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1. Summary

- 1.1 Middlesbrough Council recognise that residents who are experiencing financial difficulties may be vulnerable, this could be the prime reason for their vulnerability, or it may be due to another vulnerability that results in the resident overlooking/disregarding their payment obligations. As a result, the Council has an obligation to ensure that all elements of its work are consistent with the Council Plan and the organisational values.
- 1.2 To support this, the Council will take positive steps to put in place reasonable adjustments and appropriate support to take account of any identified vulnerabilities and to ensure each resident is not at risk of undue detriment when Middlesbrough Council is seeking to secure outstanding debts or monies due to the Council.

2. Context

- 2.1 The policy forms part of the Council's strategic approach to debt management and resident welfare and should be read in conjunction with the Council's Corporate Debt Management Policy [Corporate debt management policy 2024-2027 \(middlesbrough.gov.uk\)](https://www.middlesbrough.gov.uk/corporate-debt-management-policy-2024-2027) and the Council's Welfare Strategy [Welfare Strategy \(arcgis.com\)](https://www.arcgis.com/welfare-strategy)

3. Purpose

- 3.1 The purpose of this policy is to provide clear guidance for all Council officers, external partners and Middlesbrough residents where collectable debt is being considered and where a vulnerability in a resident is identified or suspected.

4. Legislative, Policy and Regulatory Framework

- 4.1 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.

- 4.2 The policy should be read in conjunction with the Council's wider relevant policies, as set out below, and is not intended to replace any in current operation; should any conflict arise, the existing policies should take precedence.

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.

5. Scope

- 5.1 The policy extends to any Council service that collects debts or seeks to recover any payment obligations for or on behalf of Middlesbrough residents/customers and applies

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

6. Definitions & Risk Factors Associated with Vulnerability

- 6.1 The definition of vulnerability can vary widely. In addition, it can be permanent, transient or progressive. An individual may be classed as vulnerable by virtue of being a young person with autism living independently for the first time, a single parent with dependent children who has recently become unemployed, or someone diagnosed with a terminal illness.
- 6.2 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.
- 6.3 Age UK define vulnerability as follows: "Vulnerability is not something that affects other people. Any of us, at any time may need care and support". Age UK identify a vulnerable person as:
- a) A child – (a resident under the age of 18)
 - b) Someone who falls beneath the classification of a 'vulnerable adult'
 - c) Someone in a situation causing vulnerability i.e. in a 'vulnerable situation'
- 6.4 There are many factors that may increase vulnerability, for example, mental health difficulties such as stress, anxiety, depression and diagnoses such as dementia, bipolar disorder and schizophrenia.
- 6.5 There may be risk factors associated with a person developing mental health difficulties. This can include:
- a) Biological factors caused by genetics or hormone imbalance;
 - b) Physical factors such as disabilities;
 - c) Social factors, such as poverty, deprivation, being a victim of domestic abuse, unemployment or isolation; or
 - d) Psychological factors which refer to the kind of person someone is and the way they cope with life demands.
- 6.6 Many people may have an increased risk of vulnerability. These factors may include, however are not exhaustive:
- a) A medical condition affecting their mental or physical health;
 - b) A learning or physical disability;
 - c) Language barriers;
 - d) Substance misuse and /or an addiction;
 - e) A recent history (or at risk) of homelessness;
 - f) Financial problems, such as debts;
 - g) Being a victim of domestic abuse or hate crime;
 - h) Arrears with mortgage or rent with a possible eviction pending;
 - i) A relationship breakdown or suffered a bereavement;
 - j) Difficulty in sustaining a tenancy and at risk of losing their home;

- k) Being admitted to hospital or other institutional care;
- l) Resident of any care setting
- m) Recently released from prison

6.7 There are also a number of signs which may give rise to concerns around vulnerability which include, however are not exhaustive:

- a) Living alone and experiencing loneliness;
- b) Self-neglect;
- c) Difficulty managing housekeeping and everyday tasks;
- d) Frailty ;
- e) Having mobility problems;
- f) Having a physical disability or other sensory difficulty;
- g) Hoarding or other behaviour which results in health and safety issues or damage to Council property/or a Council partner organisation's property;
- h) Erratic behaviour;
- i) A lack of response to correspondence, telephone calls or visits;
- j) Being a victim or perpetrator of anti-social behaviour or harassment;
- k) Having/experiencing difficulties managing finances and paying bills;
- l) Having a history or addiction or substance misuse.

6.8 With no clear definition, this places some ambiguity around what is considered as vulnerable. On that basis, Middlesbrough Council recognises that vulnerability can take many forms and can be multi layered. With no absolute definition each identified or suspected case should be considered with the understanding that any resident may at some point need some element of care and support in meeting payment obligations.

7. Policy Operation

7.1 The policy will be adopted corporately.

7.2 Specialist partner organisations will be utilised to provide training, and organisations participating in the Council's Financial Inclusion Group (FIG), will be advised of the corporate approach and updated accordingly.

7.3 Where reasonable to do so the Council will work with residents to agree the most suitable method to recover outstanding monies and identify the most appropriate payment method.

7.4 Appropriate recording of information against the individual provides to aid the management of their vulnerabilities and that may influence the ability to meet payment obligations (see also section 10 Data Protection).

7.5 The Council will carefully consider the circumstances before taking any action. If there is no engagement and further action is necessary an appointment will be attempted with the resident before progressing with any next steps.

7.6 Officers may refer individuals to the Authority's advice and support hub for additional information www.middlesbrough.gov.uk/advice/support or signpost residents to external support organisations for additional advice and support subject to the individual's wishes and any legal obligations placed on the Council.

- 7.7 Standard recovery processes will be adapted if the Council is aware that an individual is vulnerable to minimise hardship or distress, and this will be clearly explained through the appropriate communication methods.
- 7.8 Benefit entitlements will be checked at the time of discussion to ensure that opportunities are maximised to support any agreed repayments.
- 7.9 Home visits may be considered where medical conditions or other circumstances may limit interaction. Joined up visits with other relevant services will also be considered where necessary. Other digital ‘video calls’ may also be utilised as alternative solution to a home visit.
- 7.10 The following is intended to provide an example of what additional steps can be taken in supporting vulnerable residents:

Low literacy, numeracy and financial capability skills/communication difficulties	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. For those who are hard of hearing / deaf, we will offer face to face meetings with the British Sign Language interpreters.
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.

- 7.11 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.
- 7.12 To ensure policy operation is as effective as possible, the Council encourages residents to consider and advise the Council at the earliest opportunity in relation to:
- a) Circumstances that may affect a resident’s vulnerability status: further information may be sought to better understand these circumstances;

- b) Provide information re financial circumstances including other debts held with the Council to help the service provide a better service;
- c) Provide the Council with the relevant authority to speak to a family member or friend if it is felt this would better suit the circumstances;
- d) Keep the service informed of any changes to circumstances and respond to requests from the Council;
- e) Uphold the arrangements and payment agreements that have been put in place to support the individual circumstances;
- f) Progress any actions which have been agreed following discussion with the Council;
- g) Engage with the services that officers have signposted to or authorise the Council to liaise directly with these services.

8. Recovering Debts/Money due to the Council

- 8.1 The Council has a statutory obligation to recover outstanding debts/monies due and bases its decision on what is known and what can lawfully be shared between the Council’s services.
- 8.2 In addition, there may be instances where residents who are vulnerable have not been identified, in these circumstances all recovery action will be taken in line with the relevant legislative requirements. Once it becomes apparent that a vulnerability exists, additional reasonable and proportional steps will be introduced (at any given stage) to provide further support to residents.
- 8.3 Any information provided will only be used on an appropriate lawful basis. 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.
- 8.4 Managers and employees will ensure that only relevant information pertaining to the residents/customers vulnerability and where it is linked to the discharging of debts or monies due will be recorded.
- 8.5 The key principles that the Council will adopt when undertaking recovery are outlined below:
 - a) Understand the needs of vulnerable customers and take reasonable care to ensure the advice provided is suitable and appropriate;
 - b) Utilise other specialist agencies where appropriate to provide the best support available;
 - c) Communicate effectively in ways that are clear, fair and not misleading;
 - d) Avoid pre-determined outcomes and consider each customer’s individual circumstances.
 - e) Be considerate and respect our residents/customers’ fundamental rights and freedoms.

9. Roles and Responsibilities

Head of Service – Resident and Business Support.	Overall responsibility for the delivery of the Resident and Business Support service and the Policy Owner.
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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.
Strategic Business Managers/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.

10. Data Protection

10.1 The collation and use of personal data will be managed in accordance with the Council's Data Protection policy, the Central Debt Management Data Protection Impact Assessment (DPIA080) and the Council's relevant privacy notices.

11. Monitoring and Review

11.1 The implementation and effectiveness of this policy and its supporting procedures will be monitored and reported on by the Head of Service owner and associated management team.

11.2 A full review of the policy will be undertaken every 3 years, to ensure processes remain fair and in line with legislation and best practice.