough Council Employees when engaging with residents/customers where payment of a collectable debt is being considered, noting any reasonable adjustments to process to minimise any risk of harm to residents/customers welfare, whilst providing for a fair approach in line with this policy.

The following sections outline:

- The purpose of this policy;
- Definitions;
- Scope
- Factors contributing to vulnerability
- Support Available.
- Key Principles
- Adults and Children
- Recording vulnerability
- What we will do.
- What you should do.
- The legislative and regulatory framework;
- Policy statement;
- Roles and responsibilities;
- Supporting policies, procedures and standards; and
- Monitoring and review arrangements.

Purpose

The purpose of this policy is to set out considerations/guidance for staff when engaging with residents/customers where vulnerability may be present/suspected. The policy is also intended to outline the approach to be taken to help and support vulnerable residents/customers.

What is Vulnerability

1. Definitions

“Vulnerability” Types of vulnerability vary widely for example someone could be vulnerable by virtue of being a young person with autism living independently for the first time, to a single parent with dependent children who has recently become unemployed, to someone with a terminal illness.

“Vulnerability” Can be permanent, transient or progressive.

A vulnerable person is someone who, due to their personal circumstances is especially susceptible to detriment and who by characteristics and/or circumstances, is unable to act or respond appropriately to certain circumstances. This can also be any individual who is, or may be, in need of help or support due to mental health difficulties, disability, age, illness or frailty and who are, or may be, unable to look after their home and/or their wellbeing or unable to protect themselves from harm or exploitation by others.

Age UK – “Vulnerability is not something that affects other people. Any of us, at any time may need care and support”.

They define a Vulnerable Person as:-

- A child – (who is under the age of 18)
- Someone who falls beneath the classification of a ‘vulnerable adult’
- Someone in a situation causing vulnerability i.e in a ‘vulnerable situation’.

As there is no clear definition, this places some ambiguity around what is considered as vulnerable. On that basis, Middlesbrough Council recognises that vulnerability can come in many forms and it can be multi layered. What is clear is that there is no absolute definition and as such each case should be considered given weight to the possibility that any residents//customers may at some point need some element of care and support in meeting payment obligations.

2. Scope

This policy extends to any Council service that collects debts or seeks to recover any payment obligations for or on behalf of Middlesbrough residents/customers.

This policy applies to Council employees, residents/customers, and organisations that provide services to/or on behalf of the Council.

This policy is designed to support other Council policies and is not intended to replace them. Should any conflict arise, those existing policies should take precedence.

3. Factors contributing to Vulnerability

There are many factors that may increase vulnerability, for example, mental health difficulties such as stress, anxiety, depression, dementia, bipolar disorder and schizophrenia.

- There may be risk factors associated with a person developing mental health difficulties such as:-
 - Biological factors caused by genetics or hormone imbalance;
 - Physical factors such as disabilities;
 - Social factors, such as poverty, deprivation, being a victim of domestic abuse, unemployment or isolation; or
 - Psychological factors which refer to the kind of person someone is and the way they cope with life demands.

- Many people may have an increased risk of vulnerability. These factors may include:-
 - A medical condition affecting their mental or physical health;
 - A learning or physical disability
 - Language barriers
 - Substance misuse and /or an addiction
 - A recent history of homelessness
 - Financial problems, such as debts
 - Been a victim of domestic abuse or hate crime;
 - In arrears with mortgage or rent – eviction is pending.
 - Relationship breakdown or suffered a bereavement; or
 - Difficulty in sustaining a tenancy and at risk of losing their home;
 - In hospital or other institutional care;
 - Been in care;
 - Recently released from Prison.

- There are also a number of signs which may give rise to concerns around vulnerability
 - Lives alone and lonely;
 - Self-neglect;
 - Difficulty managing housekeeping tasks;
 - Frail;
 - Having mobility problems;
 - Having a physical disability or other sensory difficulty;
 - Hoarding or other behaviour which results in health and safety issues or damage to Council property/or a Council partner organisation's property;
 - Erratic behaviour;
 - A lack of response to correspondence, telephone calls or visits;
 - Being a victim or perpetrator of anti-social behaviour or harassment;
 - Having/experiencing difficulties managing finances and paying bills;
 - Having a history of addiction or substance misuse.

4. Support Available

The Council recognises that vulnerability can be experienced on a temporary or long-term basis. Where vulnerability is highlighted/identified, Officers of the Council may seek to refer the individual to other organisations for advice and support subject to the individual's wishes and legal obligations placed on the Council.

The Council has an advice and support hub, which is accessed through Middlesbrough Council's Website. Information can be obtained by visiting the following link www.middlesbrough.gov.uk/advice/support

Council Officers may also refer/signpost individuals to other Council Services if additional support is necessary. Again, this would always be subject to the individual's wishes and legal obligations placed on the Council.

5. Key Principles.

The key principles that Middlesbrough Council will adopt are as follow:-

Principle 1

Understand the needs of our vulnerable customers and take reasonable care to ensure the advice we provide is suitable and appropriate.

Principle 2

Understand the needs of our vulnerable residents/customers utilising the support of other agencies to better support them.

Principle 3

Communicate effectively in ways that are clear, fair and not misleading.

Principle 4

Avoid pre-determined outcomes and consider each customer's individual circumstances.

Principle 5

Be considerate and respect our residents/customers' fundamental rights and freedoms.

6. Children and Vulnerable Adults.

The Council has a duty to protect children and vulnerable adults. If it is brought to the Council's attention that a situation is present/or has arisen, where a child or a vulnerable adult is suspected or known to be at risk of abuse, Officers will refer to the Council's Safeguarding Policies and will liaise with relevant Council Officers/Agencies in raising concerns.

7. Recording Vulnerability

Provided the Council has a lawful basis and the individual's right to be informed has been met, information pertaining to the residents/customers vulnerability will be recorded on the relevant system. Any information gathered/stored will be done so electronically. This information will only be held if it is relevant to the vulnerability and the determination of vulnerability and will aid the support the residents/customers need when responding to their circumstances.

8. What we will do;

Where reasonable to do so we will:-

- a) Support you to agree the best method of recovering outstanding monies and the easiest way for you to pay;
- b) We will update your account with any information you provide to us to aid us with dealing with any vulnerabilities you may have that are influencing on your ability to meet your payment obligations; (See Recording Vulnerability above).
- c) We will carefully consider your circumstances before taking any action;
- d) Where further action is necessary due to no engagement, we will aim to make an appointment with you before progressing with any next steps;
- e) We will adapt our processes if we are aware that you are vulnerable to minimise any hardship or distress;
- f) We will carefully explain our processes and decisions and aim to keep you fully informed;
- g) We will signpost you to any help and advice, which is available.

The following is intended to provide an example of what additional steps can be taken in supporting vulnerable residents/customers.

Low literacy, numeracy and financial capability skills/communication difficulties	We will aim to respond to such cases based on individual requirements. Staff will be patient, respectful, and clear in their forms of communication. Letters will be written in plain English. Where English is not a first language officers will sign post residents/customers to organisations that can support residents/customers with translation. Officers through consent will request/seek support from family member's etc to support discussions.
Age	Whilst age itself does not suggest vulnerability, Officers should be aware that some circumstances may present vulnerabilities, such as there may be a greater reluctance to use digital solutions, there may be issues around age related deafness, or poor sight, that mean standard solutions may not be suitable. The use of face-to-face appointments, supported self-serve etc should be considered alongside other support agencies.
Competency	There may be occasions, where a determination has been made under the Mental Capacity Act 2005 that prevents a customer/resident from making specific decisions. Should this be the case we will seek to determine if there is a power of attorney in place or seek approval to speak to a family member or friend.
Single Parent Families.	There may be times when Single Parent Families are not able to make certain appointment times. Officers should wherever possible should work around school times and provide appointments that prevent conflict with childcare arrangements.

- Nb... Having considered all other means, there may be occasions where home visits – due to medical conditions/other circumstances are appropriate. Joined up visits wherever possible will be considered if the resident/customer is in need of additional support. Other digital contact solutions such as face time may be an alternative solution to visiting.

9. What you should do.

Where we have an appropriate lawful basis to use and share your data, we would ask that you:-

- a) Please tell us if you believe you are vulnerable at the earliest opportunity. We will seek information from you to better understand your circumstances.
- b) Through discussion, we will seek to determine if any vulnerabilities are present or that you are at risk of any vulnerabilities.
- c) Provide us with your financial circumstances including other debts you may have with the council, this will help us better understand how we can assist you. We may also refer you to other organisations such as CAB/Welfare Rights etc if you have multiple debts.
- d) Allow us to speak to a family member or friend if you feel this would better suit your needs.
- e) Please keep us informed of any changes to your circumstances.
- f) Please pay what you have agreed.
- g) Please progress any actions which you have agreed to undertake.
- h) Please engage with the services that our officers have signposted you to or authorise us to liaise directly with these services.

10. Recovering Debts/Money Due to the Council.

Middlesbrough Council has a statutory obligation to recover outstanding debts/monies due. Whilst we will take all reasonable, endeavours to identify those residents/customers who may be vulnerable this can only be achieved when residents/customers interact with the relevant Service. Middlesbrough Council are only able to base decisions on what is known and what can lawfully be shared between our Services. There may be instances where residents/customers who are vulnerable are not identified. On that basis, actions will be taken in line with the relevant legislative requirements. Should it become apparent that a vulnerability exists; additional reasonable and proportional steps will be introduced at any given stage to support the residents/customers

Legislative and regulatory framework

Key elements of the legislative and regulatory framework relevant to this policy are set out below.

Equality Act 2010.	Is an amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age
General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)	The GDPR/DPA2018 place a duty on the Council to comply with the data protection principles relating to processing of personal data: (1)(a) Lawfulness, fairness and transparency; (1)(b) Purpose limitation; (1)(c) Data minimisation; (1)(d) Accuracy; (1)(e) Storage limitation; (1)(f) Integrity and confidentiality (security); (2) Accountability (including the rights of data subjects).

Freedom of Information Act (FOIA) 2000	Under the FOIA, the Council has a duty to make information available to the public upon request, unless specific exemption(s) apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme. Information requests frequently include requests for information held in emails.
Local Government Acts 1972, 1985, 1988 and 1992, Lord Chancellor's Code of Practice on Records Management (S46 Freedom of Information Act)	Establishes requirements to manage records and information, and gives implied authority to share certain kinds of information with partners.
Care Act 2014	Established to protect vulnerable adults from mistreatment and improve their quality of life.
Family Law Act 1996	An Act of Parliament governing divorce and marriage.
Safeguarding Vulnerable Groups Act 2006	An Act to make provision in connection with the protection of children and vulnerable adults.
Modern Slavery Act 2015	An Act designed to combat modern slavery in the UK.

Policy statement

Any information provided will only be used on an appropriate lawful basis that. The Council will provide secure means to hold this information where it applies to this policy. Information will only be sought where there is a potential or suspected vulnerability.

Managers and employees will ensure that only relevant information pertaining to the residents/customers vulnerability, where it is linked to the discharging of debts or monies due, is held.

Roles and Responsibilities

Head of Service – Revenues and Benefits.	Overall responsibility for the delivery of the Revenues and Benefits Service and the Policy Owner.
Records Manager	Responsible for the development and implementation of the corporate Records Management Policy and Retention Schedule, and for this email policy, which underpins them. Will liaise with the Data Protection Officer.
Service Delivery Manager/All Managers	Responsible for overseeing day-to-day compliance with this policy and the standards set out within it by their staff and other personnel they manage or commission. This includes:
All staff, contractors, consultants, interns and any other interim or third parties	Responsible for compliance with this policy.

Other Council Policies, Procedures and Standards.

This policy should be read in conjunction with other policies and is not intended to replace any. Should any conflict arise, those existing policies will be given priority where appropriate to do so noting item 6 above.

Data Protection Policy	This summarises the Data Protection Policy position of Middlesbrough Council and how it will comply with legislation, and associated codes of practice and official guidance in relation to the processing of personal data.
Records Retention Schedule	This defines how long different records should be retained to comply with legal, regulatory or other requirements and the proper arrangements for archiving and destruction.
Records Management Policy and supporting procedures	This provides a framework for ensuring that the Council's records are well kept and that the systems used to hold them are fit-for-purpose.
Information Security and Infrastructure Security Technical Policies	These set out policies and standards for the management and maintenance of the security of Council infrastructure and applications.
Vital Records Standards	This sets out how vital records will be identified and the steps to be taken to ensure their protection and preservation.

Monitoring and review arrangements

Any alterations to the policy will be subject to approval by Executive.
This policy will be reviewed every three years, unless there is significant development that would require a more urgent review e.g. new legislation.

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