



Cheshire West
and Chester

Vulnerability Policy

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1.0 Introduction

- This policy statement outlines Cheshire West and Chester Council's approach to identifying and supporting vulnerable residents and promote independence. Cheshire West and Chester council recognises that there are people who are especially vulnerable because of their circumstances. The vulnerability criteria, included at Appendix A, defines who we will consider as vulnerable and how this is reflected in the approach to debt collection.
- When managing the collection of debt, the fact that someone is vulnerable does not mean that they will not be required to pay their debt. We will look at each case individually and take the appropriate action dependant on the circumstances.
- The Council must be aware that a person is vulnerable, and services will work together to ensure, where this information is known, it is shared as appropriate. To ensure that every opportunity is taken up to identify whether the service is dealing with a vulnerable person a triage process has been put in place at key points of recovery. If you have been identified as vulnerable, we will consider the case at the following key stages in the collection process and take action as appropriate:
 - Summons application
 - Cases sent to the Enforcement Agents
- The Council will ensure that we maximise the take-up of benefits and work closely with Welfare Advice and Support Organisations in the borough to provide you with good quality information and support as required.

2.0 Recording Vulnerability

- The Council uses an electronic management system and appropriate flags will be used on this to easily identify those who have been deemed vulnerable. Where appropriate, this information will be shared with contractors and other third parties, in accordance with the relevant legislation and regulations relating to data protection.

- All relevant information regarding vulnerabilities will be held electronically in the Council's document management system and will be shared appropriately and in accordance with relevant legislation and regulations relating to Data Protection.

3.0 Service standards

- The Council is committed to the principles of openness and transparency and for this reason will ensure that this policy is well-publicised. If there are any operational matters which impact upon the Council's ability to operate this policy, we will ensure that information about this is given to residents and other stakeholders.

4.0 What the Council will do

- We will triage your circumstances and signpost you to additional help and support where appropriate.
- We will work with you to agree the best method of recovering outstanding arrears and the easiest way for you to pay.
- We will clearly mark your records that you are a vulnerable person when vulnerability has been identified.
- We will carefully consider each case where vulnerability has been identified before taking any recovery action.
- We understand that a customer's circumstances can change and therefore we will monitor the vulnerability flags on a regular basis ensuring our records are up to date.
- We will not take action such as bankruptcy, charging order or committal on any case where vulnerability has been identified before we make an appointment with you.
- We will adapt our recovery process where we are aware that a resident is vulnerable to minimise any hardship or distress.
- We will clearly explain our decisions regarding our action and our reasons for refusing any requests.

5.0 What You Should Do

- You must tell us of your vulnerability at the earliest opportunity. We may ask you to provide some evidence, such as a doctor's letter, to establish the nature of your vulnerability. This is to ensure that we are clear on any particular needs you may have so we can help you.
- You should complete an Income and expenditure form to give us an accurate picture of your financial situation.
- If you want someone to discuss the account on your behalf, you will need to write to us confirming who can deal with the account.
- You should keep us informed of any changes to your circumstances and any address change.
- You will keep to any appointments scheduled or contact us if you cannot attend.
- You should make any payments you have offered whilst we are considering your offer.
- You should review any services that our officers may signpost you to so you can decide if they are relevant to your circumstances.

6.0 Equality and Diversity

- The Council tailors its services to meet the diverse needs of individuals. We foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality.
- When making any decision about how to resolve matters the Council must take their Equality Duty into account. If someone is vulnerable, we may still take enforcement action, but we must be able to demonstrate that we have reviewed the situation, taken account of all relevant factors and tailored our service to meet the needs and, where appropriate, considered alternative courses of action. Such assessments are undertaken as a matter of routine by Officers dealing with day to day Debt collection.

7.0 Review

- This Policy has been written in line with good practice and current relevant legislation. Unless there are any changes to such legislation beforehand, the next review of this Policy is due March 2025 and every four years thereafter.

8.0 Vulnerable Groups

A customer may be considered vulnerable on a temporary or permanent basis, All Council Services will ensure records are kept updated to ensure appropriate advice and support is given. The following list identifies the groups of people that may be considered vulnerable:

- **People with a Physical and/or Sensory Disability**

A customer who has a physical disability is not necessarily vulnerable for the purposes of debt collection, however they will be considered vulnerable if their disability prevents them from managing their financial affairs effectively and need support.

- **Mental Illness**

A customer has a mental health need, and it prevents them from managing their financial affairs effectively and need support.

- **Learning Disability**

A customer who has a learning disability will be considered vulnerable in respect of debt collection if they are unable to manage their financial affairs effectively and need support.

- **Autism**

A customer who has autism will be considered vulnerable in respect of debt collection if they are unable to manage their financial affairs effectively and need support.

- **Serious Illness**

A customer who has a long term serious illness or who is terminally ill, or where a member of their close family is seriously ill, may be considered vulnerable if this affects their ability to manage their financial affairs effectively and they require support.

- **Language Difficulties**

A customer who does not understand either written or spoken English, especially where they do not have the support from family who can speak or read English

- **People with Literacy Issues**

A customer with literacy issues who does not understand written communications, especially where they do not have the support from family could be considered as vulnerable.

- **Elderly Persons**

An elderly customer may be considered vulnerable for the purposes of debt collection. This will be in cases where they are frail, ill and living on a limited income or where they have recently suffered the death of a partner who has previously managed their family finance.

- **Families with children**

A family with children may be vulnerable if they have complex needs and are unable to manage their financial affairs effectively without support. Where the family's needs are so complex that they are allocated a Social Worker or lead professional, the family would be considered as vulnerable.

- **Young people leaving care**

Young customers leaving care and may be unable to manage their financial affairs without support and would be considered as vulnerable.

- **Homelessness**

A customer who is homeless or about to be made homeless and is unable to manage their financial circumstances would be considered as vulnerable.

- **Carers**

A customer who is a carer and is unable to manage their financial circumstances without support would be considered as vulnerable.

- **Bereavement**

A customer who has suffered a recent bereavement of a close relative could be considered vulnerable if they are unable to manage their financial affairs effectively without support.

- **Fleeing violence**

A customer who has recently been the victim of violence or hate crime could be considered vulnerable if they are unable to manage their financial affairs effectively without support.

- **Prisoners and Detainees**

Prisoners and detainees who have a debt to us and are detained will be considered as vulnerable.

- **Non-European Economic Area (EEA) and Refugees**

A customer who is a non-EEA national or refugee may be considered as vulnerable if they are unable to manage their financial affairs effectively without support.

The above list identifying vulnerability is not exhaustive. If somebody is highlighted to us as vulnerable, either from internal or external communications their individual circumstances will be considered.

- **Management of financial affairs criteria**

The criteria our Corporate Debt Team will consider when determining whether a person can manage their financial affairs effectively include the following:

- If the person has multiple debts
- The person has been granted support from the HELP fund
- Evidence provided by professionals will be considered as part of the process