

CAMBRIDGE CITY COUNCIL

POLICY ON ADAPTATIONS FOR DISABLED TENANTS (HRA Property)

(Effective 1 April 2017)

1.0 Executive Summary

A comprehensive review of the Disabled Adaptations Service has been completed and this policy will replace the previous version dated 2008. The City Council aims to bring greater parity between the way housing adaptations are managed through the housing revenue account (HRA) and the Disabled Facilities Grant (DFG) regime applied to other social housing and the private sector. The key features of this policy include:

- A greater focus on supporting people to consider how their housing needs can be met in the longer term.
- Financial assistance to support people with the costs of relocating where needed.
- Support to meet older people's overall well-being including support for carers, safety in the home, access to welfare benefits, social inclusion and referrals to sensory services and other healthcare services.
- Means Testing those assessed as having the financial capacity to contribute towards the required adaptations and introducing a recharge in respect of servicing costs
- Ensuring adapted properties are let to those in greatest need
- Ensuring the available budget is used efficiently and that the council is able to maximise the best use of its stock.

2.0 Background

The aim of the Adaptations Service is to enable tenants with disabilities to be provided with housing which best meets their assessed needs. This policy supports the best use of resources which may not necessarily be achieved by keeping tenants in the home they are currently living in, but also to provide options to relocate. Adaptations will not be completed where the persons' needs can reasonably be met through rehousing.

The policy will also guide Occupational Therapists (OT) and other professionals to understand what the council will and will not be able to assist with in terms of adaptations to their home.

3.0 Legal context

In determining this policy, regard has been given to the Council's Lettings Policy 2016 alongside 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.

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.

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:

- Assessments are completed by Occupational Therapists (OT's) in line with their good practice guide and a referral is submitted to the City Council detailing the nature of the works required. Each case will be individually assessed on its own merits and the Council decides what is reasonable in the light of its need to make housing available to a wide range of people in need, over the long term. Therefore the Council will not normally deem it reasonable to carry out adaptations that limit the future use of family housing to households with disabilities but will support such families to move to suitable accommodation.
- Reasonableness also relates to cost, and where the particular construction type of a property makes it excessively costly to adapt, the Council may refuse the adaptation in favour of offering alternative housing that meets the applicants needs or which can be readily adapted at a lower cost.

4.0 Application process

The City Council is committed to working in collaboration with Health and Social Care to enable people to remain independent in suitable housing for as long as possible.

4.1 Applying for an adaptation

An applicant may request an OT assessment by contacting Cambridgeshire Direct on 0345 045 5202. The contact center will take their details including their requirements and categorise their needs as either urgent or non-urgent. A request will normally be classified as urgent if the person does not have access to a kitchen or toilet or they are terminally ill.

The OTs will arrange a visit to assess the person's needs as required. Following this visit, the OT will discuss the applicant's needs at a specially convened panel and make recommendations to the council.

The OT may order some minor works without the need to visit and these will be sent to the council as appropriate. Once an order is received the council will contact the tenant.

Adaptations will be categorised into two groups

- 1) **Minor adaptations** as referred to in **section 5.0** of this policy and
- 2) **Major adaptations** as referred to in **section 7.0** of this policy.

4.2 Eligibility

An individual will be considered for adaptations to their home if they are:

- a Cambridge City Council tenant and/or
- a partner or a member of the tenant's immediate family who has been a permanent resident of the household for at least 12 months up to and including the date of application and they have an impairment which has a significant and serious long term effect on their ability to:
 - a) Carry out normal day to day activities in or around their home
 - b) Access essential facilities within the home

Under the terms of this Policy, a person is regarded as being disabled if they have a physical, sensory or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities within their home. A long-term effect refers to disabilities that have lasted for at least 12 months, the effects of which last for at least 12 months, or which are likely to last for the remainder of a person's life.

A tenant may also contact the council directly for certain types of minor adaptations, many of which can be ordered directly. The Council will contact an OT for advice and a visit if needed.

5.0 Minor Adaptations (under £1000)

The Council will provide minor aids and adaptations up to the value of £1000 free of charge. These will include but are not limited to:

- Lever Taps
- Grab Rails
- Mopstick handrails
- Toilet handrails
- Half steps

In the event that a customer has accessed an Occupational Therapist (OT) directly (4.1 above) and an assessment has been completed, the council will determine whether additional consideration of a tenant's long term housing options is required.

It is the City Council's intention to ensure that the needs of the client are balanced with the suitability of adapting the property depending on the tenant's circumstances and the alterations required to the house or flat. The council will consider each request on its own merit taking into account a variety of factors.

6.0 Long Term Housing Needs

Where an adaptation is likely to exceed £1000 a visit may be arranged to discuss the tenants broader needs including the best long term housing solution which may include a move to alternative accommodation.

For some, moving home can be a stressful process. The Council has extensive experience of supporting people to move and resettle in new accommodation. Every effort will be made to support the person to find housing in a location that is most suitable for their needs.

If it is decided that a tenant's needs may be better met by relocating, then financial help may be offered only if the estimated cost of the initial adaptation request would have exceeded £2500. This financial assistance will be equivalent to (but not in addition to) that made to tenants in accordance with the Council's under-occupation incentive scheme. However, if a tenant is moving home and not downsizing, the amount paid in lieu of completing the adaptation will be at the council's discretion. In this scenario, it is expected that a discretionary payment will only be made in lieu of extensive major adaptations such as extensions or work over the value of £20000.

Where a tenant decides to move, in order to maximise their choices, they will be able to bid on the Homelink system for a suitable property. Where the tenant's rehousing needs have been assessed by an OT, a housing needs report will be submitted to the Housing Advice Service. It is expected that the tenant will also make their needs known as part of the housing application process and help to complete the application will be offered where requested along with the option to select automatic bidding.

As there are home seekers on the housing register who also require an adapted property, as far as possible, adapted properties will continue to be advertised on Homelink to promote choice and ensure fair access to accommodation.

In accordance with the Lettings Policy 2016, where an applicant has an urgent medical need to move, they will be given a priority move (either Emergency Housing or Band A status).

Where an applicant requires a specific size, type or adapted property, they will be placed in the appropriate housing needs band, but may be offered a direct let, if the Council has a shortage of suitable properties.

Those waiting for an urgent move will be provided with temporary adaptations, for example a removable ramp or other equipment as recommended by an OT in order to meet their needs in the short term.

Non urgent cases will be banded in accordance with the Lettings Policy.

7.0 Major Adaptations

The council will liaise with the tenant and their family to ensure that the applicants needs have been fully considered in accordance with section 6.0 above and will only complete major adaptations where the works are identified as necessary and appropriate, reasonable and practical as recommended by an OT.

The following will be taken into account:

- The total value of the proposed adaptation (including design costs) which should not exceed the max value of an equivalent Disabled Facilities Grant.
- The availability of housing that would be more suitable to adapt
- Any exceptional circumstances which require the person to remain in their current property
- Whether the property is suitable for building alterations as determined by the council
- The size of the household and their housing need
- Any unacceptable health and safety risks associated with the desired adaptations
- The occupant's status, the type of tenancy held and any pending possession access.
- The person's wider physical health needs and the length of time that they will remain in the property

Some adaptations may be fast tracked where the tenant's accommodation is suitable for their on-going needs. As a common example, this may include level access showers to ground floor flats.

Vehicular access ways and hard standings will only be installed where the availability of parking is limited in relation to the distance to the applicant's entrance door.

Some cases are complex and require a multi-disciplinary approach with other professionals. However, all cases will be determined on their own merit and where an applicant's needs can only be met in their existing accommodation; this work will be arranged without further delay.

Adaptations will be completed subject to available budget. If the budget is spent, applications received beyond this, will be added to a waiting list.

8.0 Circumstances where we will not undertake an adaptation

This section of the policy only relates to adaptations exceeding £1000.

We will not adapt a property in the following circumstances:

- Where a person is under-occupying by *more than* one bedroom, where they are overcrowding (except in exceptional circumstances) or are waiting for a transfer to another property.
- Where the adaptation is unreasonable for instance installing a level access shower to a house or a flat above ground floor which cannot be accessed by an *existing* lift or; where the tenants needs can be met with alterations to the original proposal ie: fencing a reasonable amount of garden rather than the entire garden or using a ground floor second reception room as a bedroom.
- Where there is other 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.
- Where an adaptation would adversely affect the council's ability to make the best use of the stock and and relet the property in the future.
- Where the cost of the adaptation is prohibitive and exceeds the equivalent maximum value applied to a DFG
- where the applicant's condition is such that further adaptations will be required over time and during that time it is considered likely that alternative suitable accommodation will be available
- Where an adaptation would place others at risk e.g: a communal stair lift with no alternative access for other first floor residents
- Other than in exceptional circumstances, where a person is leaving a property with suitable adaptations already present within 5 years of those adaptations being completed.
- Where the building is unsuitable for adaptation due to its construction

9.0 Test of Financial Resources (Means Test)

The Council will operate a Means Test in order to align its service with the principles adopted for Disabled Facilities Grants (applied in the private sector and in housing associations). This will only apply to new requests for adaptations and will not apply to adaptations below £1000.

More information about DFG is available at www.gov.uk/disabled-facilities-grants and a guidance leaflet explaining the test of resources will be available for tenants.

The Means Test, known as a “test of resources” is used to calculate the financial contribution that the tenant may be required to make towards the cost of the adaptation. In order to ensure consistency, the same assessment criteria will be used for council housing adaptations as that applied to DFG.

In accordance with the criteria, disabled children (under 16) and certain young people (16-20) will be exempt from the test of resources, however, where the works are likely to exceed £30,000 a means test similar to that used in DFG cases will be applied. Tenants in receipt of the following benefits will be exempt from the test of resources-

- Universal Credit
- Income Support
- Income based Job Seekers Allowance or Income Based Employment Support Alliance
- Working Tax with gross income less than the current level set by the Department of Work and Pensions.
- Guaranteed pension credit (not savings pension credit alone)
- Housing Benefit
- Or child tax credit with a relevant income less than current level set by DWP

Given the changes with welfare reforms, the above exempt benefits will be adjusted in line with regulations and will take account of universal credit.

Tenants will be asked to provide at least 3 months evidence of claiming the above benefits over the preceding 3 months.

If a financial contribution is required, the tenants will be required to pay this in advance of the work being completed. The outcome of the test of resources assessment will be shared with the tenant. The multipliers used as part of the test of resources are lower for social housing tenants than those in the private sector resulting in a comparable lower contribution toward the cost of the adaptation.

If a tenant does not wish to disclose their financial details, they are not required to do so, however, no financial assistance will be offered by the council and the tenant will have to pay for the full cost of the adaptation.

10.0 Servicing and annual maintenance charges

Any adaptations ordered after the implementation date of this policy which require regular servicing resulting in ongoing maintenance costs will be subject to a weekly recharge to the tenant. This will include replacements for existing tenants. This will not apply to equipment fitted for children (under 16) and certain young people (aged 16-20).

The cost will appear as a weekly charge on the tenants rent account. If the tenant is in receipt of housing benefit, the charge will be covered in part or in full in accordance with the housing benefits regulations as they apply.

The table below provides indicative (2019/20) weekly charges:

Stairlift	£2.61 per week on a 53 week basis
Steplift	£2.61 per week on a 53 week basis
Through floor lift	£3.09 per week on a 53 week basis
OHT / Hoist	£3.23 per week on a 53 week basis
Specialist W/C	£3.63 per week on a 53 week basis
Specialist Bath	£9.10 per week on a 53 week basis
Door entry Equipment	£6.35 per week on a 53 week basis

Service recharges will be limited to a maximum of two per property and will be payable weekly with the rent.

11.0 Tenants alterations

If a tenant wishes to install their own alterations to make their home more suitable for their needs, they should apply under the Tenants Alteration Procedure. The Council will not unreasonably withhold consent, but will refuse permission for adaptations that make the house less suitable for occupation in future.

12.0 Where adaptations are no longer required

Although the council will have made every effort to ensure adapted accommodation is let to those in need, there are occasions when, due to low demand, a property may be let to an able bodied person. If an adaptation cannot be used by the incoming tenant and can easily be removed, it will be removed by the council free of charge. The council will recycle equipment as far as possible.

In the event that a tenant without a disability accepts a property with an adaptation, they do so on the understanding that the adaptation will not be removed. Items which can be recycled, like stairlifts, will be removed prior to occupation.

Adaptations such as level access showers or fixed ramps will only be replaced at the end of the items economic life as determined by the council. At this point, staff will consider the needs of the household at that time. Prospective tenants will be advised of this in advance of accepting the tenancy.

Where the person for whom an adaptation has been completed no longer resides in the property and the tenancy continues i.e.: for succession, any equipment that cannot be removed easily will remain in the property and the weekly servicing and maintenance charge in respect of that piece of equipment will continue until the tenancy ends. If the remaining tenant is on housing benefit, they will be supported to apply for a discretionary housing benefit payment to cover this cost.

13.0 Timescales:

As a guide, tenants may expect their adaptations to be completed within 90 days from the date when the work is ordered.

Approved adaptations for those pending hospital discharge, those with limited access to essential facilities or the potential for harm to a carer will be prioritised.

The council will work closely with health and social care professionals to ensure that the requirements of tenants with deteriorating or life limiting conditions are addressed in a timely manner, with dignity and in consideration of their current and future needs.

14.0 Future rehousing

Properties will be allocated in accordance with the criteria set out in the council's Lettings Policy and adverts will clearly show the mobility level of each available property. Tenants moving from adapted housing may not be allocated any further priority if their current housing remains suitable for their existing needs.

In order for the council to make best use of its resources, it is expected that the occupant for whom the adaptation has been completed will remain in the property for at least five years after the adaptation has been completed if their circumstances, in accordance with the lettings policy are otherwise the same.

15.0 Mutual Exchange

If a tenant applies for a mutual exchange, the council will engage an OT to assess the suitability of the proposed exchange where either a property is adapted or one or more of the parties to the exchange has needs for adaptations. The council may refuse an exchange in accordance with S3, Housing Act 1985.

16.0 New Housing Developments

As part of its development program, the Council aims to increase availability of high quality, newly built accessible housing for people to move to.

The Housing Development Agency is presently creating a Housing Design Guide for new council housing and for private development on council owned land. This will set minimum requirements for accessibility standards.

The Council may adopt a Local Lettings Policy which gives priority for existing tenants who require a specific adaptation however; this will be considered on a site specific basis and taking account of housing need at the time.

17.0 Appeals, suggestions, complaints and compliments

The Council is committed to providing good quality housing for its tenants. The council welcomes feedback that enables it to improve services and will respond to complaints in line with its policy.

In the event that a tenant wishes to appeal against the decision to refuse an adaptation, they may write to the Head of Estates and Facilities who will refer the case to a panel of senior officers. Where available this will also include an OT. If the tenant remains dissatisfied they may refer to the City Council's complaints procedure.

18.0 Equal Opportunities

The City Council has an equal opportunities policy and works positively to continually improve and make services accessible to all.

An equality impact assessment has been completed and is available separately.

This document can be made available in other languages and in large print or audio transcript if required.

19.0 Implementation and review

This policy came into effect on 1st April 2017. The policy will be available on the City Council's web page and specifically shared with relevant professionals involved with the service. The policy will be periodically reviewed and any significant changes referred back to the appropriate scrutiny committee.