

Housing

Adaptations Policy

October 2024 Teignbridge District Council



Document	Adaptations Policy	
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Lead Officer	Name	Graham Davey
Change Dates	Date	Note

1. Purpose

- 1.1 We are committed to providing an adaptations service to improve the independence, safety and dignity of our tenants.
- 1.2 This policy sets out our approach to carrying out adaptations to support tenants and make sure they experience a good quality of life within their homes. It includes our eligibility criteria, assessment process and conditions.
- 1.3 Through implementation of the policy, we aim to provide individually tailored solutions that improve the quality of life and promote the social inclusion of our tenants who are sick and/or disabled.
- 1.4 The policy and associated service will strike a balance between continuously improving levels of provision and customer service, making best use of available housing stock, and the need to achieve value for money.

2. Definitions and Scope

- 2.1 For the purpose of this policy, an adaptation is a physical alteration or adaptation to any aspect of the property which is provided to make it easier or safer to use for an older or disabled person or a person.
- 2.2 Adaptations in this context do not include free standing or removeable aids and equipment such as toilet frames, bath seats and so on, which are not provided by the landlord.
- 2.3 Applicants must have a recognised disability which has an effect on their ability to carry out normal day-to-day activities. This might include any impairment to speech, sight or hearing; any kind of mental impairment or disorder; or being physically substantially disabled by illness, injury or impairment.
- 2.4 Applicants for an adaptation must be a Teignbridge Council tenant, their child, partner or spouse, or another member of their immediate household who is permanently resident for council tax or child benefit purposes.
- 2.5 For the purposes of this policy, there are two categories of Adaptation:
 - Minor Adaptations (works under £1,000)¹
 - Major adaptations (works up to £30,000)

Examples of Minor and Major Adaptations are provided at **Appendix 1**.

¹ Regulations made under The Care Act 2014 state 'an adaptation is minor if the cost of making the adaptation is £1,000 or less' and it is 'for the purposes of assisting with nursing at home or adding daily living.' The £1,000 limit applies to each adaptation.

- 2.6 Adaptations will not be funded in leasehold or shared ownership properties, although we may provide advice and assistance on making an application for a Disabled Facilities Grant where appropriate.

3. Statutory and Regulatory Requirements

- 3.1 We are committed to meeting our statutory obligations contained in the following legislation and any future legislation or codes of practice:

- Chronically Sick and Disabled Persons Act 1970.
- Housing Act 1988.
- Housing Grants, Construction and Regeneration Act 1996: Mandatory Disabled Facilities Grant.
- Disables Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008.
- Equality Act 2010.
- Social Housing (Regulation) Act 2023.

A full list of relevant statutes can be found at **Appendix 2**.

- 3.1 The Regulatory Standards require that registered providers must assist tenants seeking housing adaptations to access the appropriate services.² Specifically, landlords are expected:

- To clearly communicate to tenants and relevant organisations how they will assist tenants seeking housing adaptations services.
- To co-operate with tenants, appropriate local authority departments and other relevant organisations so that a housing adaptations service is available to tenants where appropriate.

4. Policy

- 4.1 As far as reasonably possible, we will support tenants and enable them and their household members to live independently within their home and community, ensuring their home remains safe and convenient to use, whilst ensuring efficient use and management of resources.
- 4.2 We will provide a range of adaptations to our homes to enhance the confidence, dignity and quality of life of our residents, providing the adaptations are deemed reasonable and practicable, having regard to the age and condition of the property, and the resources available.
- 4.3 Wherever possible, we will follow the principles that govern the provision of Disabled Facilities Grants (DFGs), so that there is equality of treatment between our tenants and people living in other tenures.

² Gov.UK Regulatory Standards, Safety and Quality Outcome 1.5, <https://www.gov.uk/government/publications/safety-and-quality-standard>, accessed April 2024.

- 4.4 Eligible works for an occupant can include:
- Facilitation access to and from the property,
 - Making the property safe for a disabled tenant and other occupants,
 - Facilitating access to living and sleeping space, toilet and bathroom within the property,
 - Facilitating the safe preparation and cooking of food,
 - Facilitating the safe use of heating, lighting and ventilation controls,
 - Facilitating the access and movement around the property to enable the care of another person who is normally resident there,
 - Facilitating safe access to and from a garden.
- 4.5 Tenants will be supported to apply for Disabled Facility Grant Funding or funding from another supporting agency. Applications for mandatory Disabled Facilities Grants (DFGs) can be made by residents directly to Teignbridge District to fund essential adaptations.³ Having regard to exceptions detailed in 4.8
- 4.6 The assessment process will be in accordance with current regulations and guidance from the government regarding Disabled Facilities Grants: This will therefore include an assessment of household income to determine any financial contribution by tenants where appropriate.
- 4.7 Adaptations funding will generally only be available to eligible residents as defined at Section 2 above.

Exceptions

- 4.8 Requests will not be considered in the following circumstances:
- To properties where there is an active Right to Buy application in place,
 - Where the tenant is registered with Devon Home Choice for a move to an alternative property, and/or
 - Where suitable alternative accommodation is (or will become) available within a reasonable timescale, that meets the needs of the applicant, and it is reasonable for them to move to it.
 - Where the works would adversely affect the ability of the council to re-let the property to a future tenant.
 - Where the adaptation is required to a property already in need of major repairs, or the property has access issues (such as an above floor flat with no lift access), or the adaptation is not otherwise reasonable or practicable at the property,
 - Where a request will adversely affect the safety and amenity of the area or of other residents (for example parking bays and ramps or stairlifts in common areas).
 - Where the council is seeking repossession of the property because of unreasonable behaviour or other serious breach of tenancy conditions.

³ The 1996 Housing Grants, Construction and Regeneration Act.

- Where the applicant is waiting for a medical procedure which may improve their disability within a reasonable timescale.

Major Adaptations

- 4.9 All requests for major adaptations must be supported by an Assessment of Need provided by an Occupational Therapist (OT). This should confirm that the adaptations to the property will fully meet the immediate and longer term needs of the disabled occupant.
- 4.10 OT referrals for major adaptations will be assessed on a case-by-case basis taking the following factors into consideration:
- Property age, type, condition and suitability for the required adaptation,
 - Availability of funding within the current year budget. (Referrals received after the budget has been depleted will be placed on a date order waiting list),
 - Applicant circumstances, and any issues that might affect the work taking place,
 - Whether the cost of the required work is reasonable.
- 4.11 If the tenant leaves the property within five years of a major adaptation being completed, they may be requested to make a proportionate contribution to the cost of the adaptation.
- 4.12 Structural adaptations to new build properties will be considered where they can be reasonably incorporated into the construction of the property during development. Major structural adaptations will not be carried out retrospectively at completed properties. (Although requests for disabled adaptations may still be made by individual occupants in accordance with this policy).
- 4.13 Where it is deemed not reasonable or practicable to carry out major adaptations, any temporary or minor adaptations that are needed to ensure the health and safety of the tenant will be carried out.
- 4.14 Where referrals for major adaptations are declined and rehousing to more suitable housing is recommended; the tenant will be offered advice and support from a housing professional in liaison with an Occupational Therapist. Assistance may be provided with the reasonable costs of moving to a more suitable property. (See **Appendix 3**).

Minor Adaptations

- 4.15 Requests for minor adaptations (up to £1,000) can be made by the tenant or any adult providing care to another person within the household without the need for an OT assessment or referral. These will be agreed and installed providing they are deemed reasonable and practicable, and do not have an adverse effect on the fabric of the property and subject to available budget. Referrals will be made to Devon County Council for minor adaptations where budget is not available.

After Installation

- 4.16 An adaptation installed by the Council will be maintained and serviced (where appropriate) by us, but may be subject to a recharge. Where it has deteriorated beyond economic repair, it may be replaced, or removed if no longer needed.
- 4.17 To make best use of available social housing, where adaptations have been undertaken in properties such as ground floor units that subsequently become void, where possible a match will be made to an applicant on the housing list with a need for such an adaptation. Consideration will be given to removing the adaptation where there is no identified need for it.
- 4.18 We will ensure that all relevant staff receive appropriate training to carry out their duties under the terms of the policy, and that all work is carried out by appropriately qualified contractors.

5. Complaints / Appeals

- 5.1 A decision about whether works are 'reasonable or practicable' will be a matter for the Council, taking into consideration the advice and recommendations of professional colleagues and other appropriate stakeholders.
- 5.2 Any exceptional requests that sit out with the normal eligibility of this policy must be agreed in writing by the Head of Housing, after giving due consideration to the circumstances of each case and resources available.
- 5.3 Applicants have a right to appeal where permission for the installation of aids or adaptations are refused, or where they believe unreasonable conditions have been set, through our Complaints procedure.
- 5.4 Appeals should be submitted within 28 days of the date the decision is notified to the applicant.

6. Monitoring and Review

- 6.1 We will monitor the quality and performance of this policy through the use of Customer Satisfaction Surveys, Post Inspections, and Key Performance Indicators.

- 6.1 Case numbers and outcomes will be subject to regular monitoring and review to ensure compliance with regulatory Consumer Standards, and to ensure that lessons are learned and acted upon timeously.
- 6.2 Key performance indicators will be reported to our Governing Body and to the Regulator of Social Housing as appropriate, and at least annually.
- 6.2 We will review this policy, procedures and any staff training requirement at least every five years to ensure that it continues to operate within best practice, achieve measurable results and to achieve continuous service improvement.
- 6.3 The policy and all associated procedures will alternatively be reviewed immediately following any change to government policy, regulation or legislation, or as operational issues require.

Examples of Adaptations

The following lists are indicative, and not exhaustive.

Minor Adaptations

- Handrails
- Additional stair rails
- Outside handrails by steps
- Half steps to front and back doors
- Window winders
- Lever taps
- Level internal thresholds
- Moving door intercoms
- Door frame and wall protectors for wheelchair users
- Relocating electric sockets and lights switches
- Wider paths

Major Adaptations

- Stairlifts
- Through floor lifts
- Step lifts
- Ramps
- Wet rooms/Walk in showers
- Facilitate installation of hoists and tracks (the hoist and track equipment itself will usually be provided, serviced and maintained through social work / health and social care services).
- Heating
- Vehicular hardstanding
- Widening doorways
- Mobility standard kitchens
- Altering entry and accessways to the property.

Related Legal and Regulatory Frameworks Governing this Policy

The following Statutory Legislations have been regarded relevant in developing this policy:

The Chronically Sick and Disabled Persons Act (1970, Section 2): Applicable to children, this act gives local authorities a duty to assess and assist disabled or chronically sick children, that may require necessary and appropriate assistance in arranging adaptations or the provision of additional facilities to promote safety, comfort and convenience.

Disabled Person (Services, Consultation and Representation) Act 1986: This act strengthens the provisions of the Chronically Sick and Disabled Person Act 1970 and requires local authorities to meet the various needs of disabled people, including the provision of aids and adaptations.

National Health Services and Community Care Act 1990: Under this act the Local Authority (LA) (County Level) has an obligation to carry out an assessment of needs and provide an individually tailored service to meet the assessed needs. The broad requirement is for Local Housing Authorities/Associations to help vulnerable/disabled adults remain in the community, preventing or delaying admission to an institutional care setting.

The Housing Act 1996 (as amended): In determining this policy, regard has been given to the Devon Home Choice Policy, which complies with and supports the obligations placed on the council under the Act to recognise those individuals identified as vulnerable and in need of priority, and/or who are or are at risk of being homeless or inadequately housed.

Housing Grants, Construction and Regeneration Act 1996: Part 1 Chapter 1 of the Act allows for the provision of adaptations to disabled persons homes. In accordance with the Act, the Council will only carry out adaptations that are reasonable and practicable for the property and are not valued above £30,000. Although, the council is able to use its discretionary powers to increase the value of the works where it is deemed necessary in order to meet the assessed needs, and where more suitable accommodation is unavailable in a reasonable amount of time or where a move would be impractical/detrimental.

Human Rights Act 1998: Section 14 of the Act ensures that people with disabilities are not disadvantaged and are able to maximise their independence and support family life. We will endeavour to work with our tenants and their families, partners and contractors to provide individual solutions which could benefit our vulnerable tenants. We aim to treat all customers of the Home Adaptations Service fairly and with respect.

The Equality Act 2010: The act prohibits discrimination against people with protective characteristics that are specified in Section 4. Section 29 provides that the council, in providing a service to a section of the public, must not discriminate against a person with a protected characteristic who requires the service, by not providing the person with the service. However, Section 15 provides that discrimination on grounds of disability may be justified in law if the council has appropriately balanced the needs of the person with a disability and those of others in need of accommodation. Making better overall use of the housing stock and meeting more needs, including those with disabilities, is a legitimate aim.

The cost of adaptations and the suitability of the current accommodation (including under/over-occupation and tenure type) are also relevant factors when considering proportionality.

Exploring alternative means of meeting the eligible needs, other than adapting the current property, including direct transfers to more suitable accommodation within the councils housing stock, or assistance to join the Devon Home Choice scheme, or customers contributing to costs, are also options which may be considered acceptable under this Act.

Sections 20, 21 and 36 and Schedules 4 and 5 of the Equality Act 2010 provides that landlords have a 'duty to make reasonable adjustments' to enable disabled occupants to live safely within a property, a reasonable adjustment is characterised as something that does not have an adverse effect on the property or alter the physical features of the property.

The Care Act 2014: The Care Act is applicable to adults, and it makes clear that local authorities must provide or arrange services that help prevent people developing needs for care and support, or delay people deteriorating to such a degree that they would need on-going care and support.

The Local Housing Authority has a power under **Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002** to give discretionary assistance, in any form (e.g. grant, loan or equity release) for adaptations.

The Social Housing (Regulation) Act 2023 under the new Safety & Quality standards to be introduced as part of the strengthened powers of the Regulator of Social Housing from April 2024. 'For tenants who need them, home adaptations mean they can live safely and independently in their home. This requirement says landlords need to help tenants who need adaptations in their homes to find and make use of relevant services, and clearly communicate how they will do this.'

Moving Allowances

Where a referral for a major adaptation has been received and after discussion with the applicant and specialist advisors a decision is made to move to more suitable accommodation, the following allowances may be paid:

- Up to £1,500 disturbance allowance (for carpets, curtains, re-installation of white good appliances etc).
- Up to £1,000 towards removal costs.