

MEDWAY COUNCIL

Revenues & Benefits - Vulnerable Persons Recovery Policy

1. INTRODUCTION

1.1 Why we need a policy

It is essential for Medway Council to demonstrate that it carries out the administration and recovery of Council Tax & National Non-Domestic Rates (NNDR) in an efficient and effective yet fair manner.

Payment of Council Tax, NNDR, Housing Benefit (HB) overpayments and sundry debts is governed by legislation that impacts the whole spectrum of the population and it is therefore the Council's responsibility to ensure that the needs of any specific groups are met in its implementation.

1.2 Aim of the policy

The aim of this policy is to act as a guide to the Council's Administration of Council Tax, NNDR, HB overpayment and sundry debt recovery and to ensure that the individual needs of vulnerable customers are taken into account when dealing with their cases.

While we realise that not all customers in these categories may be vulnerable, the Council will consider each individual case where a potentially vulnerable person is identified.

2. THE VULNERABLE CUSTOMER

2.1 Types of vulnerability

Vulnerability can be assessed in three categories

- Personal circumstances, eg
 - Bereavement
 - Financial hardship
 - Job loss
 - Pregnancy
 - Domestic violence
 - Separation
 - Addiction
 - Illness

- Personal characteristics, eg
 - Age
 - Mental health
 - Language
 - Mental capacity
 - Learning disability
 - Physical disability
 - Power of Attorney

- External influences, eg
 - Debt collection agents
 - Inadequate housing
 - High crime neighbourhood
 - Third party / support services

In broad terms personal circumstances and external influences are likely to be temporary (though not necessarily short term) in nature whilst personal characteristics with the exception of age are more likely to be fixed.

2.2 Dealing with vulnerability

When dealing with customers staff will

- Remain aware that not everyone who is vulnerable will present themselves as such
- Be aware that most people are co-operative and want to resolve their situation
- Be aware that some people will behave in a challenging way
- Be prepared to make clear boundaries, explaining what is deemed inappropriate or unacceptable behaviour clearly and calmly
- Always refer to the debtor by name
- Remain respectful
- Use appropriate language
- Give reassurance about privacy and confidentiality
- Ask if there is anyone that they would like to include in the decisions they need to make
- Offer assistance, but try to maintain a person's independence
- Always use positive language in relation to disability, age and mental health
- Ask individual vulnerable customers about their specific needs
- Determine if and why the vulnerability affects the ability to pay

2.3 Our principles

When dealing with vulnerable customers we will adopt key principles that our officers will adhere to

- We will maintain an up to date record of our customer identified as being vulnerable
- We will review the personal circumstances of our identified vulnerable customers before taking any debt recovery action
- We will seek information concerning the personal circumstances of each customer before passing a debt to the Council's enforcement agents for collection and tailor enforcement action according to the individual circumstances
- Should a customer be identified as in receipt of Income Support, Job Seekers Allowance Employment Support Allowance or Pension Credit, we will arrange for their debt to be paid by deductions from their benefit providing it will result in a reduction in the size of the debt
- Prior to taking bankruptcy action against a customer we will take pro-active action to contact Social Services to identify whether the customer may be vulnerable
- We will direct our customers to other sources of debt advice, such as Stepchange, Citizens Advice Bureau, Money Advice Service or Christians Against Poverty
- We will monitor our complaints procedure to identify any trends
- Our enforcement agents will be obliged under contract to advise the Council of any customers they identify as possibly being vulnerable
- The Council's contract with our enforcement agents will insist that they maintain a Vulnerable Persons' Policy compliant to 'BS18477:2010 Inclusive Service Provision Requirements for identifying and responding to consumer ability'
- Our enforcement agents will be instructed to notify the Council of any customers identified as in receipt of a deductible benefit
- Where a vulnerable customer is identified, if necessary, we will visit the customer at their home to discuss their debts
- Should there be a communication issue, and no other support is available, we will use an interpretation service for persons whose first language is not English, including British Sign Language
- We will maintain a specific complaint procedure for customers unhappy with the conduct of enforcement agents

- We will monitor our enforcement agents, and meet regularly with them to review their practices
- We will work with advice agencies to agree repayment schedules that are affordable, and recognise a customer's priority debts
- We will publicise debt advice contact details with our literature
- We will work with other areas of the Council (e.g. Housing) to identify possible vulnerable customers and develop a joint strategy for repayment of any debts
- Where allowed in law we will share data regarding vulnerable customers with other interested parties
- We will promote how council tax bills can be reduced through Council Tax Reduction Schemes, exemptions and discounts in our literature and on our website
- We will encourage customers to contact us if they are experiencing financial hardship
- We may ask customers experiencing financial hardship to complete personal budget sheets, to enable us to agree fully informed repayment schedules that are affordable to the customer, and in the best interest of the Council
- If we do not accept a repayment arrangement, we will fully explain why