

East Devon District Council
Landlord Disabled Adaptation Policy

Purpose:

Our Policy is designed to work with tenants, strategic partners and communities to improve community well being. We will encourage our tenants to live in properties that are suitable for their needs and this may include transferring a tenant to a more suitable property. We will wherever possible help tenants to manage more independently by adapting their homes through minor and major adaptation works.

Key Stakeholder: Property and Asset Manager

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Status: Final Version

Review Frequency: Annually

Next review date: April 2012

LANDLORD ADAPTATIONS POLICY

1.0 INTRODUCTION

The purpose of EDDC's Landlord Disabled Adaptation Policy is to identify how we will encourage our tenants to live in properties that are suitable for their needs as well as helping them to live independently by adapting their homes through minor and major adaptation works.

2.0 POLICY STATEMENT

EDDC's approach to dealing with requests for adaptations to our housing stock will be in accordance with this policy. We are committed to encouraging our tenants and their household to live independently in the community by carrying out adaptations to their home or moving to a more suitable home, when required.

3.0 SCOPE OF THE POLICY

This policy recognises the impact adaptations in and around the home can have in helping someone with a disability to maximise their independence. The policy recognises that alternatives to the provision of adaptations will be explored with the tenant and their household, and wherever possible tenants will be encouraged to move to more suitable accommodation, if necessary. It confirms our commitment to respond to meet the needs of our tenants as these may change over time as well as effectively using our existing housing stock. The policy recognises that a disability can take many forms and can affect a person's ability to fully access and enjoy their home.

4.0 DEFINITIONS

Adaptations

An adaptation is an alteration or addition to any part of a dwelling which is provided in order to make it easier or safer for use by a person with a disability or mobility problem. This may be the tenant or a member of their household. Throughout this policy references to the tenant will include their household.

Disability

A disability is defined as a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day to day activities.

Occupational Therapist (OT)

A professional who works with a person who has a permanent or temporary impairment. An OT aims to help people perform daily tasks in their living and working environments, and to assist them to develop the skills to live independently.

Statement of Need

A document prepared by an OT and countersigned by the tenant which states the needs of the tenant and the adaptations required in the home.

Savings

All references in the policy to 'savings' includes any capital, assets or equity in a property that a tenant or a member of their household may have. *A clear definition of capital, assets and equity is required*

5.0 MINOR AND MAJOR ADAPTATIONS

- 5.1 Where minor or major adaptations are required to a property it will be adapted so it is more suitable for a tenant to live in and help them to live independently. We will provide adaptations to the property that comply with current legislation.
- 5.2 Any adaption to a property that has been funded by the Council is owned by the Council and must not be removed by the tenant at the end of their tenancy. Any adaptation to a property provided by the tenant that is not portable or removable will become the property of the Council and must not be removed at the end of the tenancy.
- 5.3 Tenants will be required to make a contribution to the cost of adaptations. However, **no tenant in receipt of Housing Benefit or Welfare Benefits such as Disability Living Allowance or Incapacity Benefit will be expected to make any contribution to costs.**

In all cases the tenant will be asked to complete an income and expenditure assessment statement to determine whether a contribution should be made. However, it is not intended to subject tenants to the same complex financial assessment process like that for Housing Grants or Housing Benefit.

Adaptations for children or young people in full time education up to the age of 19 years will be provided free of any contribution from the tenant.

If a tenant's savings exceed £16,000 they are obliged to pay a minimum of 10% of the total cost of the adaptation.

If a tenant's including other members of the household (*needs to be reviewed as part when implementing Charging regime*) income exceeds £20,000 they will be obliged to pay a minimum of 10% of the total cost of the adaptation.

Any tenant with savings exceeding £20,000 or income exceeding £25,000 will be expected to pay for the full cost of the adaptation.

The tenant will be informed if a contribution is required before any work is started.

- 5.4 Wherever possible we encourage tenants to fund any adaptations themselves. Our written permission will be required before any work

commences but we will not withhold permission unless there are valid and substantial reasons to do so.

- 5.5 We will not give permission for any major adaptation where the tenant is under occupying their home.
- 5.6 Where a tenant funds any major adaptations to their property we will refer them to our colleagues in Planning Services to check whether or not Planning Permission or Building Regulation approval is required.
- 5.7 When the Council's budget for adaptations is fully committed in any one financial year, tenants will be put on a date ordered waiting list for adaptation works to commence in the new financial year.

Minor Adaptations

- 5.8 Minor adaptations are those which normally involve no structural alterations or additions to a property, and do not exceed £1,000.
- 5.9 Minor Adaptations where it is estimated work will cost less than £250 will not require an OT assessment and will be approved jointly by the tenant and the Housing Service.
- 5.10 Minor Adaptations where the work is estimated to cost between £250 and £1,000 may require an OT assessment depending on the work required. The Technical Officer (Adaptations) will decide whether to refer the adaptation request to the OT service.
- 5.11 If a tenant feels that they may require a minor adaptation to their home they should contact the Housing Repairs Section.
- 5.12 Examples of types of minor adaptations include:-

Visual impairment needs

- Staircase applications e.g. stair edging and nosings
- External lighting

Access

- Internal door threshold ramps
- Improved access and widened pathway to main entrance
- Door entry systems

Hearing impairment needs

- Flashing doorbells

- Smoke alarm alerts

Rails

- Main entrance support rails
- Grab rails
- Newel post rails
- Hand rails
- Stair hand rails

Kitchens and bathrooms

- Window opening equipment
- Kitchen lever taps
- Kitchen cupboard handles
- Bathroom lever taps
- WC level flush handles
- Bath and WC grab rails

General needs

- Door and wall protectors
- Altering height of electrical sockets and switches
- Safety glass

This list is not exhaustive and any suitable and reasonable 'minor' adaptation will be considered if this helps the tenant to live independently.

- 5.13** We will agree at the outset a timeframe for commencement and completion of work with the tenant.

Major Adaptations

- 5.14** Major adaptations include extensive structural alterations such as extensions to properties and will normally cost between £1,000 and £30,000. The Council will not provide funding in excess of £30,000 for any adaptation. Any additional funding will need to be provided by a partner organisation, or the tenant.
- 5.15** All adaptations estimated to cost between £1,000 and £30,000 will require an OT assessment and the completion of a statement of need.
- 5.16** Adaptations are carried out to provide improved access in and out of the property and to help with access to facilities within the home. It may also provide the essential facilities themselves. Types of major adaptations are:-

- Installation of ramps or widening door ways
- Installation of improved lighting or adapting or providing a room specifically to make it safer for a disabled person
- Provision of a stair lift
- Provision of a level access shower
- Adaptation of heating or lighting controls for easier use

5.17 Recommended adaptations will be considered on the grounds of reasonableness and whether practicable, taking into the account the type, age and condition of the property.

5.18 Where major adaptations works are not practical to a tenants home we will work closely with the tenant, our colleagues and other agencies to find a more suitable property to enable the tenant to transfer.

5.19 No major adaptation requested by the tenant, OT or partner organisations as a result of an emergency or discharge from hospital or nursing/residential home or other any other 'supported' accommodation will be undertaken. The tenant will be expected to transfer to a suitable property to meet their disability needs.

5.20 We will not undertake adaptations to properties where the tenant is under occupying or overcrowding their home, or are on the Council's housing register waiting for a transfer. Only in exceptional circumstances will an adaptation be carried out for a tenant who is under occupying, overcrowded or waiting for a transfer.

5.21 The Council has a large number of 'adapted' properties including ground floor flats and bungalows that are suitable for people with a disability. The Council will not provide major adaptations to family housing or any flat above ground floor, other than in exceptional circumstances. The Property and Asset Manager is required to approve any exceptional circumstance cases.

5.22 Approval to works that exceed £1,000 will be carried out on the condition that:-

- An Occupational Therapist completes an assessment and provides a Statement of Need form which clearly demonstrates that the work is essential to sustain independent living.
- An assessment is carried out by the Property and Asset Manager that clearly shows that a move to a more suitable property will not resolve the need for adaptations and present a better long term solution to the applicant's circumstances, or is not appropriate.

- The proposed works comply with all Planning Permission and Building Regulation requirements.

5.23 We work closely with colleagues in partner organisations involved in ensuring tenants can continue to live independently in our community.

5.24 Where funding is required beyond the maximum of £30,000 to a property we will work closely with partner organisations and the tenant to ensure other long term options have been considered and other funding sources have been explored.

5.25 If a tenant purchases a mobility scooter or any aid to mobility that requires alterations to the outside of their home such as vehicular access, hard standings, pathways or the provision of a 'shelter' or electricity for charging the 'vehicle', then the tenant is required to fund these works themselves.

5.26 Once adaptations have been carried out at a property we will arrange for someone to inspect the works to ensure that the tenant is satisfied and to ensure that they have been undertaken professionally and to the required standard, particularly if the tenant has funded the work themselves.

6.0 ADAPTED HOMES

6.1 We are able to provide suitable properties to enable tenants to move as an alternative to providing major adaptations.

6.2 The Technical Officer (Adaptations) will work closely with the Senior Allocation Officer when a tenant/OT request a level access shower or stairlift or any other major adaption to ensure that a move to suitable alternative accommodation is an option that can be considered within a reasonable timescale (within 6 months).

6.3 Where it is considered that a move to other suitable accommodation would be possible, a priority banding will be given to the tenant to move through the Devon Home Choice scheme. It is possible to award a 'B' priority to help move a tenant quickly. This can be given as a result of a 'social need' or 'effective management of the housing stock'. Alternatively a direct match can be applied when a suitable property becomes empty.

6.4 Adapted properties that become available will be offered to those in greatest housing need for this type of property in accordance with Devon Home Choice policy.

6.5 Where an existing adapted property may require further adaptations to meet the needs of a tenant transferring from their existing home. We will work closely with partner organisations including the OT service to undertake any works required to minimise delays in re-letting. This may require the tenant to move prior to further adaptations being provided.

7.0 EXCLUSIONS

7.1 We will not adapt a property which is subject to a Right to Buy application.

7.2 Other than in exceptional circumstances approved by the Property and Asset Manager an adaptation will not be carried out to a property where:

7.2.1. The tenant is registered with Devon Home Choice and waiting for a transfer.

7.2.2. A property that is under or over occupied or above ground floor. Alternative suitable accommodation including any further appropriate adaptations will be provided.

8.0 RESPONSIBILITIES UNDER THIS POLICY

In implementing this policy, EDDC's overall objective is to:-

- Ensure that all legislation is adhered to.
- Adhere to the terms that are set out in the Tenancy Agreement.
- Effectively investigate all permissions and enquiries relating to adaptations and ensure they are dealt with and the appropriate action is taken within a reasonable timescale.
- Ensure that all permissions and enquiries are recorded and monitored.
- Ensure that we focus on the needs of the tenant.
- Involve the tenant at each key stage of works.
- Fast track any cases where there is an urgent need to carry out adaption works unless to a property that is 'excluded'.
- Ensure that all work is carried out to the required specification and high standard.
- Provide clear information on accessing the service and ensuring this is available to everyone.
- Ensure that appropriate consideration has been given to the tenant's financial ability to contribute to the work.

9.0 PERMISSIONS/ENQUIRIES PROCEDURE

- 9.1** All permissions and enquiries relating to adaptations to a property are dealt with by our Housing Repairs Section which is based at the Council Offices, Knowle, Sidmouth, EX10 8HL. Telephone number 01395 517458
- 9.2** If an OT assessment is required your enquiry will be referred to Devon County Council to progress. A tenant can contact the OT service direct to request an assessment by telephoning 01392 385800.

10.0 PROCESS

- 10.1** The Technical Officer (Adaptations) will consider all requests for major adaptations or minor adaptations that require an OT assessment and the provision of a statement of need.
- 10.2** Our Maintenance Surveyors will consider all minor adaptations that do not require OT involvement.
- 10.3** All requests for an adaptation will be acknowledged within 10 working days in writing, email or by text.
- 10.4** All adaptation requests will be considered and where necessary referred to the OT service for assessment. If required, a statement of need will be provided by the OT service to the Technical Officer Adaptations. Once this is received the tenant will be informed as to whether the Council will provide the recommended adaptation.
- 10.5** You will be informed of the Council's decision within 28 days from the date of receipt of the tenant's request.
- 10.6** Our initial investigation following receipt of an adaptation request should take no more than ten working days, but in the event that an officer has to contact other agencies for further information, the investigation may take longer to deal with.

11.0 LEGAL FRAMEWORK

- 11.1** The Council has to operate within the framework created by legislation and its own strategies and policies. The Equality Act 2010 has repealed much of the previous disability legislation. It includes a new duty for public bodies when carrying out their functions to have due regard to promoting equality. Section 29 provides that there is no discrimination on grounds of disability where the

unfavourable treatment arising from the disability can be justified as a proportionate means of achieving a legitimate aim. Therefore, discrimination can 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 occupation) are relevant factors when considering proportionality. Alternative means of meeting needs other than adapting the current property, including transfers to more suitable accommodation, or tenants contributing to costs, for example, are options which may be considered. The Equality and Human Rights Commission has indicated it will publish guidance on the application of the new Act to social housing. Some of the Act's provisions are not yet in force.

12.0 REVIEW OF POLICY

- 12.1** East Devon District Council will review its policy annually in light of changes to legislation, regulatory guidance, best practice and customer feedback. The next review is due April 2012.