

**URN:** 21-053

**Subject:** Revised Adaptations Policy for Council Tenants 2021

**Report to:** Executive Leadership Team: 19<sup>th</sup> May 2021  
Housing & Neighbourhoods Committee: 10<sup>th</sup> June 2021

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#### **SUBJECT MATTER**

**This report outlines the revisions to the current Adaptations Policy for Council Tenants.**

#### **RECOMMENDATION**

**That Committee:**

- 1. Approve the Adaptation Policy for Council Tenants.**

## **1. Introduction / Background**

1.1 Under Section 8 of the Housing Act 1985 the Council has a duty to consider housing conditions in its area and have regard to the needs of the chronically sick and disabled persons. This includes the provision or adaptation of existing accommodation for its own disabled tenants.

1.2 The purpose of the Adaptations Policy for Council Tenants is to set out the Council's approach to the provision of aids and adaptations for its tenants who are eligible to receive them and how they will be delivered. The policy aims to help tenants and their immediate household, who are disabled or suffer long-term ill health to live independently in their home. The Council is committed to facilitating the provision of aids and adaptations to properties and will endeavour to deal with requests for assistance quickly and sensitively as possible.

1.3 The current policy, which was revised in November 2019 following a report to Housing and Neighbourhoods Committee has been reviewed again and the recommended amendments and additions are set out in the following section.

## **2. Summary of Key Policy Amendments**

### **2.1 Section 7.2 Reasonable and Practicable and Section 7.3 Landlords Permission**

The previous iteration of the policy dealt with permissions for major adaptation works as part of the determination on whether the works are reasonable and practicable as defined in Section 24(3)(b) of the Housing Grants, Construction and Regeneration Act 1996. Recent case law has identified that Council's need to be clear on the basis on which they are refusing works and determining whether works are reasonable and practicable as this can only have regard to the age and condition of the dwelling. For example works may be deemed not reasonable and practicable where the structural characteristics of the dwelling render certain types of adaptation inappropriate, or where a feasibility of carrying out certain adaptations identifies issues that may limit or increase difficulty of access, such as narrow halls, stairways and passages. Section 7.2 Reasonable and Practicable has therefore been amended and the decision process for the landlord has been moved into the new

Section 7.3 to bring greater clarity to the decision process where major adaptation works are being proposed. This makes it clearer that there are circumstances whereby the Council as landlord may refuse consent for adaptations. A step by step guide to the adaptation process has been included in appendix 1 of the policy.

## **2.2      Section 8 Cost of Adaptations**

The cost of adaptations to the Council's own housing stock is met from its Housing Revenue Account and is subject to budget availability. This section has been amended to set the upper cost limit in line with the maximum award for Disabled Facilities Grant, which is currently £30,000 per individual with an assessed need. The policy reaffirms the position relating to the discretion of the Housing Director to increase the individual award of £30,000 to a sole applicant to a maximum of £50,000 in exceptional circumstances. The policy also includes a cap on the total amount that can be spent adapting a property to meet the needs of a household where there is more than one person with an assessed need. This is at the discretion of the Housing Director and is as follows:

- Two applicants with assessed needs for adaptations the total amount that can be awarded is £60,000.
- Three or more applicants with assessed needs for adaptations the total amount that can be awarded is capped at £80,000.

Where the cost of the adaption works exceed £30,000 the applicable cap identified above will apply to the property and for the lifetime of the tenancy, including succession or where a new tenancy is formed, for example the creation of a joint tenancy, which relates to the household that were resident at the time of the adaptation works being completed.

Capping the cost at £80,000 provides the Council greater scope to undertake works for households with multiple assessed needs who may otherwise wait a significant amount of time for rehousing to more suitable accommodation that is adapted or can be adapted to meet their needs. It also creates an adapted property that is an asset in the Council's property portfolio. In setting the cap at £80,000 the Council is mindful that the cost being met by the Housing Revenue Account, therefore where investment greater than £80,000 is needed to adapt a property it would be prudent and more cost-effective to identify an alternative property that can be adapted to meet the households needs. Cases where major adaptations are being proposed will be considered individually and all options will be explored including moving to more suitable accommodation.

## **2.3      Section 9.1 Adaptations to Void Properties**

This is a new section that establishes the Councils approach to adapting void properties, which balances the needs of the disabled tenant and their household with the efficient allocation of properties to maximise rental income. The Council's approach includes ensuring void adapted properties are allocated to those who need an adapted property and providing adaptations in a timely manner once the tenancy has commenced

## **2.4      Section 9.2 Adaptations and Acquisitions**

This is a new section that includes the Councils approach to adapting properties it acquires using retained receipts. There is a new appendix in section 9 that sets out points that will be considered when acquiring a property to adapt for wheelchair use.

# **3.      Financial Implications**

3.1 As previously identified the cost of adaptations to the Councils own stock is met by the Housing Revenue Account. The budget for 2021/22 is £578,582.

In June 2018 Housing & Neighbourhoods Committee set the limit for works at £30,000 in line with Disabled Facilities Grants and gave discretion to the Head of Housing to increase that to £50,000 in exceptional circumstances. Prior this there was not a financial limit and cases were considered individually. Since June 2018 the Council has carried out adaptations to one property where the cost of works exceeded £30,000 but not £50,000. In addition, adaptation works did not proceed on four properties as a result of the cost exceeding £50,000, instead these households were offered assistance through the Housing Allocations Scheme to find alternative accommodation that could be adapted within the financial limit set. Of those four cases where adaptations did not proceed there was only one where the household contained more than one person with potential needs, although the needs of the additional household member had not been formally assessed.

The service is demand led therefore officers use previous years demand to inform budget setting each year.

#### **4 Risk Implications**

4.1 An increase in budget may be required as a result of the change to levels of funding available. It is difficult to predict how many cases there will be where the two or more people have assessed needs for adaptations and therefore the cap of £80,000 could be reached. This risk will be mitigated by considering other options such as a move to adapted accommodation or accommodation that can be adapted within the cost cap.

#### **5 Legal Implications**

5.1 The Council has a duty to consider housing conditions in its area and have regard to the needs of the chronically sick and disabled persons (Housing Act 1985), which includes the provision or adaptation of existing accommodation for its own disabled tenants.

5.2 The Equality Act 2010 prohibits discrimination against people with protected characteristics that are specified in section 4 of the Act. Disability is one of the specified characteristics.

#### **6 Conclusions**

6.1 A comprehensive review of the Adaptations Policy for Council Tenants has been undertaken with a number of changes made to ensure there is clarity when decisions are made to refuse adaptations and also to increase the maximum spend available, at the discretion of the Housing Director for adaptations.

#### **7. Background Papers**

Adaptations Policy for Council Tenants 2019

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

Area for consideration	Comment
Monitoring Officer Consultation:	Through ELT

Section 151 Officer Consultation:	Through ELT
Existing Council Policies:	Adaptations Policy for Council Tenants 2019
Financial Implications (including VAT and tax):	Included in section 3
Legal Implications (including human rights):	Included in section 5
Risk Implications:	Included in section 4
Equality Issues/EQIA assessment:	Yes – Disabled tenants are covered by the Equalities Act 2011.
Crime & Disorder:	N/A
Every Child Matters:	Yes – Adaptations for children are covered in the policy



**GREAT YARMOUTH**  
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# Adaptations Policy for Council Tenants 2021

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<b>Date approved</b>	
<b>Review date</b>	May 2023

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## **1. BACKGROUND**

Under section 8 of the Housing Act 1985 the council has a duty to consider housing conditions in its area and have regard to the needs of chronically sick and disabled persons. This includes the provision or adaptation of existing accommodation for its own disabled tenants.

**Great Yarmouth Borough Council (GYBC)** provides funding each year for the provision of aids and adaptations to enable its tenants to remain in their home for as long as it is safe and reasonable to do so. This funding comes from the housing service's capital and revenue budget.

This Adaptations Policy specifically refers to adaptations carried out for tenants of GYBC.

## **2. PURPOSE OF POLICY**

The purpose of the policy is to set out the council's approach to the provision of aids and adaptations for GYBC tenants, who are eligible to receive them, and how they will be delivered.

The assistance available through this policy aims to provide an efficient, practical and cost-effective adaptation service, taking into account the health and well-being of the tenant and household.

## **3. POLICY AIMS**

The policy aims to help GYBC tenants, and their immediate household, who are disabled or suffer from long-term ill health to live independently in their home.

The council is committed to facilitating the provision of aids and adaptations to properties and will endeavour to deal with requests for assistance as quickly, effectively and sensitively as possible. Applications are dealt with using a priority system combined with date order. Any exceptions to this will need approval from a senior officer.

### **3.1 Definitions**

The policy refers to 'disabled' persons. A person is defined as 'disabled' under the Equalities Act 2010 if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

## **4. RELEVANT LEGISLATION**

### **Chronically Sick and Disabled Persons Act 1970**

Section 1 of the act imposes a duty on the council to provide adaptations or special equipment needs in the home to help with convenience or for safety. Any provision

of resources is dependent upon an assessment of need under the NHS & Community Care Act 1990.

### **Disabled Persons Act 1986**

The Disabled Persons Act 1986 strengthens the provisions of the Chronically Sick and Disabled Persons Act 1970 and requires Local Authorities to meet the various needs of disabled people, including provision of aids and adaptations.

### **Housing Act 1985**

Under section 8 of the act the council has a duty to consider housing conditions in its district and the needs of the district for the provision of further housing accommodation. This may include the provision or adaptation of existing accommodation for its own disabled tenants.

### **Housing Grants Construction and Regeneration Act 1996**

Under this act the council has a duty to provide Disabled Facilities Grants to eligible applicants.

### **Equality Act 2010**

The Equality Act 2010 prohibits discrimination against people with the protected characteristics that are specified in section 4 of the Act. Disability is one of the specified characteristics.

## **5. DETERMINING ELIGIBILITY FOR ASSISTANCE**

### **5.1 Eligibility**

The following eligibility criteria apply:

Applicants must be a secure tenant of GYBC or their partner, or member of their immediate family, who is permanently resident in the household and who have a disability, which has a significant or serious long-term effect on their ability to:

- carry out normal day-to-day activities in and around their home
- and / or access essential facilities within their home.

Works for others living at the property such as lodgers, will only be carried out in exceptional circumstances and only if they have been resident with the tenant for more than 12 months.

An applicant who is not a named tenant on the tenancy agreement, must be registered as living at the property for Council Tax purposes, and if aged over 18 years, they should be registered at that address on the electoral roll.

Adaptations will only be considered if the property is the main residence of the individual and they do not hold another tenancy or own another property. The tenant must also intend to remain resident at the property for 5 years. Consideration will be given to waiving this requirement where a tenant is on a fixed term tenancy and there is less than 5 years remaining.



## 5.2 Adaptations for Children

In cases where a child is disabled, and the parents are separated, adaptation works will usually only be completed at the property of principal residence (normally the residence of the parent who is in receipt of child benefit for that child).

## 5.3 Adaptations to Facilitate Hospital Discharge

Adaptations will be considered where the applicant is waiting to be discharged from hospital and requires their home to be altered. These applications will be prioritised ahead of less urgent cases.

## 5.4 Who is not Eligible?

Circumstances where requests to adapt a property may be refused include:

- Where an individual has no recourse to public funds
- Where major adaptations are required, and the applicant is waiting for medical procedures, which will improve their mobility. The decision that the individual is not eligible will be reviewed once their recovery time is complete. Temporary or minor adaptations may be considered during this interim period.
- Requests for major adaptations will not normally be approved where a Right to Buy application has been received by the council. Following completion of a Right to Buy sale, adaptations could, however, be considered under the council's Private Sector Policy by way of a Disabled Facilities Grant.

Reasons for refusal will be provided to the customer in writing and each case will be considered on individual merits. GYBC recognises that there may be occasions where applications for adaptations fall outside of this policy and these will be assessed on an individual basis.

## 6. TYPES OF ASSISTANCE AVAILABLE

There are three categories of aid and adaptations:

- Equipment
- Minor Adaptations
- Major Adaptations

The most appropriate solution will be sought in all cases and will aim to offer the best value for money whilst meeting the needs of the household. This will be achieved by ensuring that the works are **necessary and appropriate** to meet the needs of the disabled person and are **reasonable and practical** depending on the age and condition of the property, prior to authorising the works as outlined in the legislation guidance (Housing Grants Construction and Regeneration Act 1996).

## **6.1 Equipment**

Portable or temporary equipment is available to help with those who have difficulties with daily living activities such as:

- Reaching down to put on socks, stockings or shoes
- Turning the taps on and off or generally managing in the kitchen
- Getting in and out of the bath
- Getting up from a low toilet
- Getting up out of an easy chair
- Carrying things between rooms

The Council can assess and recommend the need for portable pieces of equipment on behalf of t Norfolk County Council. In some circumstance's equipment may be provided free of charge to those people who meet Norfolk County Councils eligibility criteria although this is not guaranteed. Further information is available on Norfolk County Council website. [Norfolk County Council Support to Stay at Home](#)

## **6.2 Minor Adaptations**

GYBC recognises that the timely provision of minor adaptations can often postpone the need for more substantial adaptations.

The type of work carried out includes:

- Lever taps
- Stair rails
- External grab rails
- Internal grab rails
- ½ height steps
- Small ramps

Requests for minor adaptations will normally be made on behalf of the tenant by an Occupational Therapist or Trusted Assessor but they can also be made by a GYBC staff member.

## **6.3 Major Adaptations**

Major adaptations can include:

- Bathroom works for example installation of level access showers
- Kitchen works for example lowering of worktops
- Internal access – door widening, stair-lifts, through floor lifts

- Property access – ramps, car hard-standing and dropped kerbs<sup>1</sup>
- Extensions where remodelling the existing layout is not possible and a move has been considered as not appropriate.

Major adaptations will only be carried out following a formal recommendation from an Occupational Therapist or Trusted Assessor, for eligible tenants and in suitable properties.

## 7. PROCESS FOR EXISTING TENANTS

The policy in respect of adaptations to GYBC dwellings reflects the statutory requirements for Disabled Facilities Grants in the private sector.

Before an application for adaptations can be considered, an Occupational Therapist or Trusted Assessor will need to confirm that the applicant is disabled as defined in the Equalities Act 2010.

An Occupational Therapist or Trusted Assessor will carry out an assessment of the needs of the applicant to determine what is necessary and appropriate (this may include working with other health professionals, such as a medical consultant or GP).

The Occupational Therapist or Trusted Assessor will consider the competing needs of the household occupying the property including any competing needs of family members that need to be met in that property.

### 7.1 Necessary and Appropriate

An Occupational Therapist or Trusted Assessor will submit a recommendation of what is required and advise whether the proposed work is '**necessary and appropriate**'. Although there is a duty to consider Social Services advice the formal decision as to whether the proposal is 'necessary and appropriate' is for GYBC to take.

If the application relates to a condition, which is medical rather than functional, supporting evidence of a functional disability may be requested by the Occupational Therapist or Trusted Assessor from the applicants medical practioner to inform the assessment of the applicant's needs.

To qualify as an adaptation, the work must be designed to:

- Enable a disabled person to gain access to and from their home and garden
- Make the dwelling safe for the disabled person and other occupants
- Enable access to a room, which is used as the 'principle family room'
- Facilitate access to and from a room used for sleeping

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<sup>1</sup> subject to approval being given Norfolk County Highways

- Enable access to a toilet, bathroom or shower room and facilitate the use of the facilities
- Facilitate the preparation and cooking of food
- Improve or provide a heating system to meet the needs of a disabled person
- Facilitate the use of a source of power, light or heat by altering the existing means of control or providing additional ones
- Enable a disabled person to have access and movement around the home in order to be able to care for someone else living there.

The Occupational Therapist or Trusted Assessor's recommendation will form the basis of any scheme of works required to meet the needs of the tenant (and where applicable their household), which in some cases may include moving to more suitable accommodation. In some cases, the Council may identify other works to address the needs of the individual and/or ensure the practical use of the property.

## 7.2 Reasonable and Practicable

Once the Occupational Therapist or Trusted Assessor's assessment is received and the proposed work is deemed as necessary and appropriate, the Council's Technical Officer will usually visit to determine whether the works are **'reasonable and practicable'** having regard to the age and condition of the property to establish whether the adaptations can be carried out safely without having an adverse effect on the fabric of the building.

Where the assessed needs are complex and there may be more than one way of meeting the identified needs; the Occupational Therapist or Trusted Assessor may carry out a joint visit with the Technical Officer. Taking a person-centred approach, the visit will identify what the applicant is able to do currently and options will be discussed and considered in line with this policy, to establish the most appropriate solution, which will aim to offer best value for money whilst meeting the needs of the applicant. This may include undertaking works that meet the necessary needs of the applicant now pending a move to more suitable accommodation that is able to be meet / or be adapted to meet the whole range of identified needs.

## 7.3 Landlord Permission

Permission will be sought from the Council as landlord before major adaptation works are carried. Major works include but are not limited to extensions and multiple works that involve extensive remodelling to create accessible amenities and facilitate access to the property.

The Council as landlord will not give permission for:

- major adaptation works where the cost of the works exceeds the financial limit set at section 8 of this policy.
- Level access bathing provision or shower trays in flats above ground floor.

- Installation of stair lifts to a communal staircase in a block of flats or the shared common areas of a property as there is a risk that this will restrict access to other users of the building and the emergency services.
- Works to properties if the property is not suitable for the size of the household.

A property will be considered unsuitable for the size of the household where a household is under-occupying by more than one bedroom or where the household is living in a property that is over-crowded. The Council as landlord will consider individual cases of under-occupation sympathetically where the applicant is receiving palliative care and or where there is a need for a carer to sleep in. In these situations, the Council will consider timely provision of some or all the assessed works where they are technically possible. Where the Council as landlord refuses permission the applicant will be offered a move to more suitable accommodation that meets the formally assessed needs of their household. While waiting for more suitable accommodation to become available some of the assessed works may be able to go ahead as an interim solution, for example installation of a stairlift, wash-dry toilet and temporary ramps as these can easily be removed when they are no longer required.

Circumstances where the Council as the landlord may refuse permission for adaptation works include:

- Where there is suitable alternative accommodation within the social housing stock that is likely to become available within 12 months that would meet the households assessed needs or could be adapted more easily to meet those assessed needs.
- Where the adaptation will have an impact on the property and its future use, such as losing usable living space in the property. For example, relocating a bathroom upstairs resulting in the loss of a bedroom.
- Where the tenant is in breach of their tenancy agreement e.g. rent arrears or substantiated reports of Anti-Social Behaviour and the Council has commenced action seeking possession of the property or formal legal action. In these circumstances, the works will be put on hold pending the outcome of the court case or repayment of the debt. In some exceptional circumstances, for example where the applicant is receiving palliative care, or where essential works are required to meet the needs of disabled children some/all works will be permitted to be undertaken.

Landlord consent for works to communal areas such as ramped access to communal entrances will be considered on a case by case basis taking into account whether the provision of the works would cause health and safety issues for other residents and to consider any likely impact on other residents.

If an adaptation is deemed not **reasonable and practicable** or is refused by the Council as landlord, the tenant will be offered the option of transferring to more suitable alternative accommodation. Transfers are dealt with in accordance with the Council's Housing Allocations Scheme.

If rehousing is deemed the most appropriate option, then the tenant will be offered support to help them relocate, this may involve assistance to organise a removal company and a contribution towards moving costs.

In cases where a move to more suitable alternative accommodation is recommended, the move will take place as soon as reasonably practicable and will be subject to suitable housing stock being available from the Council or a Registered Providers. In some cases, the tenant may also want to consider a move to the private rented sector.

If a tenant refuses a reasonable offer of more suitable accommodation that is either adapted or can be adapted to better meets the households assessed need, major or extensive adaptations to their current property will not be carried out. In exceptional circumstances, for example where the applicant is receiving palliative care or where adaptations are required to maintain the applicant's safety some essential adaptation works will be provided subject to the financial limit set out at Section 8 and where they are technically possible.

The suitability of an offer of alternative accommodation will be discussed between the Occupational Therapist or Trusted Assessor, Technical Officer, Housing Options Team and Tenancy Services taking account of the applicants essential assessed needs and how they can be met. The applicant will be advised of the options open to them in order to make an informed choice, this will include information on the availability of accommodation.

It is important for the Council as landlord to consider all these factors to ensure it makes the best use of its financial resources and stock whilst meeting the needs of the applicant.

Tenants can request a review of the Councils landlord decision to refuse the works and this should be done in writing within 28 days of receiving written notification of refusal. Section 12 sets out the review process.

When considering the scope of works, the Council as part of its landlord function, will consider the long-term use of the property when making adaptations. This consideration will particularly be relevant where extensions and other major adaptations are being considered. The Council as landlord may decide to enhance the adaption e.g. providing a double bedroom rather than a single bedroom to ensure the property could accommodate as many household types in the future.

Requests for adaptation will not be refused due to any additional costs caused by an enhanced adaptation at the landlord's request.

Appendix 1 contains a simplified step by step guide to the process.

## **8. COST OF ADAPTATIONS**

The cost of adaptations to its own housing stock is met by Council from its Housing Revenue Account and is subject to budget availability. The upper cost limit for works is set in line with the maximum award for a Disabled Facilities Grant, which is currently £30,000 per individual.

The Council as landlord will consider applications for multiple people in a household and those from a sole applicant.

For sole applicants the maximum cost of adaptations that can be funded is £30,000. There may be a small number of cases where works are likely to exceed £30,000. For example, where multiple adaptations are needed, where an extension is recommended to create downstairs living, or where works will meet a particular need which otherwise cannot be met in the existing affordable housing stock within a reasonable time period. The cost of works for a sole applicant is capped at £50,000 and agreement to fund works up to this amount is at the discretion of the Housing Director.

Major adaptations for multiple people in a household will only be considered where there is an Occupational Therapist or Trusted Assessor assessment for each person that explicitly defines their needs, and which clearly defines the works that are required to meet those needs. For a household with assessed multiple needs the maximum amount that can be spent on adapting a property is as follows:

- Two applicants with assessed needs for adaptations, the total amount that can be awarded is £60,000.
- Three or more applicants with assessed needs for adaptations the total amount that can be awarded is £80,000.

Where the cost of the works exceed £30,000 the applicable cap identified above applies to the property and for the life of the tenancy, including succession or where a new tenancy is formed for example the creation of a joint tenancy, which relates to the household that were resident at the time of the adaptation works being completed.

Where the cost of the work is likely to exceed £30,000 for a sole applicant or major adaptations are being considered for multiple people in a household, the Housing Director will consider cases individually and decisions are at their discretion. This discretion will only be used in exceptional circumstances where:

- Suitable alternative accommodation is not available in the current affordable housing stock, or;
- An applicant has been waiting in excess of a year for a move to a more suitable property that is either adapted or can be adapted at a lower cost, and;
- Alternative funding cannot be identified. This would include making representation to NCC Social Services for top up funding or approaching charitable organisations, and;
- Where discussions with the Occupational Therapist or Trusted Assessor to find an alternative less costly way of meeting the applicant's needs have been exhausted.

## **8.1 Means Test**

A means test is not applied to adaptations for tenants or their household and therefore no financial contribution is required.

GYBC reserve the right to review whether a financial contribution should be sought at a future date.

## **9. ADAPTATIONS TO VOID OR ACQUIRED PROPERTIES**

### **9.1 Adaptations to Void Properties**

In order to make the most efficient use of existing stock the Council makes every effort to let adapted properties to those applicants who require them.

The Council will not routinely remove adaptations from void properties or undertake major adaptations to a property, where there is the likelihood of a suitable property becoming available within 12 months that would meet the households assessed needs or could be adapted more easily to meet those assessed needs.

When a property becomes vacant it will be determined whether it is suitable for someone needing adapted accommodation. This determination will be based on whether the property has existing adaptations and or whether it can be adapted to meet the needs of an applicant waiting for re-housing.

Where a property can be adapted to meet the needs of an applicant the Council will carry out those adaptations once the tenancy has started. Adaptations will not be carried out prior to the commencement of the tenancy unless there are exceptional circumstances, such as:

- applicant is physically unable to access the property with the provision of a temporary ramp
- applicant or disabled person has a medical condition that means it would not be safe for them to be in the property while work is carried out. For example, has severe breathing difficulties that would be aggravated by the works and cannot stay with family or friends while the work is on-going, or there is a member of the household with severe autism who cannot live elsewhere while the work is on-going.
- Where a property requires void works that if delivered differently would meet the needs of the disabled tenant for example, instead of fitting a new standard bathroom, provide an adapted bathroom.
- Where the adaptations required are significant (impacting large parts of the property) or are structural in nature making it unsafe for someone to live in the property while the work is carried out.

In those circumstances the Council may carry out some or all the adaptations prior to the commencement of tenancy.



## **9.2 Adaptations and Acquisitions**

From time to time the Council may acquire properties on the open market to meet specific housing needs which cannot be met within the existing stock. When acquiring a property to meet the needs of a disabled household waiting for rehousing, the Council will seek to acquire adapted properties or properties that lend themselves to adaptation at a reasonable cost.

The process for properties acquired for this purpose are outlined in the GYBC Use of Retained Receipts Policy and the GYBC Acquisitions and Disposals Policy. These policies can be found on the GYBC website.

Potential properties to be acquired for this purpose will be surveyed to assess whether they are suitable or can be made suitable for tenants with disabilities before a final decision is made on whether to acquire. Funding for these works will be provided from the acquisitions budget, including the use of Retained Right To Buy Receipts.

Appendix 2 sets out the points and indicative specification that will be considered when acquiring a property to adapt for wheelchair use. This is applicable when considering works in both void properties and properties the Council is seeking to acquire.

## **10. TENANTS INSTALLING THEIR OWN ADAPTATIONS**

Secure tenants of GYBC may be able to organise their own adaptations at their own expense. In all cases, the tenant must obtain written agreement from GYBC before carrying out alterations or adaptations to their property. GYBC will only refuse permission with good reason, such as if the work:

- Would interfere with any maintenance to the property
- May cause a potential health & safety risk
- Would breach regulatory requirements.

The written request will need to state what works and adaptations the tenant wishes to carry out and who will be undertaking the works. A tenant must not start works without first gaining written permission from GYBC. GYBC may inspect completed works to ensure they are carried out satisfactorily.

GYBC will also advise the tenant prior to approval of an adaptation that they may be required to remove any adaptations and make good any damage to the property and/or reinstate the original features of the property at the end of their tenancy. For example, when a bath is replaced with a shower, the tenant may be required (depending on the property type) to install a replacement bath at the end of their tenancy.

The tenant will be responsible for the maintenance and repairs of adaptations that they have arranged themselves for the duration of the tenancy. In addition, GYBC will not be liable for any damage or injury caused by the adaptations.

The amount of rent charged will not be affected by installing privately funded adaptations to the property.

At the end of the secure tenancy, tenants who have carried out adaptations at their own expense and with the approval may be eligible for some compensation in accordance with legislation (Housing Act 1985 Part 4 Section 99A 'Right to compensation for improvements')

If adaptations have been carried out at the tenant's own expense without permission:

- GYBC may agree to take over the ownership of the adaptations subject to the standard of the adaptation works being satisfactory and capable of being granted consent for by the Council.
- The tenant may be required to remove the adaptation, reinstate original features of the property and make good the damage to the property if the quality of the adaptation is not satisfactory, the Council would not have given consent for the adaptation works or it would not be suitable to re-let the property with the adaptation in place.
- If GYBC needs to repair any damage after a tenancy has ended caused by the adaptation of the property by the former tenant or remove an adaptation the former tenant had installed, the former tenant will be liable for the cost of the works.

## **11. USE OF ADAPTED PROPERTY**

Once major or extensive adaptations have been completed at a property it is expected that the person for whom the adaptation was completed will continue to live at the property for a minimum period of 5 years unless circumstances do not allow this (for example, a deteriorating medical condition means that the property is no longer suitable).

Where the individual's needs have changed and, with agreement from the Occupational Therapist and the council, a move to a suitable alternative property will be considered in line with the current Council's Housing Allocations Scheme. Should the new home require any adaptations to meet specific needs, these will be assessed in accordance with the terms of this policy.

If the tenant applies to be re-housed following completion of an adaptation for themselves or a member of their family, they would normally be considered adequately housed unless their circumstances have significantly changed or there will a material impact on them if they remain in the property.

### **11.1 Mutual Exchange**

Mutual exchanges will be considered in line with legislation with Schedule 3 of the Housing Act 1985 setting out the grounds for refusing a mutual exchange). Therefore, permission may be refused if the property:

- Has been adapted or has features that make it suitable for a disabled person
- Is a property owned by a landlord which lets properties to particularly vulnerable people or;
- Is for people with special needs (supported housing) and if the mutual exchange took place there would no longer be such a person living in the property.

## **11.2 Right to Buy**

Applications to exercise the Right to Buy by tenants who have had adaptations carried out by the council may be refused in line with legislation (Housing Act 1985 Schedule 5: Exceptions to the Right To Buy). All applications will be assessed on a case by case basis.

## **11.3 Change of Needs**

If a tenant's needs change after adaptations have been installed for example, they can no longer do something that they could manage before, the council, upon request will arrange for the tenants needs to be reassessed.

## **12. REVIEW OF DECISION**

It is important that tenants can request a review of a decision in a clear, fair and efficient process. Tenants may request a review of a decision to refuse works. Reviews should take place as soon as possible in order not to disadvantage an applicant.

The review process is as follows:

- a) A review request must be made by the tenant within 28 days of the decision regarding their application. This time limit may be extended in exceptional circumstances.
- b) The review must be conducted by another council officer who was not involved in the original decision and is senior to the officer who made the original decision.
- c) The review process will normally be based on written representations.
- d) The review officer may make further inquiries and interview applicants and other interested parties but there will be no requirement to hold a full oral hearing.
- e) The review should be concluded within 8 weeks of the review request or as soon as reasonably practicable afterwards.
- f) The decision on review will be and communicated in writing to the tenant and give reasons if the review outcome is against the tenant.

## **13. COMPLAINTS**

Any complaints about this policy or its implementation will be addressed through the council's corporate complaints system.

#### **14. MONITORING AND REVIEW OF THE POLICY**

The policy will be monitored and be subject to bi-annual review unless there is a fundamental change of legislation.

### Steps by Step Adaptation Process

A referral is made to the independent Living Service – this can be made by the tenant or the tenant’s representative.
An initial assessment is carried out to determine eligibility and the likely nature of the assistance required. Not all requests will require adaptations, some requests may be more appropriate to be dealt with by the Handyperson service or could be met through the provision of equipment.
If adaptations are required, the case will be referred for further assessment to determine the households needs. This assessment will be carried out by an Occupational Therapist (OT) or a Trusted Assessor (AT).
The tenant will be contacted to make an appointment for the assessment to be carried out. The assessment could be by telephone or face to face visit.
If at the assessment the property is deemed not suitable for the size of the household and there are no exceptional circumstances as defined in the policy the Occupational Therapist or Trusted Assessor will advise that the works will not be able to proceed. They discuss with the tenant whether they wish to move to more suitable accommodation and will provide advice on how to apply for rehousing.
If the property is suitable in size for the household the Occupational Therapist or Trusted Assessor will determine what works are required and whether they are necessary and appropriate to meet the assessed needs. This may involve a joint visit with the Technical Officer to consider how they works could be delivered. The Occupational Therapist or Trusted assessor will provide a formal recommendation for works.
On receipt of the recommendation the Technical Officer arranges a survey, unless one has not already been completed as part of the joint visit, to determine if the works are reasonable and practical given the structure and design of the building.
Permission from the Council as landlord will be required for adaptations including extensions and multiple works that involve extensive remodelling to create accessible amenities and facilitate access to the property. When considering whether to grant permission the landlord will consider the extent and nature of the adaptations in relation to the property and the cost of the adaptations which cannot exceed the amounts set out in the policy.
If the adaptations are deemed not reasonable and practicable or are refused by the Landlord, the tenant will be informed of the decision and offered the option of transferring to more suitable alternative accommodation. The tenant may request a review of the landlord’s decision to refuse the works.
Where the adaptations can proceed the Technical Officer will liaise with the tenant and contractor to agree a start date.
On completion of works the Technical Officer will visit to inspect and will notify the referrer that the works are complete to enable them to provide any equipment that has been identified as part of their assessment.

**POINTS TO CONSIDER WHEN ACQUIRING  
A PROPERTY TO ADAPT FOR WHEELCHAIR USE**

Area	Principle	Design Consideration
<b>Parking</b>	Provide, or enable by cost effective adaptation, parking that makes getting into and out of the vehicle as convenient as possible.	Where a dwelling has car parking within its individual plot boundary, at least one parking space length should be capable of enlargement to achieve a level car hardstanding area that is 4800mm x 3300mm, ideally this will be as close to the property as possible.
<b>Approach to the dwelling</b>	Enable, as far as practicable, convenient movement along approach routes to the dwelling for the widest range of people.	The distance from a car parking space to the dwelling entrance should be kept to a minimum and be level or gently sloping. Where ramping is required consider space available for level access platform at the entrance door, minimum 1500mm x 1200mm, with suitable space available to construct a ramped pathway with a gradient no greater than 1:12 for runs up to 5m. The pathway will ideally be 1200mm wide with a minimum requirement of 900mm.
<b>Entrances</b>	Enable ease of use of all entrances for the widest range of people.	Where possible entrances would have, or the following will be achievable; a) Be illuminated b) Have level access over the threshold; and c) Have effective clear opening widths d) Have adequate weather protection e) Have a level external platform. All entrances should have an accessible threshold with a maximum 15mm up-stand. The minimum effective clear opening width at all entrances to a dwelling should be a no less than 800mm.
<b>Internal doorways and hallways</b>	Enable convenient movement in hallways and through doorways.	Movement in hallways and through doorways should be as convenient to the widest range of people, including those using mobility aids or wheelchairs. As a general principle, narrower hallways and landings will need wider doorways in their side walls. Subject to provision of adequate door opening widths, the minimum width of any hallway/landing in a dwelling should be 900mm. This may reduce to 800mm at 'pinch points' (e.g. beside a radiator) as long as the reduced width is not opposite, or adjacent to, a doorway. The minimum clear opening width of any doorway within a dwelling, when the approach to the door is 'head on', is 800mm. A wider clear opening will be required when a turn is required with a minimum clear opening of 850mm being achievable.
<b>Circulation Space</b>	Enable convenient movement in rooms for as many people as possible.	A clear turning circle of 1500mm diameter will be achievable in all rooms to be used by the wheelchair user. Where movement between furniture is necessary for essential circulation (e.g. to approach other rooms,

Area	Principle	Design Consideration
		<p>or the window) a clear width of 800mm between items should be possible.</p> <p>Kitchens: should have a clear width of 1200mm between kitchen unit fronts / appliance fronts and any fixed obstruction opposite (such as other kitchen fittings or walls). This clear 1200mm should be maintained for the entire run of the unit, worktop and/or appliance.</p> <p>Bedrooms: The main bedroom in a dwelling should be capable of having a minimum clear space of 800mm wide to both sides and the foot of a standard sized double bed. Other bedrooms should be capable of having a clear space, 800mm wide, to one side of the bed. In addition, in these bedrooms, where it is necessary to pass the foot of the bed a clear width of 800mm should also be provided at the foot of the bed.</p>
<b>Stairs and potential through-floor lift in dwelling</b>	Enable access to storeys above the entrance level for the widest range of people.	<p>In dwellings with two or more storeys, the stairs and associated area should be adequate to enable installation of a (seated) stair lift without significant alteration or reinforcement. A clear width of 900mm would be ideal. This clear width should be measured 450mm above the pitch height. Stairlifts can be used when the staircase is narrower, however this will be dependent on the user and whether the stairs are straight (minimum 750mm) or curved (minimum 850mm) but will be subject to specific survey. If a stairlift is not a viable option, then a through floor lift can be considered. Consideration has to be given to the rooms this will affect along with access/egress from the lift. The potential aperture size for the route through the floor should be a minimum 1000mm x 1500mm - with the potential approach to the lift being to one of the shorter sides. This potential aperture area should be clear of services.</p>
<b>Bathroom</b>	Provide an accessible bathroom that has ease of access to its facilities from the outset and potential for simple adaptation to provide for different needs in the future.	<p>An accessible bathroom should be provided in every dwelling on the same storey as a main bedroom. Ideally the room size requirement will be sufficient to accommodate a clear area for level access shower of 1200mm x 1200mm. The centre line for the WC will be a minimum of 450mm from the adjacent wall with space also available for a suitable wash hand basin. A clear turning circle area of 1500mm should be achievable within the room. The door to the bathroom should be available to open outwards. The minimum room footprint would ideally be 2100mm x 2100mm although this is not always available. Walls in all bathrooms and WC compartments should be capable of firm fixing and support for adaptations such as grab rails.</p>

Area	Principle	Design Consideration
<b>Location of service controls</b>	Locate regularly used service controls, or those needed in an emergency, so that they are usable by a wide range of household members - including those with restricted movement and limited reach.	Any service control needed to be operated or read on a frequent basis, or in an emergency, should be included within the height band of 450mm – 1200mm from the floor and at least 300mm away from any internal corner. For example, this would include the following: Electrical switches & sockets, TV / telephone / computer points, consumer service units, central heating thermostatic and programming controls, radiator temperature control valves, and mains water stop taps/controls.
<b>Potential for fitting of hoists and bedroom / bathroom</b>	Aid with assisted living by enabling convenient movement between bedroom and bathroom facilities.	Structure above ceiling finishes over a bedroom and over the bathroom should be capable of supporting, or capable of adaptation to support the future installation of single point hoists above the bed, bath and WC. The primary bedroom and bathroom should be on the same storey level.