

# Aids and Adaptation Policy

**Approved by:** Executive Committee

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## 1.0 Aims of the policy

1.1 The policy aims to assist in the delivery of an aids and adaptation service that will be able to:

- Provide focus on supporting people to consider how their future needs can be met and live more independently, improving their day to day quality of life in and around the home.
- Ensure that the reasonable needs of the council's disabled tenants are prioritised and appropriate aids and adaptations are implemented. Also that adapted properties are let taking into account the needs of the tenants.
- Ensure integration between internal services and closer working with partnering organisations for example Hertfordshire County Council's Adult Care and Children's Services departments and NHS Children's Services.
- Comply with the legal and statutory requirements in relation to the provision of disabled adaptations (e.g. Equality Act 2010) and good practice guidance, including 'Delivering Housing Adaptations for Disabled People.
- Maximise all available funding sources and ensure that the available budgets are used effectively and efficiently to maximise best use of council housing stock and ensure that the needs of the tenants are appropriately prioritised.

## 2.0 Scope of the policy

2.1 The Policy scope covers how the council's Investment team (Aids and Adaptations) are able to provide aids and adaptations to assist in meeting the needs of the council's tenants. This includes:

- The types of aids and adaptations that can be reasonably carried out.
- The definition of disabled and the situations where the council will and will not be able to assist in providing aids and adaptations.
- Provide clarity in identifying the council's responsibilities
- The type and level of service that tenants may reasonably expect from the council.
- The tenants financial expectations and possible charges for ongoing maintenance of specialist equipment and adaptations

- What the council will and will not be able to assist with in terms of adaptations to their home.

### **3.0 Responsibilities**

3.1 The Assistant Director of Housing and Investment has overall responsibility for the policy, ensuring that it is fully implemented.

3.2 The Operations Manager and Investment Programme Manager is responsible for :

- The effective implementation and delivery of the policy
- Monitoring the performance and delivery
- Reviewing the policy

3.3 The Principal Building Surveyor (Specialist Works) aids and adaptation is responsible for:

- Developing the processes and procedures that are in line with the policy.
- Ensure that the policy aims and terms are adhered to

### **4.0 Policy**

#### **4.1 Legal Requirements**

4.1.2 In determining this policy consideration has been given to the integration with the council's Lettings, Allocations and Mutual Exchange policies together with the statutory provisions of the relevant acts.

4.1.3 The Housing Grants, Construction and Regeneration Act 1996 (as amended) states that adaptations should be consider if they are: Necessary, Appropriate, Reasonable and Practical.

4.1.4 Under the Equality Act 2010, councils must ensure that their adaptations service is equally accessible to all. Under the act councils as landlords, do not have to make changes which affect the structure or which would substantially and permanently alter their housing stock, however where a disabled person requests and would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled, the council must "take such steps as it is reasonable to have to take to provide the auxiliary aid".

4.1.5 The Housing Grants, Construction and Regeneration Act 1996 (as amended) states that grant aid must be provided for adaptations that are "necessary and appropriate" to meet the needs of the disabled applicant and where the council is satisfied that it is "reasonable and practicable" to carry out the works, having regard to the age and condition of the property adaptations should be consider if they are: Necessary, Appropriate, Reasonable and Practical.

4.1.6 Under the Regulatory Reform (Housing Assistance) Order 2002 the councils have wide reaching discretionary powers to provide financial assistance for repairs, improvements and adaptations to living accommodation. This includes help with the cost of moving and adapting or improving another property where it is deemed to be a more cost effective option.

#### **4.2 Eligibility**

4.2.1 A person will be considered for adaptations in their home under the Equality Act 2010 if they are a Stevenage Borough Council tenant and they, their partner or a member of their immediate family who is permanently resident in

the household has an impairment that is likely to last for at least 12 months or for the remainder of the person's life, that substantially affects their ability to carry out normal day to day activities or access facilities in or around their home.

4.2.2 Under the terms of this policy a person is regarded as 'disabled' as defined under the Housing, Grants, Construction and Regeneration Act 1996 (as amended) if they have any of the following

- Sight, hearing or speech is substantially impaired
- Mental disorder or impairment of any kind
- Physically substantially disabled by illness, injury, impairment present since birth, or otherwise.

4.2.3 The council is responsible for considering adaptation referrals to the properties they own and that are occupied by their tenants. If you do not live in a Council owned property and are not a tenant of the council, your referral should be directed to the Home Improvement Agency at Hertfordshire County Council (HCC), who deal with all adaptation referrals for owner occupiers, leaseholders, Housing Association (HA) and private landlord tenants. If the council receives a referral for a property they do not own, this referral will be passed to the Home Improvement Agency (HIA) at HCC.

### **4.3 Adaptations**

4.3.1 Adaptations are split into two categories – minor and major. These distinctions are based on the nature of the work required in order to implement the adaptation and do not correspond to the impact the adaptation will have on the individual requiring such work. It is understood that both minor and major adaptation work can impact significantly on an individual's quality of life.

4.3.2 Minor Adaptations

Includes but is not limited to the provision of adaptations such as :-

- Ramps
- Handrails
- Grab rail
- Over bath shower
- Lever taps.
- Sanitary ware

4.3.3 Major Adaptations

These require more extensive and complex work, often designed for the specific need of an individual, and including, but are not limited to the provision of adaptations such as:-

- The installation of stair lifts and special purpose equipment;
- Bathroom and kitchen adaptations, ground floor WC conversions
- Garage conversions, extensions and access alterations.

4.3.4 Where adaptations are carried out these will assist the tenant to carry out normal day to day activities in and around their home and enable them to access essential facilities within their home.

- 4.3.5 On occasions where the tenant moves to more suitable accommodation due to the nature of adaptations required, any adaptations must be agreed, and ideally installed, prior to the tenants moving in to the new property.
- 4.3.6 Every effort will be made to ensure mutual exchanges and allocations to void properties are done so in due consideration of the housing needs and adaptations required. This will be carried out in conjunction with the Mutual Exchange team and Allocations team and the use of the Housing Panel for direct offers where appropriate.
- 4.3.7 The council is committed to facilitating the provision of aids and adaptations in its housing stock and will endeavour to deal with requests for assistance as quickly, effectively and sensitively as possible.
- 4.3.8 The council will ensure that staff and contractors engaged in activities related to property adaptations are suitably qualified, trained and supervised such that their staff conduct and behaviours adhere to this policy, Safeguarding Policy, GDPR and the Equalities & Diversity Policy of the council.
- 4.3.9 In all cases the tenant will be notified of the actions that will be taken and the decision to proceed, or not, and where necessary the assistance and support that will be provided. The tenant will be advised of the process from start to finish, informed of the anticipated timescales will be and updated with progress.
- 4.3.10 The tenant will be permitted to appeal any decision. This will be considered at the Housing Panel.
- 4.3.11 The council will, as part of its Asset Management Strategy and Planning, work with Hertfordshire County Council, and other agencies to consistently measure and assess current disability adaptation needs, and from this, effectively assess and forecast future disability adaptation needs. The maintenance of effective joint working and information sharing protocols will assist this planning and will include agreeing formats and data storage with other agencies such as to aid overall efficiency in communication and value for money in service provision, as well as ensuring current adherence with Data Protection regulation and good practice guidance.

#### **4.4 Referrals and prioritisation**

- 4.4.1 The council receives external requests for adaptations directly from suitably qualified healthcare professional, from Hertfordshire County Council (Adult Care Services and Children's Services departments) and the local NHS Trust (Children's Services and Hospitals), these can include referrals from Occupational Therapists (OT), Community Care Officers or Trusted Assessors.
- 4.4.2 Internal referrals for adaptations are also received, typically from, Housing Officers, Lettings Officers, Specialist Support Officers, etc. for those tenants who require adaptations to their homes to assist them with living more independent lives.
- 4.4.3 The OT will prioritise applications dependent on medical need or life limiting prognosis using the classification "Urgent" or "Routine"
- 4.4.4 The council cannot override the classification of an application unless 'exceptional circumstances' have been determined and agreed by a senior manager or the Housing Panel.
- 4.4.5 An appraisal of the referral/request will take place and an adaptation will be carried out unless the referral is declined following consideration of the conditions referred to in this policy.

## **4.5 Circumstances where an adaptation referral may be declined.**

4.5.1 Under the following circumstances aids and adaptation referrals may be declined. Any exceptional circumstances will be referred to the Housing panel:-

- a) Where the property is under occupied by more than one bedroom, taking into account a the need for an additional room to store medical equipment, in accordance with 'bedroom tax' provision
- b) Where the property is unsuitable for adaptations due to overcrowding (in accordance with the Tenancy Agreement), except in exceptional circumstances, for example where there is a demonstrated need for a live in or temporary carer.
- c) Where the tenant is currently on the Housing Register. The referral will be reassessed if the tenant removes themselves from the list. Tenants will not be able to re-submit a property transfer application for 12 months after any substantial adaptation has been carried out.
- d) If the tenant has submitted an application under the Right-to-Buy (RTB) scheme. The tenant will be signposted to apply for a Disabled Facilities Grant (DFG). The Referral will be reassessed if the RTB is withdrawn.
- e) Where the tenant is in arrears by more than three weeks or recovery proceedings have commenced, or they are unable to prove that a steady repayments scheme has been agreed with the council until this has been maintained to the satisfaction of the tenants designated Debt Advisor.

The tenant will receive additional support and financial advice from the council's debt advisors and it may be necessary to refer to the Housing Panel, or look to move to more affordable accommodation.

- f) Where the tenant has transferred from another property which had adaptations within the last 12 months, and is now requesting those adaptations again; unless the previous property was confirmed to be no longer suitable for their needs by a Health Professional or council officer.
- g) Where the building structure is considered integrally unsuitable for technical and practical reasons, for example widening doorways in prefab buildings, wet floor showers in beam and block floors.
- h) Where the adaptation is considered unreasonable or unsuitable for the tenants needs, for example installing a level access shower to a flat above ground level where there is no lift to access the flat.
- i) Where the result of the adaptation will have an adverse effect on the 're-let ability' or have a detrimental impact on the housing stock:- for example, if a bedroom will be lost due to the installation of a through floor lift or if storage cupboards need to be removed to create more space in a room.
- j) Where the tenants needs may be met by a more reasonable solution. For example where the OT has recommended an extension or major works the tenants needs will be assessed and consideration given to applying alternative solutions, for example utilising a ground floor dining room as a bedroom, instead of building an extension, building a smaller extension or rehousing.
- k) Where the proposed adaptation might put others at risk, for example fitting stair lifts in communal areas where this could restrict access and safe fire escape routes.

- l) Where the tenant's condition is likely to deteriorate as indicated by a medical professional such that the adaptation may not be suitable for them, or they may need further adaptations within the next five years. In this instance the referral will not be refused out right but the council in consultation with the OT will endeavour to ensure that any solution is future proofed in the medium term. This will ensure that the tenant will not need to go through the referral process again in the medium term.
- m) Where the cost of the adaptation is likely to exceed the maximum amount of £50,000. This limit is in line with the DFG, as designated by Hertfordshire County Council (Home Improvement Agency) is currently £30,000 + £20,000 discretionary = £50,000. This shall remain in line with DFG policy and subject to possible regional adjustments. The council will work with the OT to look at other alternative cost effective solutions within the £50K limit. If this is not possible the council will look for alternative suitable accommodation.

4.5.2 Where a referral has been declined under a) b) g) h) i) k) or m) the council will provide support and assistance to review the tenant's options. These may include moving to more appropriate, suitable accommodation meeting their needs.

4.5.3 It is not the intention to force the tenant to move but to encourage them to consider their future housing needs. This will also release their current home for those with appropriate requirements.

4.5.4 Where an adapted property has become void the property will be advertised giving preference to those requiring adaptations, alternatively the Lettings team will liaise with the aids and adaptation team to seek a direct let via the Housing Panel.#

4.5.5 There may be occasions where aids and adaptation referrals may be declined, any exceptional circumstances will be referred to the Housing panel.

4.5.6 Where tenant's needs are urgent, consideration will be given to undertaking suitable minor adaptations for an interim period while housing options are being considered.

## **4.6 Servicing Charges**

### **4.6.1 Specialist Equipment**

Where specialist equipment is installed, that requires ongoing servicing and maintenance, for example, stair lifts and hoists, an additional service charge may be applied to cover the cost of regular servicing, repairs and maintenance. Under the Regulatory Reform (Housing Assistance) Order 2002 Art.3 (4) the council will recover these costs provided that the person is able to pay. Where the tenant is unable to pay then this charge will be covered in part or in full if the tenant is in receipt of Universal Credit or Housing Benefit. This charge will not apply to equipment fitted for children (under 16) and "qualifying" (eligible) young people (aged 16-20 attending school or college or in approved non-wage training for more than 12 hours a week). Where these adaptations are required it is likely that the tenant would be in receipt of supplementary benefits to increase their income. (Higher rate Disability Living allowance and personal independence payment).

4.6.2 Service charges will be limited to two per property and will be applied to the two highest value items.

## **4.7 Adaptations Charges**

4.7.1 Where appropriate the council will operate a "test of resources" (financial means test) in line with the current Disabled Facilities Grant for adaptations above £8K.

4.7.2 The “test of resources” is used to calculate the financial contribution that the tenant may be required to make towards the cost of the adaptation. Children (under 16) and “qualifying” eligible young people (aged 16-20 attending school or college or in approved non-wage training for more than 12 hours a week) and tenants in receipt of the following “Passported” benefits will be exempt from the test and will not be charged for the adaptation:-

- Income Support
- Income based Employment Support Allowance.
- Income based Jobseekers Allowance
- Guaranteed Pension Credit
- Housing Benefit
- Universal Credit
- Working Tax Credit and/or Child Tax credit (provided for these purposes income is less than £15,050)

#### **4.8 Recuperation of adaptation costs**

4.8.1 It is proposed that the policy will allow the council to recoup costs for any adaptations works over £5,000 and this is paid back should the tenant move from their adapted home or complete a RTB application within five years of receiving the adaptation. This amount will reduced by 20% per annum over the five year period. This is in line with the DFG.

4.8.2 Under very exceptional circumstances or where the council instigates a move, the council may consider waiving some or all of this charge.

#### **4.9 Performance and Delivery**

4.9.1 Processes and procedures will be developed aligned with this policy to ensure that the service delivered will be efficient and cost effective and that customers future needs can be met, ensuring they are able to live more independently, improving their day to day quality of life in and around the home.

4.9.2 Performance indicators will set and reviewed, with specific, clear and attainable targets to ensure that the service is delivered effectively and in a timely manner for individuals.

#### **5.0 Monitoring**

The Aids and Adaptation Manager will monitor the effectiveness of the policy in terms of the delivery and whether the policy aims have been met. This will be reported to the Operations Manager on a six monthly basis.

#### **6.0 Review**

The Policy will be reviewed annually and also in response to:

- Legislative changes.
- Council strategy or policy changes.
- Ineffective policy terms.

#### **7.0 Links (Internal)**

- Tenancy and Tenancy Agreement Conditions
- Allocations Policy
- Mutual Exchange Policy

- Safeguarding Policy
- Equalities & Diversity Policy
- Under- occupation Policy

**Links (External)**

- Equality Act 2010
- The Housing Grants, Construction and Regeneration Act 1996
- Regulatory Reform (Housing Assistance) Order 2002
- GDPR
- Housing Benefits Regulations