



# High Peak Borough Council

## Disabled Adaptations Policy (Housing Revenue Account)

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## **1.0 POLICY STATEMENT AND AIMS**

- 1.1** High Peak Borough Council (HPBC) is committed to helping people with disabilities live independently in our houses by providing an effective disabled aids and adaptations service which is resourced adequately, transparent, and efficient. The service aims to address the identified and assessed needs of our Tenants and any members of their households for property aids and adaptations where it is practical to do so and there is not a viable alternative. At the same time, we aim to ensure that we comply with the requirements of the Equality Act 2010 and Housing Act 1985.
- 1.2** High Peak Borough Council recognises and acknowledges the needs of our Tenants and members of their households who have disabilities. We are committed to work in partnership with Derbyshire County Council's (DCC) Occupational Therapy Team to enable suitable aids and adaptations work to be carried out to Tenants' homes if this is the most appropriate solution. This policy explains how we will address the needs of our Tenants and members of their households who have disabilities, within the Council's owned social housing portfolio.
- 1.3** High Peak Borough Council will ensure that no individual is discriminated against on grounds of sex, marital status, race, disability, age, sexual orientation, language, social origin, or other personal attributes including beliefs or opinions (such as religious beliefs or political opinions). We will promote equality of opportunity by publishing information in different languages and other formats such as large print, audio, and Braille, on request.

## **2.0 POLICY OBJECTIVES**

Under this policy HPBC will consider solutions that best meet the long-term needs of Tenants and their families as a primary objective, ensuring their safety, well-being, and quality of life.

The key objectives of the Disabled Adaptations Policy are:

- 2.1** To consider the needs of disabled Tenants in our decision-making about adaptations.
- 2.2** To operate within the available budget, utilising the most appropriate assets and ensure value for money at all times.
- 2.3** To provide a good quality service to our Tenants within agreed timescales.
- 2.4** To comply with good practice guidance, including delivering "Housing Adaptations for Disabled People (June 2006)".
- 2.5** To comply with all statutory and regulatory requirements in relation to disabled adaptations.
- 2.6** To be consistent with other policies to ensure due regard to, for instance, equality and diversity, Tenant involvement, repairs and maintenance, procurement, and asset management.

**2.7** To make best use of the Council's housing portfolio and finite financial resources, showing regard to strategic assets management and longer-term housing needs and property types.

### **3.0 POLICY DEFINITIONS**

**3.1** For the purpose of this policy and procedural guidance, the definition of a 'disabled aid or adaptation is;

*“An alteration or addition to any aspect of a dwelling to make it easier or safer for use by a disabled person.”*

**3.2** The Equality Act 2010 defines a person as disabled if they have:

- A mental or physical impairment; and this has an adverse effect on their ability to carry out normal day to day activities;
- The adverse effect is substantial; and
- The adverse effect is long term (meaning it has lasted for 12 months or is likely to last for more than 12 months, or for the rest of the person's life).

**3.3** A person with a progressive condition, which will affect their ability to carry out normal day-to-day activities in the future, is classed as disabled. At least one of these areas must be badly affected:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or move everyday objects
- speech, hearing, or eyesight
- memory or ability to concentrate, learn or understand
- understanding of the risk of physical danger

**3.4** The type of works carried out to support a person with a disability to continue to live within their home can include:

- Installation of grab rails in various locations throughout a property.
- Installation of access steps/ramps to front and rear entrances.
- Additional internal banister rails.
- Additional external handrails.
- Installation of lever taps.
- Alterations to the height of electrical sockets and switches.
- Fixed aids for visual and hearing impairment (doorbells/ fire alarm/ smoke detectors).
- Specialist Equipment (fixed rise/fall baths, stairlifts, shower stretchers, hoists, wash/dry toilets).
- Level access shower facilities.
- Over bath shower facilities.
- Kitchen adaptations.

- Extensions (within prescribed Disabled Facilities Grant (DFG) limits and where no alternative viable solution is possible).

#### **4.0 RELEVANT LEGISLATION**

**4.1** This section sets out the duties and responsibilities of local authorities to provide assistance to disabled people to enable them to move into and out of their homes, to utilise living and sleeping areas within the home and to access cooking, bathing and toilet facilities.

##### **Housing Act 1985**

**4.2** HPBC, as a local housing authority in discharging its duty under Section 8 of the Housing Act 1985, must consider housing conditions and needs in the High Peak and have respect to the provision of further housing accommodation, and have regard to the special needs of the chronically sick or disabled persons.

##### **Equality Act 2010**

**4.3** Section 149 of the Equality Act 2010 imposes a duty on a public authority, where it must in the exercise of its functions, have due regard for the need to eliminate discrimination and promote equality.

**4.4** The Equality Act imposes a 'reasonable adjustment' duty on service providers to ensure they do not put disabled people at a substantial disadvantage. Where a physical feature makes it impossible or unreasonably difficult for disabled people to access goods or services, the organisation is required to take reasonable steps to:

- remove the feature; or
- alter it so it no longer has that effect; or
- provide a reasonable means of avoiding the feature; or
- provide a reasonable alternative method for making the service available.

**4.5** These provisions refer to public space and services offered by us including the communal areas of flats and sheltered housing schemes. They do not require works to the inside of Tenants' homes which would be funded by the disabled adaptations budgets.

## 5.0 ROLES AND RESPONSIBILITIES

### 5.1

Role	Responsibility
DCC Occupational Therapist	<ul style="list-style-type: none"> <li>- Assess Tenant's needs and provide a written specification of works.</li> <li>- Send written referrals to HPBC.</li> <li>- Provide advice and support the HPBC with regards to the required adaptations and any functionality issues.</li> </ul>
Disabled Adaptations Officer	<ul style="list-style-type: none"> <li>- Liaise with DCC occupational therapy around the adaptation requirements.</li> <li>- Liaise with the Head of Housing and Head of Assets.</li> <li>- Liaise directly with the Tenant around approval process, timescales, and other support requirements.</li> </ul>
Head of Housing	<ul style="list-style-type: none"> <li>- Make the final approvals for adaption works to be undertaken (with the Head of Assets) or to direct the relocation of a Tenant to a more suitable property.</li> <li>- Liaise with Head of Assets and Housing Commissioning Officer over the works requested.</li> </ul>
Housing Officer	<ul style="list-style-type: none"> <li>- Provide accommodation advice to the Tenant.</li> <li>- Support the Tenant with advice over alternative accommodation.</li> <li>- Support the Tenant with advice over timescales for any adaptations to be made.</li> <li>- Liaise with Head of Housing.</li> </ul>
Head of Assets	<ul style="list-style-type: none"> <li>- Make the final approvals for adaption works to be undertaken with conjunction with the Head of Housing.</li> <li>- Liaise with Head of Assets and Housing Commissioning Officer over the works requested.</li> </ul>
Housing Commissioning Officer	<ul style="list-style-type: none"> <li>- To work with the Housing Officer and Disabled Adaptions Officer to ensure that the best, practical solution is found for the Tenant and the property.</li> <li>- To provide advice to the Head of Assets and Head of Housing.</li> </ul>

## **6.0 POLICY OVERVIEW**

- 6.1** HPBC will endeavour to ensure all disabled adaptation works carried out represent value for money, are of good quality, meet Tenant's needs and minimise future maintenance costs.
- 6.2** Careful consideration will be given to the options of recycling different types of aids and adaptations if they fulfil the requirements.
- 6.3** All major disabled adaptations will be recorded on HPBC's stock condition database and housing management system. This information will be used to ensure that full use is made of existing facilities by targeting suitable adapted properties with applicants' and their needs.
- 6.4** In enabling any provision of aids or adaptations to Council owned homes must first be requested by a DCC occupational therapist, hospital occupational therapist or other trained assessor following an assessment of an individual's needs. Those individuals must be council Tenants or else children or other adults residing permanently within the household of a council Tenant. It is not a condition of applying this policy that the individual(s) be registered as disabled.
- 6.5** HPBC will consider more than one request for an installation should this be supported by the occupational therapy team. However, aids and adaptations may not be processed within the same financial year if there are budgetary and demand issues.
- 6.6** HPBC will make the best use of any adapted properties when they become empty, this may include making a direct let or bypassing applicants on the waiting list who do not require such adaptations. If there is no one waiting for adaptations for which the property is suitable then these may be removed and recycled.
- 6.7** HPBC will use their discretion over keeping a property vacant to assess whether the adapted property can be repurposed before any adaptations are removed or recycled.
- 6.8** In cases where a property has undergone major adaptation work, a mutual exchange will only be approved if the other party to the exchange has an identified need for the adaptations.
- 6.9** In cases where a property has been significantly adapted to meet the needs of a disabled person it is exempt from the Right to Buy under the terms of schedule 5 chapter 68 of the Housing Act 1985.

## **7.0 PRIORITISATION OF WORKS**

- 7.1** Requests are assessed on need and prioritised by the occupational therapy team using the following categories:
- Priority 1 Urgent plus: assessment and works undertaken immediately unless in the case of a major adaptation when planning permission or architects' drawings are required (for example, for an extension to a property).
  - Priority 2 Urgent: Completion target within 6 months.

- Priority 3 Routine: Completion target within 12 months.
- 7.2** The target time will commence on the date the referral is received by HPBC from the occupational therapist.
- 7.3** Where adaptations are not completed within 24 months of being requested by the occupational therapist or Adaptations Officer or any member of the Council, for whatever reason, the Council reserve the right to re-assess the request and to seek an independent assessment of the need.

## **8.0 APPROVAL OF WORKS**

- 8.1** In considering whether a property is suitable for adaptation, HPBC will consult with the occupational therapist to ensure it is 'reasonable and practical' to carry out the identified work having regard to the age, construction and condition of the property or building. Where appropriate, a surveyor or other suitably qualified professional may be engaged to assist with this.
- 8.2** Sometimes a Tenant's home may not be appropriate for adaptation and other accommodation may be more suitable. Before agreeing to provide any adaptation, HPBC will assess if the accommodation meets the Tenant's current needs. Consideration will be given to the needs of all members of the household, including any suitable requirements for children.
- 8.3** Consideration will be given to the likelihood of a more suitable or more easily adapted property becoming available. Where HPBC do not deem that an adaptation is appropriate, high cost or difficult to achieve, then they will liaise with the Tenant over relocation to a different property.
- 8.4** Consideration will be given to the area where the Tenant lives and the support services they require.
- 8.5** If the property is substantially under-occupied (more than one bedroom not utilised full time) preference will be given to a move to more suitable accommodation rather than complete adaptations. To make the best use of the housing stock, HPBC may refuse to undertake certain adaptations if alternative can be offered.
- 8.6** Some structural characteristics of the dwelling may render some adaptations inappropriate; a decision will be made by the Head of Assets and Head of Housing on what is considered reasonable, taking account of various aspects such as building construction, investment, current housing needs, and wider housing requirements.

It may not be considered reasonable to carry out adaptations if:

- The Tenant or their family is deemed to be under occupying by two or more bedrooms.
- The Tenant or their family are overcrowding and there is every likelihood that they would be rehoused in a suitable alternative property within 24 months (except in exceptional circumstances).



- The Tenant is waiting for a transfer to another property.
- The Tenants' requirements are such that further adaptations will be required within 24 months and during that time it is considered likely that alternative suitable accommodation will be available.
- There is suitable alternative adapted, part-adapted accommodation or where it is considered likely that a suitable property will become available within 12 months of the request being made.
- A Tenant leaves a property (through their own choice or through eviction) that has previously been adapted for their needs within the past five years.
- An adaptation would adversely affect HPBC's ability to make the best use of the property and to relet the property in the future without removing or altering the adaptation(s).
- The Tenant or any of the occupant's request alterations to the property (either external or internal) to allow a mobility scooter to be brought on to or into the property.
- The cost of the adaptation exceeds the equivalent maximum value applied to a Disabled Facility Grant (DFG).
- HPBC does not own the property.
- The property is used for temporary housing.
- HPBC intends to dispose of the property within the next 36 months.
- Where the Tenant is in arrears by more than 12 weeks or recovery proceedings have commenced, or they are unable to prove that a steady repayment scheme has been agreed with HPBC. In these cases, the Tenant will receive additional support from HPBC.
- The property forms part of a redevelopment proposal.
- The adaptation would limit future use of family housing to households with disabilities.
- The adaptation is unreasonable (in the opinion of the Head of Housing and Head of Assets) due to the property type, for example installing a level access shower to a flat above ground floor which cannot be accessed by an existing lift.
- Where it requires alteration to common areas, and this would have fire, health and safety implications or it would impact upon the use of the common area by other Tenants).
- Where an adaptation would place others at risk (e.g. a communal stair lift with no alternative access for other first floor Tenants).

- The property is unsuitable for adaptation due to its construction form or type, or where, due to the particular construction type of a property, it makes it excessively costly to adapt the premises, more than the equivalent cost of the adaptation to a property of standard housing construction, by a margin in excess of 15%.
- The property is subject to structural movement or environmental monitoring.

**8.7** Each case will be considered on its merits and agreed by the Head of Housing and Head of Assets.

## **9.0 FUNDING**

**9.1** Funding for disabled adaptations is included in the Council's capital budget each financial year and is prioritised according to Section 7 of this Policy. If budget pressures become acute in the financial year priority will be given to Urgent works identified by the OT.

**9.2** If any of the items in Section 8.6 apply, HPBC will work with the affected party and occupational therapist to identify an agreeable location and property. Suitability of any identified property will consider any identified social, and welfare needs of the household, as well as the suitability of the property for adaptation.

**9.3** In cases where the cost of any adaptation work exceeds £25,000 or where the annual budgeted sum for disability adaptation and where re-housing is not being considered suitable by HPBC, the matter must be referred to the Head of Service for consideration.

**9.4** HPBC is committed to providing an outstanding value for money Aids and Adaptations service. HPBC are committed to managing contractor performance and look for innovative solutions on higher value works.

## **10 MAINTENANCE**

**10.1** HPBC will assume responsibility for the maintenance of all equipment installed and ensure that appropriate servicing contracts are in place for any relevant equipment such as (but not exclusive to) track hoists, stair lifts and through floor lifts.

**10.2** Maintenance and repair costs pertaining to any misuse or mistreatment of specialist equipment by a Tenant or within the household will result in a re-charge of the costs to the Tenant.

**10.3** The provision of appliances and portable specialist equipment will be the responsibility of the Tenant to ensure they are serviced and maintained appropriately. HPBC will request copies of service records before they accept a transfer of any assets to them.

**10.3** Any costs associated with cosmetic improvements such as the removal and reinstallation of a stairlift to allow carpets to be installed will be responsibility of the Tenant.

**10.4** Where equipment is installed by an external party (not a High Peak Borough Council contractor) arranging servicing and maintenance visits and associated costs will be the Tenant's responsibility, any equipment installations request must be received as a Tenant Alteration request and approval given before any equipment is installed.

## **11 SERVICE STANDARDS**

- 11.1** HPBC will ensure that our contractors comply with the following:
- Give the Tenant at least five working days written notice before they commence major adaptation work in their home.
  - Protect the property and the Tenant's possessions during the installation works.
  - Ensure all services are functional at the end of each working day.
  - The contractor will show the Tenant how to use and maintain any new equipment.

## **11 MONITORING AND REVIEW**

- 11.1** All requests received from occupational therapists and trained assessors are recorded on a waiting list database with the name of the customer, their address, the nature of the works required, the date the request was received and urgency categorisation. The database enables the Council to record and monitor the time taken to process each request from start to finish.
- 11.2** Representatives from all service areas should meet on a quarterly basis to monitor the time taken for an adaptation, from the date of the initial referral to the date the works are completed; also, to discuss referrals and budget issues. Minutes of each meeting will be recorded for future reference.
- 11.3** The nature and requirements of adaptations can be complex, a panel of council representatives across each business area will be created to enable the discussion of more complex cases.
- 11.4** Customer satisfaction surveys will be sent on completion of the works and will include all aspects from initial survey to completion; these will be recorded and monitored.
- 11.5** This policy will be reviewed every three years unless there is a change in legislation.
- 11.6** The Council reserves the right to instruct an independent review of any request for an adaptation and to thereafter refuse any request which is deemed un-necessary by the reviewer.

### **Right of Appeal**

- 11.7** Appeals must be set out in writing and must include specific grounds on which the appeals based. The Head of Housing will consider appeals and once the appeal has been considered will issue a written response with the reasons for the decision explained. If the Tenant is still not satisfied, they have the option of taking their case to the Local Government Ombudsman.

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## **Appendix 1: Influencing documents and policy**

### **Legal influences on this policy**

- Equality Act 2010
- Housing Act 1985
- Part 'M' building regulation

### **Non-legal influences on this policy**

- Delivering Housing Adaptations for Disabled People, June 2006

### **Other documents linked to this policy.**

- Equality and Diversity Framework
- Responsive Repairs Policy
- Planned and Cyclical Maintenance Policy
- HRA Business Plan
- Medium Term Financial Plan

In determining this policy, regard has been given to the relevant statutory provisions and requirements mentioned in the Care Act 2014, the Equality Act 2010, the Chronically Sick and Disabled Persons Act 1970, the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

Necessary and Appropriate, Reasonable and Practicable Works Section 24 of the Housing Grants, Construction and Regeneration Act 1996 places a duty on housing authorities who are not themselves a social services authority to consult the relevant social services authority and to satisfy themselves that the works are reasonable and practicable having regard to the age and condition of the property.