



Protection of Vulnerable Customers from Harm

Status: Approved

Policy Lead :	Executive Director – Customer Experience
Owned By :	Social Innovation Lead
Date Approved:	14 February 2023
Approved By :	BHA Board
Review Date:	February 2026
Regulatory / Legislative Considerations/ References	<p>The policy refers to and fulfills key legislative duties contained within:</p> <ul style="list-style-type: none">• The Adults with Incapacity (Scotland) Act 2000• The Mental Health (Care & Treatment) (Scotland) Act 2003• The Adult Support and Protection (Scotland) Act 2007• The Human Rights Act 1998• The Data Protection (Scotland) Act 2018• The Protection of Vulnerable Groups (Scotland) Act 2007• The Sexual Offences (Scotland) Act 2009• The Equality Act 2010

	<ul style="list-style-type: none">• Scottish Housing Charter
Other Documents to be read in conjunction with this policy:	<p>This document should be read in conjunction with:</p> <ul style="list-style-type: none">• BHA's vision and values• BHA's complaints policy• Reactive Repairs Policy• Annual Home Visits Policy (tbc)• Domestic Abuse Polices• <u>Scottish Social Housing Charter</u>• <u>SHR Regulatory Framework</u>• <u>Housing (Scotland) Act 2010</u>• <u>UK General Data Protection Regulation</u>

Policy Title:	Protection of Vulnerable Customers from Harm
Purpose / Aim of policy:	To ensure BHA colleagues know how to support vulnerable individuals to keep them safe from harm and respond appropriately to concerns and actions which may involve the abuse of individuals or families accessing our service.
Scope of Policy:	This policy applies to all BHA colleagues and volunteers, where there are any concerns about the potential or actual abuse of an individual who they come into contact with via our services or projects. This includes all circumstances where abuse may not have been intended but the outcome was abusive.
Definitions:	<p>Vulnerable: a person at heightened risk of harm due to their personal and family circumstances.</p> <p>Adult at risk of harm or neglect: persons aged 16 years and over who:</p> <ul style="list-style-type: none"> • are unable to safeguard their own wellbeing, property, rights or other interests • and are at risk of harm • and because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.
Specific detail related to each strand in the scope:	<ul style="list-style-type: none"> • Scope • Duty of Care Statement • Vulnerable Customers • Indicators and triggers • Pro-active arrangements • Protection from Harm and Abuse • Definitions • Standards of Practice • Roles and responsibilities • Reporting and monitoring • Legal framework
Approval Source:	BHA Board
Equality Impact Assessment:	<p>Vulnerable adults and young persons with any of the following protected characteristics:</p> <ul style="list-style-type: none"> • age • gender reassignment • being married or in a civil partnership • being pregnant or on maternity leave • disability • race including colour, nationality, ethnic or national origin • religion or belief • sex • sexual orientation

	<p>BHA is committed to providing fairness and equality of opportunity in order to prevent discrimination in both the workplace and wider society. The Protection of Vulnerable Customers Policy will be applied in line with our Equality and Diversity Policy to ensure that no person is discriminated on the grounds outlined in the Equality Act 2010.</p> <p>BHA will ensure our approach to safeguarding vulnerable adults takes into account the individual needs of our tenants and their households. Where required, appropriate arrangements will be made for communicating with our customers.</p>
<p>Glossary of Terms</p>	<p>Nomination – describes agreement between the Council and the Registered Provider by which the occupation of the Affordable Housing Units is approved by the Council which shall be in a form approved by the Council such approval not to be unreasonably withheld or delayed.</p> <p>Safeguarding - Safeguarding is the action that an organisation takes to promote the welfare of children and vulnerable adults to protect them from harm including physical, emotional, sexual and financial harm and neglect.</p>
<p>Risk Implications:</p>	<p>BHA does not act on concerns about those who may be vulnerable. Policy is not implemented and BHA does not uphold its duty of care towards its most vulnerable customers, including those most at risk of harm.</p> <p>BHA does not uphold its statutory duty in reporting and acting on situations where adults are at most risk of harm.</p>

1. POLICY AIMS AND OBJECTIVES

Aim:

To ensure BHA colleagues know how to support vulnerable individuals to keep them safe from harm and respond appropriately to concerns and actions which may involve the abuse of individuals or families accessing our service.

Objectives:

- To identify and be aware of customers who may be most vulnerable and at most risk of harm due to their personal and family circumstances
- To ensure those most vulnerable are engaged as appropriate with at regular visits determined by a case-by-case basis
- To act on concerns where vulnerability is present and ensure appropriate supports are in place to minimise risk of harm
- To be fully compliant in reporting adult support and protection concerns to the local authority as directed by local policy and legislation

2. SCOPE

This policy applies to all BHA staff and volunteers, where there are any concerns about the potential or actual abuse of an individual who they come into contact with via our services or projects. This includes all circumstances where abuse may not have been intended but the outcome was abusive.

3. DUTY OF CARE

All customer-facing staff (e.g. in Customer Experience, Assets, Repairs, Tenancy Sustainability, BeFriend, Estates and Management, should act on concerns where an individual or family may be vulnerable and at more risk of harm. It is the responsibility of every employee to report any vulnerability or concerns relating to abuse they identify during their work and ensure follow up action is taken. Duty of Care and vulnerability concerns cannot be closed without the approval of the appropriate Lead or direct report, ensuring all concerns are properly followed up.

4. VULNERABLE CUSTOMERS

‘All social housing should feel like a home, a place for people to feel comfortable and Safe, where they can live and thrive’

As a social housing provider BHA is likely to house a proportion of customers who may be classed as vulnerable and at risk of harm due to their personal and family circumstances. BHA has a statutory duty to act where there is known or suspected to be an ‘adult at risk’ (as defined by the Adult Support and Protection (Scotland) Act 2007). The Protecting Vulnerable Customers policy extends this to include those who we become aware could be living in situations where risk of harm is heightened and where reasonable steps can be taken to identify and prevent possible harm.

For example, where an older age BHA customer lives alone, becomes unwell and loses all contact with BHA where they were in regular contact before this occurred. Under this policy, it would be reasonable to investigate and ensure the customer was safe from harm by follow up visits, phone calls as other methods of contact.

A careful balance needs to be made to ensure that BHA customers right to privacy, family life and independence are respected. For example, not all BHA customers will become vulnerable and at risk of harm, even after a major life event or change in circumstances.

This policy is designed to guide the identification, action and process to be followed to prevent and act on harm for those most at risk from our role as a social landlord. This includes both an 'adult at risk' as defined by legislation AND situations where BHA might conclude that harm, or risk of harm, may be present and where reasonable steps should be taken as a duty of care. BHA has a responsibility to do what we can to ensure that vulnerable people are able to enjoy a good quality of life and to live as independently as possible.

A person may be vulnerable as a result of a single problem or condition, or due to a combination of factors. It may be because they are isolated from their support network or not coping with their current circumstances. Vulnerability need not be a permanent state as customers can be vulnerable at different times and for different reasons. For example, a recently bereaved person may be particularly vulnerable for a period following the death. People with recurrent mental health issues may also enjoy long periods when they feel well. BHA's aim is to provide or engage flexible support as and when needed, in the form of advice, sign posting or support from in-house teams.

BHA considers as vulnerable anyone who experiences difficulties with everyday living to the extent that they *may* need some additional support to make sure they are not at any disadvantage and /or to sustain the occupancy of their home. This definition applies to all household members. Examples of people who may be vulnerable include, but are not limited to those who:

- have a physical, sensory or learning disability
- have mental health issues including risk of suicide
- have experienced trauma
- are seriously ill including dementia
- are experiencing domestic abuse
- are older, and may live alone in isolated areas
- Those deemed as sole carers
- are single parent families
- are pregnant women
- are unemployed
- are leaving care and taking up a tenancy for the first time
- are ex-offenders
- are considered to be financially excluded including in fuel and food poverty
- have substance abuse problems
- have difficulties understanding, speaking or reading English
- have experienced homelessness / repeat homelessness
- have experienced hospitalisation
- are in periods following discharge from hospital or other institutional care
- experience periods of sustained illness at home
- experience bereavement

- are in a period of change from supported accommodation to independent living
- have evidence of neighbour harassment or abuse toward the individual or household
- provide evidence of anti-social behaviour by the individual or household
- experience divorce or other relationship breakdown
- have arrears of rent or other debt issues

5. INDICATORS AND TRIGGERS

Importantly, customers who BHA become aware are experiencing a significant change in circumstances should be at least viewed as potentially becoming vulnerable and at risk of harm. Indicators might include:

- Significant Life changing events (illness, bereavement, loss, unemployment, relationship breakdown, trauma, domestic abuse)
- Loss of all contact and withdrawal from previously established contact with BHA teams
- Unexplained non-payment of rent and accumulation of arrears as a change in usual payment behaviour
- Refusal of access to home, including annual gas safety and other checks
- Known contact with statutory or other support services
- Known to have disconnected from energy supply
- No physical or verbal contact with BHA over an extended period

6. PROACTIVE ARRANGEMENTS

We will identify all known vulnerabilities or potential vulnerabilities for consideration at the registration and application stage of our customers relationship to BHA. All known vulnerabilities or potential vulnerabilities should be considered at Allocations and recorded on CRM as at or before sign up.

6.1 Detection

Identifying vulnerability or potential vulnerability at an early stage, enables BHA to make a timely response and, where possible, tailor our services to meet the needs of the individual or household at or shortly after **sign up for new customers**.

Identifying vulnerability can prompt colleagues to signpost people or make a referral to relevant BHA in-house support (Tenancy Sustainability Managers, BeFriend, BeWell) and external organisations that can provide support. This should also include young people (16-25) who are taking up their first tenancy, including those leaving the care system.

6.2 Viewing and Sign up

Our viewing and sign up may identify additional vulnerabilities not yet detected – these should similarly be recorded with a plan of action in place, such as early referrals to TSM's.

All known vulnerabilities should be flagged up at the earliest opportunity to the relevant Neighbourhood Manager with an outline plan to engage further assessment or support from TSM's.

6.3 Settling In Visits

Settling in visits is another opportunity to flag up vulnerabilities and verify those already identified from the vulnerability checklist recorded under CRM. Where appropriate, follow up visits should be arranged

6.4 On-going Support

All BHA colleagues should endeavour to complete the vulnerability check list where information is missing or not known from a long-standing customer. Proactive engagement, including enhanced tenancy support should be considered as appropriate.

All colleagues should update CRM and notify the NM should new vulnerabilities arise through routine contact with BHA. This includes Assets, Repairs, Customer Experience, Social Innovation teams.

External contractors have a duty of care to report concerns about a customer's welfare due to their vulnerability and potential risk of harm.

6.5 Visits

All BHA customers should receive regular visits from their local Neighbourhood Manager determined on a case-by-case basis. However, those identified as vulnerable should be more frequent, especially when life changing circumstances may be changing rapidly. Referral to TSM's should be the default action in these circumstances.

7. PROTECTION FROM HARM AND ABUSE

Berwickshire Housing Association upholds the rights of individuals or families accessing its services to live their lives free from any form of abuse. We expect colleagues to know what course of action to take if they observe or suspect abuse or if abuse is reported to them. BHA colleagues should know how to support vulnerable individuals to keep them safe from harm and respond appropriately to concerns and actions which may involve the abuse of individuals or families accessing our services.

BHA will adopt the following principles to tackle all forms of abuse:

- Give paramount consideration to the welfare of individuals or families supported by services or projects to keep them safe from harm;
- Act to safeguard the right of every person to have safety and adequate physical, emotional and social support;

- Require every colleague member who suspects or has evidence that a person is suffering, or is likely to suffer harm, to report the matter to their Line Manager ;
- Require repair or other contractors to report any indications of abuse or harm to a member of the Customer Experience or Asset Management Team;
- Take whatever steps are necessary to protect the person and such action will take priority over all other work;
- Work within the guidelines issued by and give every assistance to Local Authority Social Work Services and all other agencies on matters of abuse;
- Work with all relevant agencies to develop and maintain a shared understanding of aims, objectives and standards of practice;
- Recognise the right of every person using a service to have their needs understood and their views taken into account and an individual approach taken when planning for their future welfare;
- Ensure that when the right to an independent lifestyle and choice is at risk the individual concerned receives appropriate help, including advice, protection and support from relevant agencies e.g. independent advocacy;
- Actively work within ethical principles to provide services which promote: dignity, privacy, choice, safety, realizing potential, equality and diversity.

8. DEFINITIONS

In this policy “adult” means a person aged sixteen years or over. The Adult Support and Protection Act 2007 gives greater protection to adults at risk of harm or neglect. The act defines adults at risk as those aged 16 years and over who:

- are unable to safeguard their own wellbeing, property, rights or other interests
- and are at risk of harm
- and because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

This includes young people (aged 16 – 25 years old) where there is a need for consideration, particularly when a young person is deemed to be vulnerable due to their circumstances such as being looked after and accommodated in a care setting or being looked after at home or this could be a young person who is on a supervision order.

The Adult Support and Protection (Scotland) Act 2007, ‘harm’ includes all harmful conduct and, in particular, includes:

- conduct which causes physical harm;
- conduct which causes psychological harm (e.g. by causing fear, alarm or distress);
- unlawful conduct which appropriates or adversely affects property, rights or interests (e.g. theft, fraud, embezzlement or extortion); and
- conduct which causes self-harm.

9. STANDARDS AND PRACTICE

The following standards are expected to ensure the protection, welfare and safety of all individuals using our service:

- all BHA colleagues and service users have access to this policy
- all services must have a clear understanding of the relevant Scottish Border Council adult protection guidelines
https://www.scotborders.gov.uk/info/20055/adults_and_older_people/442/adult_protection
- Colleagues clearly understand the circumstances which would justify the involvement of the police or any other external agency
- Reporting, recording of incidents is prompt, accurate and impartial and follows the procedures contained within this policy. See
https://www.scotborders.gov.uk/info/20055/adults_and_older_people/442/adult_protection/2
- Colleagues must be aware of the types of abuse and the signs of potential abuse
- Colleagues should be aware of the good practice standards

All Relevant BHA colleagues will be trained in Adult Support and Protection guidelines including regular refresher training by Scottish Borders Council

Colleagues will promote and encourage the independence of service users while protecting them as far as possible from danger or harm. This includes:

- Promoting the independence of service users and assisting them to understand and exercise their rights
- Using established processes and procedures to challenge and report dangerous, abusive, discriminatory or exploitative behaviour and practice
- Following practice and procedures designed to keep colleagues, customers and other people safe from violent and abusive behaviour at work
- Informing your line manager (or a senior leader if more appropriate) where the practice of colleagues may be unsafe or adversely affecting standards
- Assisting service users and carers to make complaints, taking complaints seriously and responding to them or passing them to the appropriate person
- Recognising and using responsibly the power that comes from your work appropriate with service users and carers.

10. ROLES AND RESPONSIBILITIES

There are a number of responsibilities that are common to all colleagues and volunteers within Berwickshire Housing Association irrespective of their function within individual services and the wider organisation. These are:

10.1 All BHA Colleagues:

- ensure they are aware of the importance of the Adult Support and Protection good practice guidelines for those are most risk of harm
- ensure that they are aware of the types of abuse
- ensure that they are aware of the signs of potential abuse
- ensure that they know how to respond quickly and appropriately if abuse is suspected, witnessed or reported
- ensure that the environment is safe and secure and enables service users to confide in colleagues
- ensure that colleagues are aware of the Whistleblowing Policy
- ensure that they are clear of the good practice standards of conduct
- ensure implementation of this policy
- ensure that they are aware of local authority reporting procedures

10.2 Independent Living colleagues will:

- act in accordance with Roles and Responsibilities of All Colleagues, as above
- be aware of the signs which indicate potential abuse
- respond appropriately to disclosures of and incidents of abuse
- record the incident on the Concerns Incident section of CRM
- seek guidance from their line manager or senior manager if more appropriate

10.3 The Line Manager or Leads will:

- act in accordance with responsibilities for all colleagues as above
- support and advise colleagues in dealing with all incidents relating to abuse
- monitor and report incidents of abuse
- be aware of protocols to follow and who to contact in the event of a disclosure of abuse
- ensure that colleagues are trained in the recognition, prevention and reporting of abuse
- arrange specialist training where appropriate
- ensure that colleagues are aware of the procedures to follow in the event of abuse being witnessed, reported or suspected
- require that all colleagues who suspect or have evidence that a service user is suffering, or is likely to suffer harm report the matter to a line manager

10.4 The Executive will:

- ensure that colleagues are aware of the good practice standards expected by the organisation
- ensure suitably qualified and competent colleagues in appropriate numbers are deployed to ensure the welfare and safety of service users
- highlight any learning requirements of this policy

- implement, monitor and review this policy
- be aware of local authority guidelines and protocols in relation to abuse and protection of vulnerable adults
- report to the Board on the subject of vulnerable adult abuse on a regular basis

11. REPORTING AND MONITORING

All incidents and concerns under this policy will be recorded on CRM and discussed with the relevant line manager. Further actions taken, including Adult Support and Protection actions will be clearly set out alongside the outcome of any referral. Any support plan or actions taken by BHA to minimise risk will be similarly documented

Neighbourhood Managers will maintain an overview of customers who may be at most risk in their patch, including involvement from other BHA colleagues. Noting vulnerabilities may be further developed in CRM.

Line Managers and leads will monitor to ensure supports are in place and appropriate actions have been taken, alongside noting of any trends or repeat concerns that arise. These will be reported within monthly performance briefing and in quarterly reports to the Operations Committee.

12. LEGAL FRAMEWORK

12.1 The Adult Support and Protection (Scotland) Act 2007

This Act introduces measures to identify and protect adults at risk from harm. It defines 'adults at risk' and 'harm'. Where it is known or suspected that an adult is being harmed, the Act places a duty on councils to make the necessary enquiries to establish whether or not further action is required to stop or prevent harm occurring. A general principle on intervention in an adult's affairs requires action which is the least restrictive to the adult whilst providing benefit to him or her.

12.2 The Human Rights Act 1998

The Human Rights Act requires all organisations to act compatibly with the act. The relevant elements related to abuse are:

- The right to freedom from inhuman or degrading treatment, which could be relevant to conditions in a residential care facility (Article 3)
- The right to a fair hearing
- The right to the protection of property

12.3 The Data Protection (Scotland) Act 2018

Service providers hold information about service users, which would normally be regarded as confidential. Berwickshire Housing Association has various policies in place to preserve confidentiality, protect personal information (GDPR) and other safeguards about sharing information. Unnecessary delays in sharing information should be avoided.

12.4 Adults with Incapacity (Scotland) Act 2000

This should assist customer who lack capacity to give informed consent. In such circumstances this Act should be applied, in terms of good practice. This act uses the following definitions: 'Adult' means a person who has attained the age of 16 years 'Incapable' means incapable of:

- Acting
- making decisions
- communicating decisions
- understanding decisions
- retaining the memory of decisions

12.5 The Mental Health (Care and Treatment) (Scotland) Act 2015

The Mental Health (Care and Treatment) (Scotland) Act 2015 covers a wide range of issues including:

- Compulsory powers – setting out when people can be legally required to go into hospital, or to accept services or treatment that they may not want;
- It defines clear procedures for decision making on the compulsory treatment and/or detention of people with a mental disorder. Its sets criteria which have to be met before compulsion can be authorised;
- It amends existing criminal justice legislation to give courts more effective ways of assessing and dealing with a person with mental disorder who comes before them and defines procedures for the review of orders made by a court in relation to a person with a mental disorder;
- It provides a range of new rights for people with a mental disorder, such as a right of access to independent advocacy services; and,
- It provides safeguards on the use of certain medical treatments.

12.6 The Protection of Vulnerable Groups (Scotland) Act 2007

This Act introduces a new vetting and barring scheme that will replace and improve upon the current disclosure arrangements for people who work with children or 'protected adults. Adults who use our services would in most cases be considered to be 'protected adults' under this law. This (PVG) scheme does not currently apply to BHA however, basic disclosure checks may be required for some roles.

12.7 The Sexual Offences (Scotland) Act 2009

The Act defines a person as incapable where, due to mental disorder, they are unable to understand what a sexual act is, to decide whether to take part in the sexual act, or, communicate such a decision. When a person has capacity to consent to sexual relations but is at risk and likely to come to serious harm, the Local Authority may have responsibilities under the Adult Support and Protection (Scotland) Act 2007.

12.8 The Equality Act 2010

The Act legally protects people from discrimination in the workplace and in wider society by making it unlawful to discriminate against anyone because of the following 'protected characteristics':

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation