

Disabled
Adaptations Policy
for Council Tenants

March 2016

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Tel: 01322 343434

Fax: 01322 343432

Email: customer.services@dartford.gov.uk

Calls are welcome via NGT Relay



1. INTRODUCTION

- 1.1. The Council, in discharging its duty under section 8 of the Housing Act 1985 (as amended), must consider housing conditions and the provision of further housing accommodation in its borough and must have regard to the special needs of chronically sick or disabled persons¹.
- 1.2. Under the Equality Act 2010, the Council as landlord does not have to make changes which affect the structure or which would substantially and permanently alter a council tenant's home e.g. the Council does not have to remove walls, widen doorways or install permanent ramps, but there are some things that it must do to adapt a tenant's home if they are disabled and if it's reasonable to do so.
- 1.3. This Policy aims to help Dartford Borough Council's tenants and their immediate household (those who have been living in the property as their principle home for 12 months, up to and including the date of the application), who are disabled or suffer from long term ill health to:
 - Live independently in their home
 - Achieve better housing and living conditions
 - Secure alternative suitable housing e.g. by referrals to other landlords better able to meet their needs
 - Apply for physical adaptations to their property
 - Be referred to Social Services or other agencies, which can provide appropriate support or advice on care services or equipment.
- 1.4. The Council is committed to facilitating the provision of aids and adaptations to its [council] housing stock and will endeavour to deal with requests for assistance as quickly, effectively and sensitively as possible.

In accordance with the Equality Act 2010, the Council ensures that its adaptations' service is equally accessible to all.

- 1.5. Council tenants have the option to apply:
 - for adaptations to be carried to their Council property under this Policy. The Council is responsible for arranging and carrying out the works, including future maintenance, as part of the Council's cyclical maintenance contract or;
 - for a 'disabled facilities grant' (DFG) which comes from a separate funding source used to primarily provide aids and adaptations in private properties. Please note however, tenants will be responsible for arrangement of any works carried out under the DFG programme, including any future maintenance and repair.

¹ Chronically Sick & Disabled Persons Act 1970 (section 3)

- 1.6. Adaptations carried out under this Policy are not means tested as funding comes directly from the Council's Housing Revenue Account and adaptations can provide long term benefits for the property as well as the tenant. The application process is also significantly easier than that for a DFG and this is likely to negate the need to employ an independent agent. In each case tenants will be advised to use the Council's adaptations service in the first instance for their own benefit.

2. DEFINITIONS

- 2.1. This Policy refers to and only applies to 'disabled' persons. A person is defined as 'disabled' under the Housing, Grants, Construction and Regeneration Act 1996 (as amended) 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 and/or impairments that that have been present since birth or otherwise
- 2.2. Generally, the impairment of the applicant must have lasted or is likely to last for at least 12 months.

3. ELIGIBILITY

- 3.1. An individual will normally be considered for aids and adaptations to their home if:
- they are either a Dartford Borough Council tenant; 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
 - have an impairment which has a significant or 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
- 3.2. In cases where a child is disabled and the parents are separated, adaptation works will usually only be completed at the property that is the principal residence of the child which will usually be determined by the parent in receipt of child benefit.
- 3.3. Major adaptations will not normally be considered where the applicant is waiting for medical procedures which will improve their mobility until their expected recovery is complete. Temporary or minor adaptations may be considered during this interim period.

- 3.4. Adaptations will be considered where the applicant is waiting to be discharged from hospital and requires their home to be altered.
- 3.5. 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 Disabled Facilities Grants Policy.
- 3.6. Applicants who are seeking a transfer or mutual exchange will each be considered on their individual merit. Whether the applicant is leaving a suitably adapted property will be taken into consideration. Where an applicant has transferred to a second adapted property, another transfer or mutual exchange will not be permitted unless there are very exceptional circumstances.
- 3.7. The Council recognises that there may be occasions where applications fall outside the scope of this Policy. These will be assessed on an individual basis by the Housing Maintenance Manager where appropriate and reasonable to do so.

4. CIRCUMSTANCES IN WHICH WORK WILL NOT BE CARRIED OUT

- 4.1. If the Council deems that it is not reasonable and practicable to adapt the property, applicants will be requested to consider transferring to a more suitable property. The suitability of that property will be judged on the criteria contained in Part IV of Schedule 2 of the Housing Act 1985 (as amended).
- 4.2. The decision as to whether or not it is reasonable or practicable to undertake the work will take account of factors such as:
 - The extent to which the existing home is capable of being adapted.
 - The cost of the work in relation to the benefit.
 - The availability of suitable alternative accommodation.
 - The degree of occupation within the premises.
 - The extent to which the tenant complies with the conditions of tenancy.

For example, it will be deemed as not reasonable or practicable for disabled adaptation works to be carried out in the following circumstances:

- In a two or three bedroom family dwelling where under occupation exists and there is suitable alternative accommodation currently available. In exceptional circumstances, where a move would be detrimental to health; the application will be considered.

- Where the requirement is to provide an additional bedroom or living room and suitable alternative accommodation is currently available.
- Where parking bays and access ramps will adversely affect the safety and amenity of the area.
- Where the works would affect the ability of the Council to let the property in the future.
- Where a flush floor shower is requested to be installed on the first floor of a property
- Where major alterations are required to a property already in need of major repairs.
- Where the Council is seeking possession of the property because the applicant or a member of the household is guilty of unacceptable behaviour which is so serious that it makes them unsuitable to be a tenant of the Council.
- Where an applicant is currently in rent arrears and who has not reached and maintained an agreement to repay the debt on a regular basis.

Where it is deemed not reasonable or practicable to carry out the adaptation in a particular property, minor works to ensure the health and safety of the applicant will be considered.

The decision on whether works are 'reasonable or practicable' is a matter for the Council.

5. THE ROLE OF THE OCCUPATIONAL THERAPIST (Social Services Authority)

- 5.1. The Council will only consider adaptations if an Occupational Therapist (OT) has assessed the household situation and recommended that the works are both **necessary and appropriate**, given the nature of the disability.
- 5.2. In all cases, the Council and the OT will work together to ensure that:
 - Cases are assessed fairly and equally
 - Exceptional needs are taken into account
 - Public money is used responsibly
 - Budgetary issues which may affect service delivery are communicated promptly
 - There is close liaison on individual cases and alternative options to meet the applicant's needs are considered
 - With the more complex cases, arrange joint visits between the Council's Technical Officer and the OT to discuss all available options for the applicant.
 - Regular meetings are held between the Council and the OT to discuss the progress of individual cases and current working practices.

- 5.3. The Council has the final decision on whether to accept an OT's recommendations and ultimately, adapt its properties.
- 5.4. The Council will record all major disabled adaptations on a stock condition database. Whenever practical, this information will be utilised to ensure that full use is made of existing facilities by targeting suitable adapted properties or applicants with matching mobility or other needs.

6. ASSESSMENT OF APPLICATIONS

- 6.1. As a local housing authority, the Council has wide discretionary powers set out in the Regulatory Reform (Housing Assistance) Order 2002 to provide financial assistance for repairs, improvements and adaptations to living accommodation. This includes help with the cost of moving and adapting or improving another property where it is deemed to be a more cost effective option. It is therefore the policy of the Council to examine all the options available to the individual before immediately embarking on plans to adapt the current property where major adaptations are required.
- 6.2. Once the Council has established that an applicant is eligible for assistance, there are a number of factors that need to be considered in order to establish the overall suitability of the property for the recommended works. These are:
 - The age and structural condition of the property to ensure the works can be carried out safely
 - The suitability of the property for the size of the household (as set out in the Council's Allocations' Policy at www.dartford.gov.uk/housing)
 - Whether suitable alternative accommodation is available where major works are required
 - The applicant's intentions regarding the long term use of the property
 - Whether the adaptations will meet the long term needs of the tenant
 - Whether external adaptation might adversely affect other residents in the area
- 6.3. Where alternative accommodation is being considered, the likely impact on the applicant of moving house will be assessed in relation to their health and individual circumstances to ensure that the move will not have a serious adverse effect on them.
- 6.4. If suitable accommodation is found, the applicant will be given priority for re-housing and financial assistance to help with moving costs under the terms of the Council's Downsize for Cash Policy.
- 6.5. The Council has the final decision on whether to accept recommendations for adaptations.

7. TYPES OF ASSISTANCE AVAILABLE

- 7.1. There are two categories of aids and adaptation covered by this Policy:
- Minor adaptations
 - Major adaptations
- 7.2. The most appropriate solution will be sought in all cases and will aim to offer best value for money whilst meeting the applicant's needs. This will be achieved by ensuring the works are necessary and appropriate and reasonable and practicable as outlined in the Housing Grants and Construction and Regeneration Act 1996 (as amended).
- 7.3. The Council operates a waiting list for both minor and major applications. Minor adaptations are usually carried out within 12 weeks. Major adaptations take longer and in some cases, up to a year. However, the Council will prioritise critical cases as recommended by the OT.

8. MINOR ADAPTATIONS

- 8.1. Minor adaptations can assist applicants to remain in their own homes without the need for referral from an OT. The timely provision of minor adaptations can often postpone the need for substantial adaptations.
- 8.2. Minor adaptations which are funded by the Council include:
- Door entry intercom
 - Grab rails
 - Hand rails (Internal/External)
 - Window opening equipment
 - Lever taps
 - WC lever flushing handles
 - Altering heights of electrical faceplates
 - Over bath showers
 - Door and wall protectors
 - Key safes
 - Concrete half steps

The list is not exhaustive and each referral will be assessed on its own merits.

- 8.3. Larger scale or substantial adaptations will need an assessment and recommendation from an OT.

9. MAJOR ADAPTATIONS

- 9.1. Major adaptations which are funded by the Council include:

- Full kitchen adaptations
- Re-organisation of a properties layout
- Installation of flush floor showers and level access trays (ground floor only)
- Ramping
- Access widening (Including internal rooms)
- Stair lifts or through-floor lifts
- Extensions to buildings (where no other options are available)

The list is not exhaustive and each referral will be assessed on its own merits.

- 9.2. An OT will carry out a functional assessment of the needs of the applicant which may include working with other health professionals such as a medical consultant or GP.
- 9.3. In consultation with the applicant, all options will be considered, in line with this Policy, to find the most appropriate solution.
- 9.4. In cases where a move to a more suitable property is the preferred option, it is expected that the move will take place within six months from the date of the application and in line with the Council's Allocations Policy.
- 9.5. Referrals can be received from the following agencies:
 - Hi-Kent - service for deaf/blind people 01622 691 151
 - KCC Fast Track – 03000 416 161
 - KCC Disabled Children's Team – 08000 414 285
 - KCC Adult Community Team – 03000 416 161/03000 412 988
 - KCC Assessment & Enabling Team – 01474 328 664
 - NHS Trust – Kent Community Health Impact Team – 03000 428 958
 - NHS Trust – Kent Community Health Neurological Rehabilitation Team – 03000 428 966
 - Occupational Therapy Darent Valley – 01322 428 582
- 9.6. Where another organisation has agreed to part fund the cost of the works, this must be done in agreement with the Council and the OT.

10. UNDERTAKING THE WORK

- 10.1. The Council funds adaptations to its own housing stock. The undertaking of adaptations under this Policy is dependent on funding constraints, current legislation or other exceptional circumstances, such as where the Council is required to fund a civil contingency or emergency.
- 10.2. In the unlikely event that there is insufficient budget to carry out works, applicants may make an application for a disabled facilities grant as set out in the Council's Disabled Facilities Grants Policy.

- 10.3. Where slippage occurs, due to funds not being available, the work will be completed in strict date order, unless identified as critical by the OT.
- 10.4. Where it is deemed not reasonable or practicable to carry out the adaptation in a particular property, minor works to ensure the health and safety of the applicant will be considered.
- 10.5. Subject to section 10.1, providing all requirements have been met following assessment, the Council will:
- Arrange for all minor adaptations, i.e. those up to a value of £1000, to be carried out within two months on receipt of the assessment.
 - All major adaptations, over the value of £1000 and up to a maximum of £30,000, will be completed in strict date order.

Work that is deemed critical by the OT will be prioritised and completed before other works.

10.6. Work may be considered critical if:

- It is essential to hospital discharge
- There is risk to life or limb
- There is a breakdown of the care system
- The applicant is at risk in their current property and re-housing is required

11. INSTALLING ADAPTATIONS AT YOUR OWN EXPENSE

- 11.1. Council tenants may organise their own adaptations at their own expense. In all cases, tenants must obtain written agreement from the Council before carrying out any alterations or adaptations to their property. Requests to carry out alterations to the property should be made by completing a '**Property Alteration**' application form which can be obtained by calling the Council on 01322 343576 or 01322 343065.
- 11.2. The Council will only refuse permission with good reason, such where the work would interfere with any maintenance on the property, may cause a potential health and safety risk or would breach any regulatory requirements.
- 11.3. The written request will need to state what works and adaptations will need to be carried out and who will be undertaking the works. Tenants must **NOT** start any works without first gaining written permission from the Council. The Council may inspect the completed works to ensure they have been carried out satisfactorily.
- 11.4. Tenants will be responsible for the repair and maintenance of the adaptations that they have arranged themselves, for the duration of the

tenancy. The Council will not be liable for any damage or injury caused by adaptations not installed by the Council.

- 11.5. Please note that tenants on a secure flexible tenancy will not be able to claim compensation for improvements.

12. REMOVING ADAPTATIONS

- 12.1. The Council may require the removal of adaptations that have been installed by tenants themselves, and the making good of any damage to the property at the end of the tenancy. The costs associated with removal will be the responsibility of the tenant.
- 12.2. Where adaptations have been carried out to a Council property and a new tenant moves in, the adaptations will not normally be removed. For example, where a bath has been removed and replaced with a level access shower.
- 12.3. The Council advertises available adapted properties through its choice based lettings scheme via Kent Homechoice and will make every effort to let these properties to tenants who require adapted properties.
- 12.4. Consideration will be given to the removal of stair lifts by the Council, at its cost, if they are not required by the new tenant.

13. MOVING OR BUYING A PROPERTY AFTER ADAPTATIONS ARE COMPLETE

- 13.1. Following a major adaptation, the Council would normally expect tenants to remain in the adapted property for at least five years. However, the Council recognises that in some circumstances, tenants may need to move because their circumstances have changed. This will be considered by the Housing Maintenance Manager in consultation with the OT.
- 13.2. Transfers will be considered in line with the Council's current Allocations' Policy.
- 13.3. Mutual exchanges will be considered in line with Schedule 3 of the Housing Act 1985 (as amended), '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 owned by a landlord who lets to particularly vulnerable people
 - is, as a result of the adaptations, categorised as a priority for disabled persons or persons with special needs (i.e. supported housing) and as a result of a mutual exchange, the adaptations are not required by the incoming tenant and/or immediate family.

- 13.4. Applications to exercise the Right to Buy by tenants who have had adaptations carried out may be refused in line with Schedule 5 of the Housing Act 1985 (as amended) 'Exceptions to the Right to Buy'. All applications will be assessed on a case-by-case basis.

14. APPLICATIONS FALLING OUTSIDE OF THIS POLICY

- 14.1. The Council acknowledges that there may be circumstances that warrant exceptions to this Policy. Applications that fall outside the scope of this Policy will be considered by the Head of Housing and where appropriate and reasonable to do so, exceptions to this Policy will be agreed.

15. COMPLAINTS

- 15.1. Any complaints about this policy or its implementation will be addressed through the Council's Corporate Complaints Procedure. See <http://www.dartford.gov.uk/by-category/council-and-democracy2/complaints/the-three-stages-of-our-complaints-procedure> for further information on how to complain.

16. MONITORING AND REVIEW

- 16.1. This Policy will be monitored in accordance with the Council's performance framework and reviewed on a regular basis or whenever there is a fundamental change in legislative or regulatory provisions. Minor amendments to this Policy will be subject to the approval of the Head of Housing.