

Subject: Community Housing Adaptations Policy 2018

Report to: Management Team 29th May 2018
Housing & Neighbourhoods Committee 14th June 2018

Report by: Senior Projects Officer

SUBJECT MATTER/RECOMMENDATIONS

Housing & Neighbourhoods Committee are requested to consider and approve the Council's Housing Adaptations Policy 2018.

1. INTRODUCTION

- 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 particular needs of chronically sick and disabled persons. This includes the provision or adaptation of existing accommodation for its own disabled tenants.
- 1.2 The current policy, which was adopted in March 2016, has been reviewed and the recommended amendments are set out in section 3 of the report.
- 1.3 The purpose of the policy is to set out the council's approach to the provision of aids and adaptations for housing tenants, who are eligible to receive them, and how they will be delivered.
- 1.4 The policy aims to help 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. A copy of the revised policy is attached at Appendix 1.

2 FINANCE

- 2.1 Great Yarmouth Community Housing (GYCH) 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 revenue account and the budget for 2018/19 is £530,000 (£210,000 revenue, £320,000 capital)
- 2.2 The table below provides an overview of the number of adaptation requests received, the number of jobs completed and the cost for the last two financial years

Year	Service Requests	Works Undertaken	Net Expenditure
2016/17	234	215	£271,423
2017/18	245	226	£373,181

- 2.3 Since 2016 there has been an increase in the number of requests for complex and high cost adaptations, including those requiring the construction of sizable extensions to properties in order to make the property accessible for the tenant. The cost of the works has steadily increased in line with the complexity of the works being recommended by the Occupational Therapist.
- 2.4 Minor works and non-complex adaptations such as level floor showers and ramped access are covered by the contractor framework which operates on an agreed schedule of rates for prescribed works. The framework was tendered for a four year period and is due to be retendered in 2019. Extensions and more extensive works comprising of a number of adaptations are subject to open tender and are procured in accordance with the Council's Contract Standing Orders. Any contractor can tender for these works providing they register with the Council's e-procurement portal or the governments 'Contracts Finder' website.
- 2.5 Officers have investigated the use of Disabled Facilities Grant (DFG) to fund tenants' adaptations in the Council's own stock. It was found that whilst the DFG framework and mandatory aspect of the grant applies across all tenures, the DFG budget cannot be used for the funding of adaptations to local authority properties as an allowance is made in the self-financing model that was applied to all housing revenue accounts from 2012. Therefore the responsibility for funding of disabled adaptations in its own properties remains with the Council.

3. SUMMARY OF KEY POLICY UPDATES

- 3.1 The policy has been reviewed and updated to capture the issues relating to funding and provide clarity to how applications for adaptations are determined. The following are the key updates:
- 3.2 **Section 6.2 & 8.** These sections deal with decisions relating to whether the adaptation is reasonable and practical and the cost of the adaptations. The policy will be amended to set a maximum cost adaptations to a property that can be funded at £30,000. This is in line with current maximum limit for Disabled Facilities Grant (DFG). However it is recognised that there will be some cases where significant works are required and in those cases the Head of Housing will have discretion to approve works up to the value of £50,000. This discretion will only be used in exceptional cases where:
- Suitable alternative accommodation is not available in the current social housing stock, or;
 - Where an applicant has been waiting in excess of a year for something more suitable to become available 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 to find an alternative less costly way of meeting the tenants needs have been exhausted.
- 3.3 Adaptations costing in excess of £50,000 will not be approved and officers will work with the tenant and the Occupational Therapist to consider alternatives. This could include moving to more suitable accommodation that is adapted or can be adapted, working with the Occupational Therapist to bring down the cost of works or seeking alternative funding as detailed above.

- 3.3 **Section 6.2.** This section deals with decisions relating to whether the adaptation is reasonable and practical. The policy will be amended to clarify that adaptations will only be considered where the household is under-occupying the property by a maximum of one bedroom. This will clarify for tenants how under-occupation will be treated. In cases where tenants are under-occupying by more than one-bedroom they will be encouraged to consider a move to more suitable accommodation. This ensures the Council is making best use of the stock available.
- 3.4 **Section 8.** This section deals with means testing. The policy will be amended to withdraw the means test from the application process. This rationale for this that only a very small number of tenants each year who go through the means test are required to contribute to the cost of the adaptations. In 2017/18 only 4 tenants had a contribution to make and of those only 2 wanted to proceed with the works. Removing the means test simplifies the application process for tenants and means that resources previously utilised to confirm receipt of benefits and process the means test can be put to better use arranging minor works and dealing with tenant enquiries.

4. RISKS

- 4.1 A small number of tenants may not receive the adaptations that have been requested by an Occupational Therapist because they are either under-occupying their home by more than one bedroom or because the cost works being requested exceeds the maximum limit. The steps outlined in section 3 above will minimise this risk with officers working with tenants to seek alternative solutions.

5. RECOMMENDATION

Housing & Neighbourhoods Committee are requested to consider and approve the council's Housing Adaptations Policy 2018

6. BACKGROUND PAPERS

None

7. APPENDICES

Appendix 1: Great Yarmouth Community Housing Adaptations Policy

Area for consideration	Comment
Monitoring Officer Consultation	N/A
Section 151 Officer Consultation	29 th May 2018
Existing Council Policies	Community Housing Adaptations Policy (2016)
Financial Implications	Contained in the report
Legal Implications (including human rights)	DFG – Consideration of the Housing Grants, construction and Regeneration Act 1996 Housing Revenue Account Self-financing Determinations 2012

Risk Implications	Contained in the report
Equality Issues/EQIA Assessment	Meeting the needs of some of the boroughs most vulnerable residents
Crime & Disorder	N/A
Every Child Matters	Service provides for families with children

GREAT YARMOUTH COMMUNITY HOUSING ADAPTATIONS POLICY

Document created	March 2016 (Revised April 2018)
Agreed by Housing & Neighbourhoods Committee	June 2018
Review date	June 2020

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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 particular needs of chronically sick and disabled persons. This includes the provision or adaptation of existing accommodation for its own disabled tenants.

Great Yarmouth Community Housing (GYCH) 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.

The adaptations Policy specifically refers to adaptations carried out for tenants of GYCH

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 GYCH 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 GYCH 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 Housing Grants, Construction and Regeneration Act 1996 if:

- their sight, hearing or speech is substantially impaired
- they have a mental disorder or impairment of any kind
- they are physically substantially disabled by illness, injury, impairments that have been present since birth or otherwise.

Generally the impairment of the applicant must have lasted or is likely to last for at least 12 months.

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

Consideration will be given to secure tenants of GYCH or their partner, or member of their immediate family, who is permanently resident in the household and who have an impairment 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.

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.

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. This can 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. GYCH 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 ASSESSMENT PROCESS

The policy in respect of adaptations to GYCH dwellings reflects the statutory requirements for disabled facilities grants in the private sector.

Before an application for adaptations can be considered, Norfolk County Council Social Services need to confirm that the applicant is either registered or registerable disabled under the National Assistance Act 1948.

6.1 Necessary and Appropriate

An Occupational Therapist will also 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 Great Yarmouth Community Housing to take.

If the application relates to a condition which is medical rather than functional, Social Services will still need to confirm that the applicant is registered or registerable as disabled. However, they will then need to arrange for the applicants medical practitioner to provide the relevant clinical information to GYCH to assess whether the work is necessary. This may involve a referral to a medical advisor.

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

- Enable a disabled person to gain access to and from their home
- 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
- 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

6.2 Reasonable and Practical

Once the Occupational Therapists assessment is received and the proposed work is deemed as necessary and appropriate, GYCH must then decide whether the work is '**reasonable and practical**' before proceeding.

The following factors will be considered as part of that assessment process to establish the overall suitability of the property for the works being recommended:

- The cost of the adaptation. The upper limit is £30,000, however, in the cases of an extension the limit may be increased to £50,000 at the discretion of the Head of Housing.
- The age and structural condition of the property to establish whether the adaptations can be carried out safely without having an adverse effect on the fabric of the property.

- The suitability of the property for the size of household. An adaptation will be considered where the household will be under occupying the property by a maximum of one bedroom.
- Whether there is suitable alternative accommodation within the social housing stock that is likely to become available within 12 months
- Whether there are any competing needs of family members that need to be met in that particular property
- The impact of the adaptation on the property and its future use
- the availability of the household's existing support network and carers
- The household's intentions regarding the long term use of property
- Whether the adaptations will meet the long-term needs of the applicant
- Whether external adaptations, such as ramping would adversely affect the area for other residents e.g. Ramping will not be provided in a communal area.
- Where the tenant is in breach of their tenancy agreement e.g. rent arrears or substantiated reports of anti-social behaviour.

If an adaptation is refused on the grounds of it being not reasonable and practical the tenant will be offered the option of transferring to more suitable alternative accommodation. Transfers are dealt with in accordance with the Council's Allocation Policy.

Tenants can request a review of the decision to refuse the works and this should be done in writing within 28 days of receiving written notification of refusal. Section 13 sets out the review process.

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

7 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)

7.1 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

Applications for equipment should be made to Norfolk County Council who will then assess and recommend what equipment is required. In some circumstances equipment may be provided free of charge to those people who meet the eligibility criteria although this is not guaranteed. Further information is available on Norfolk County Council website. [Norfolk County Council Support to Stay at Home](#)

7.2 Minor Adaptations

GYCH 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 steps
- Small ramps

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

7.3 Major Adaptations

Major adaptations can include:

- Bathroom works
- Kitchen works
- Extensions where remodelling the existing layout is not possible and a move has been considered as not appropriate.
- Internal access – door widening, stair-lifts, through floor lifts

- Property access – ramps, car hard-standing (but not the cost of providing the dropped kerb this is met by the tenant).

Requests for major adaptations are recommended to Great Yarmouth Community Housing by an Occupational Therapist following an assessment.

7.3.1 Assessment Process

- An occupational therapist will carry out an assessment of the needs of the applicant (this may include working with other health professionals, such as a medical consultant or GP)
- In conjunction with the tenant the options will be 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 tenant.
- The occupational therapist's recommendations will normally form the basis of any scheme of works, which may include moving to more suitable accommodation.
- In cases where a move to more suitable alternative accommodation is recommended, the move will take place as soon as reasonably practicable.

7.3.2 Restrictions

Major adaptations will only be carried out following a recommendation from an occupational therapist, for eligible tenants and in suitable properties.

8 COST OF ADAPTATIONS

The cost of adaptations is met by GYCH from its Housing Revenue Account. The maximum cost of adaptations that can be funded by GYCH is £30,000. There will be a small number of cases where this maximum is exceeded, for example extensions to create downstairs living. GYCH will consider these applications on a case by case basis to determine whether to fund all or part of the works that exceed the limit, which may be increased to £50,000 at the discretion of the Head of Housing. This discretion will only be used in exceptional cases where:

- Suitable alternative accommodation is not available in the current social housing stock, or;
- Where an applicant has been waiting in excess of a year for something more suitable to become available 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 to find an alternative less costly way of meeting the tenants needs have been exhausted.

8.1 Means Test

A means test is not applied to tenants and therefore no financial contribution is required.

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

9 TENANTS INSTALLING THEIR OWN ADAPTATIONS

Secure tenants of GYCH may be able to organise their own adaptations at their own expense. In all cases, the tenant must obtain written agreement from GYCH before carrying out alterations or adaptations to their property. GYCH 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 GYCH. GYCH may inspect completed works to ensure they are carried out satisfactorily.

GYCH 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 at the end of their tenancy.

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

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 then:

- GYCH may agree to take over the ownership of the adaptations
- The tenant may be required to remove the adaptation and make good the damage to the property

- If GYCH has to repair any damage after a tenancy has ended, the former tenant may be liable for the cost of the works.

10 REMOVING ADAPTATIONS

Where adaptations have been carried out to a GYCH property and a new tenant moves in, the adaptations will not normally be removed.

The Council makes every effort to let adapted properties to those tenants who require them.

11 MOVING OR BUYING AFTER ADAPTATIONS ARE COMPLETE

Following a major adaptation the council would normally expect the tenant to remain in the adapted property for a minimum of five years. However, there may be exceptions 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. Should the new home require any adaptations to meet specific needs, these will be assessed in accordance with the terms of this policy.

11.1 Mutual Exchange

Mutual exchanges will be considered in line with legislation (Housing Act 1985 Schedule 3: 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.

12 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.

13 REVIEW OF DECISION

It is important that tenants are able to request a review of a decision in a clear, fair and efficient process. Tenants may request a review of a decision to refuse works on the grounds that it is not reasonable and practical (section 6.2) 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. But we may extend the time limit 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.

14 COMPLAINTS

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

15 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.