

# Housing Services Policy



	<b>GRAVESHAM BOROUGH COUNCIL HOUSING SERVICES</b>	Version: <b>2</b>
Policy	<b>Policy for Discretionary Disabled Adaptations</b>	Issue Date: <b>23.01.2019</b>
Ref	<b>GBC/HS</b>	Review Date: <b>23.01.2022</b>
Staff affected	Contracts & Maintenance Staff Housing Section Staff	
Approved by	<b>Assistant Director (Housing and Regeneration)</b>	Member Approval <b>20.01.2016</b>
Lead Officer	<b>Housing Partnerships Manager</b>	

<b>Table of Contents</b>		
	Section	Page No
<b>1</b>	<b>Purpose</b>	1
<b>2</b>	<b>References</b>	2
<b>3</b>	<b>Scope of policy</b>	2
<b>4</b>	<b>Definitions</b>	3
<b>5</b>	<b>Policy Statements</b>	7
<b>6</b>	<b>Related policies</b>	8
<b>7</b>	<b>Legal Framework and Guidance</b>	8
<b>8</b>	<b>Key performance indicators</b>	9
<b>9</b>	<b>Appendices – A, B and C</b>	10 - 13

## 1. Purpose

This policy document relates to tenants living in Council owned accommodation whose homes are no longer suitable for their support needs as a result of a physical or sensory disability affecting them, or persons who are living with them. It details the way in which assistance is to be provided to enable them to maintain their independence, privacy, confidence and dignity, wherever possible, by enabling them to remain in their home.

It is a statutory duty to produce this policy under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (Housing Grants, Construction and Regeneration Act 1996) that provides the Council with the discretion to develop new schemes for providing financial assistance to deal with adaptations that are required in Council owned accommodation.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 1	Gravesham Borough Council Delivering for the Community

The aim of this policy is to also directly link to the Council's Corporate Business Plan, which under strategic objective 2, identifies 'meeting the housing needs of all residents including vulnerable people' as a priority.

In order to meet this priority the policy aims to focus on the following areas:

- 1.1 Assist disabled residents to remain in their own homes through supporting the provision of adaptations.
- 1.2 Promote affordable warmth through improving energy efficiency in private sector homes.
- 1.3 Safeguard the health and well-being of vulnerable residents by removing unnecessary hazards to health in the home.

Housing is a key determinant of health and by promoting good quality housing, this policy will contribute to reducing health inequalities for Gravesham's residents.

## **2. References**

The Council is committed to assisting tenants, or persons usually living with a tenant such as family members or long term partners, whose homes are no longer suitable for their physical needs, to maintain their independence, privacy, confidence and dignity, wherever possible by providing them with a suitably adapted home. For example, it will pursue:

- 2.1 Providing alternative suitable housing or refer them to other landlords better able to meet their needs.
- 2.2 Providing physical adaptations.
- 2.3 Referring them to Social Services or other agencies which can provide appropriate support or advice on care services or equipment.

## **3 Scope of Policy - Strategic Aims**

This policy is intended to be gender-inclusive and where a reference to an individual's gender appears within this document its use is non-discriminatory.

In furtherance of this commitment and in order that there is an adequate supply of accommodation suitable for people with disabilities, the Council will:

- 3.1 Seek to ensure that where possible all new-build and modernised housing is barrier free or meets mobility standards so that it is accessible to people with physical disabilities.
- 3.2 Seek to ensure that, where possible, future housing is built to Lifetime Homes standard to enable tenants with changing needs to remain in their homes and fit adaptations as necessary for their needs.
- 3.3 Liaise with other local landlords to identify properties in the area that are suitable for people with support needs.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 2	Gravesham Borough Council Delivering for the Community

- 3.4 Identify and maintain a register of Council and Housing Association properties that:
- 3.4.1 are suitable for people with support needs, such as properties built or adapted for older people or to wheelchair or mobility standards;
  - 3.4.2 would be suitable for adaptation when vacant; and
  - 3.4.3 are part of a supported housing scheme.
- 3.5 Advise tenants with support needs of the range of housing options available to them so that they can make informed choices as to what type of housing they need.
- 3.6 Make provision for households with disabled occupants to provide parking near to their homes, wherever practical and subject to specific needs.
- 3.7 Wherever feasible, include improvements in sheltered schemes (benefiting a number of tenants) for people with disabilities when undertaking the Housing Revenue Account improvement programme, e.g. lift access, provision of a communal adapted bathroom, improved access to schemes.
- 3.8 Adapt existing properties where necessary to provide access to appropriate essential facilities.

#### **4 Definitions - Policy for Adaptions in Council Owned Dwellings**

The remainder of this policy concentrates on the circumstances in which the Council will provide physical adaptations to individual properties or assist tenants to move to suitable alternative accommodation.

##### **4.1 Eligibility**

The Council will, where possible, resource works for those tenants who can satisfy the Council that they are disabled within the meaning of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (Housing Grants, Construction and Regeneration Act 1996), Disability Discrimination Act 1995 and Equality Act 2010 upon the recommendation of an Occupational Therapist (OT) or member of the Social Care Health and Wellbeing team under the supervision of an OT.

The full range of qualifying adaptations, which is detailed in Appendix A, in general, includes the following:

- 4.1.1 Making a property safe for the disabled person and other occupants. This includes provision for those with sensory impairment or behavioural difficulties.
- 4.1.2 Improving access to and from the property.
- 4.1.3 Making access easier to the living room, bedroom, kitchen and bathroom.
- 4.1.4 Providing suitable kitchen, bathroom or sleeping facilities.
- 4.1.5 Adapting heating or lighting controls to make them easier to use and
- 4.1.6 Making provision around the home that will help the dependent care for the disabled person living with them.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 3	Gravesham Borough Council Delivering for the Community

The Council will only consider adaptations if an OT has assessed the household situation and recommended that the works are deemed **necessary and appropriate** given the nature of the disability.

#### 4.2 Undertaking the Work

Following an assessment, if the OT recommends that adaptations are necessary, then provided the work is deemed **reasonable and practicable** and an appropriate application has been made, the Council will:

- 4.2.1 Arrange for all minor adaptations, i.e. those up to a value of £2,500, to be carried out where possible within two months of receipt of the assessment.
- 4.2.2 All major adaptations, over the value of £2,500, will be completed in strict chronological order.
- 4.2.3 Work that is deemed critically by the OT will be prioritized and completed before other work on the waiting list.
- 4.2.4 Works are limited to £30,000; works in excess of this value will be referred to the Assistant Director of Housing
- 4.2.5 Works are to be capped at £50,000; works in excess will require consultation to determine whether works should be conducted or tenant placed as a priority for possible relocation.

Work may be considered critical if:

- 4.2.6 It is essential to hospital discharge.
- 4.2.7 There is risk to life and limb.
- 4.2.8 There is a breakdown of the care system.
- 4.2.8 If the tenant is at risk in his or her current property and re-housing is required.

All of the above work is subject to the necessary funds being available and the impact on other performance indicators set for the Council. The values set for the above works are based on per property.

The Council will take in to account critical needs identified by the OT, and where funds allow, complete the work within the appropriate timescale, and:

- 4.2.9 Where budgets permit complete the works set out in the OT recommendations.
- 4.2.10 Arrange for specification and costing of works.
- 4.2.11 Work closely with the OTs to explore all possible avenues to meet the person's needs.
- 4.2.12 Expect the Tenant to move, where there is a suitable adapted property currently available at time of assessment.
- 4.2.13 Expect the tenant to move, where there is a suitable adapted property available, if the property is under occupied.
- 4.2.14 With the more complex cases arrange joint visits between the Council Technical Officer and OT to discuss all options available to the tenant.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 4	Gravesham Borough Council Delivering for the Community

- 4.2.15 The Council will hold regular meetings with the OT to discuss the progress of individual cases and current working practices.
- 4.2.16 The Council will record all major disabled adaptations on the 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.

In all cases the Council and the Occupational Therapist will work together to ensure that:

- 4.2.17 Cases are assessed fairly and equally.
- 4.2.18 Exceptional needs are taken into account.
- 4.2.19 Public money is used responsibly.
- 4.2.20 Budgetary issues which may affect service delivery are communicated promptly.
- 4.2.21 There is close liaison on individual cases and alternative options to meet the tenant's needs are considered.

Where slippage occurs due to funds not being available the work will be completed in strict date order of receipt of referral, unless identified as critical by the OT.

### **4.3 Circumstances in which work will not be carried out**

If it is deemed that it is not reasonable and practicable to adapt the property the Tenant 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.

The decision as to whether or not it is reasonable or practicable to undertake the work will take account of factors such as:

- 4.3.1 The extent to which the existing home is capable of being adapted.
- 4.3.2 The cost of the work in relation to the benefit.
- 4.3.3 The availability of suitable alternative accommodation.
- 4.3.4 The degree of occupation within the premises.
- 4.3.5 The extent to which the tenant complies with the conditions of tenancy.

The final decision will be made by the Council.

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

- 4.3.6 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 recommendation will be considered.
- 4.3.7 Where the requirement is to provide an additional bedroom or living room and suitable alternative accommodation is currently available.
- 4.3.8 Where parking bays and access ramps will adversely affect the safety and amenity of the area.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 5	Gravesham Borough Council Delivering for the Community

- 4.3.9 Where the works would affect the ability of the Council to let the

property in the future.

- 4.3.10 For tenants with terminal illness, minor works be carried out as quickly as possible. Major works will not be carried out. It is unusual for OTs to recommend major works for terminally ill residents with a life expectancy of no more than a little over a year, for life expectancy longer than this, KCC have special care packages in place to help in those circumstances. Should the OTs ask for major works suggesting the terminally ill resident could live longer, the best use of resources assessment will be undertaken.
- 4.3.11 Where major alterations are required to a property already in need of major repairs.
- 4.3.12 Where the Council is seeking possession of the property because the tenant 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.
- 4.3.13 Where a Tenant is currently in rent arrears and has not reached and maintained an agreement to repay the debt on a regular basis.
- 4.3.14 Where there is no budget for the works.

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 disabled person will be considered.

Tenants can appeal any decision about disabled adaptations by writing to the Assistant Director of Housing

#### **4.4 Assistance for tenants transferring to more suitable accommodation**

Tenants or those living with them who need adapted housing and who are willing to move to a suitable alternative property will be given priority for a transfer and financial assistance with the cost of moving in accordance with the Council's Housing Under Occupancy Policy. The aim is to enable the tenant to move between a month and one year of the assessment of the disabled person.

In all cases, the OT will be invited to view the proposed new property prior to acceptance of a tenancy.

#### **4.5 Future use of adapted properties**

Wherever possible, the Allocation process will seek to allocate properties to make the most appropriate use of any adaptation. It is however, recognised that pressure on keeping void times to a minimum and the difficulty of matching an individually specified adaptation to another disabled person sometimes makes this difficult to achieve.

Where it is necessary for a new tenant who is not disabled to move into an adapted property, level access showers or low level baths will usually not be removed.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 6	Gravesham Borough Council Delivering for the Community

## **5 Policy Statements**

Tenants may require individual support tailored to their needs. Since that

person is unlikely to be completely clear what assistance may be available, it is important that access to assistance is easy and through a limited number of points.

All Tenants who may need support with housing issues will be sent details which are clear and in plain English. On completion of works, they will be invited to complete a simple satisfaction survey, which will be used to monitor the standards of both the Council staff and the contractors used. In all cases, where it appears that the Council may be able to provide assistance, a personal visit to the Tenant's home will be arranged. Tenants whose first language is not English, will be offered translation services. For Tenants with communication difficulties, the advice of Social Services will be sought and the assistance of the appropriate agency enlisted.

## **5.1 Equality statement and equalities impact assessment**

This Policy works in conjunction with the Council's Equalities policy.

- 5.1.1** Gravesham Borough Council is committed to treating people with dignity and respect. This applies to colleagues, residents and members, all of whom undertake not to discriminate directly or indirectly or victimise because of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, religion or political persuasion.
- 5.1.2** All information/ literature will be made available in other formats, or translated upon request.
- 5.1.3** The Council is committed to addressing issues of financial inclusiveness by referencing its Safeguarding and Vulnerability Policies.
- 5.1.4** Front line staff will signpost Tenants to external advice agencies providing additional help and support with regard to equalities, ensuring full use of available resources.
- 5.1.5** Appointments arranged to discuss issues covered by this policy will be made reflecting awareness of cultural and religious holidays and celebrations. Alternative dates/times for attendance will be offered should the suggested date/time conflict with a cultural or religious celebration.
- 5.1.6** This policy has satisfied an equalities impact assessment.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 7	Gravesham Borough Council Delivering for the Community

## **5.2 Service Reviews**

- 5.2.1 Service reviews will be carried out periodically to ensure that the policy is effective and the Housing and Regeneration Directorate is providing services which meet residents' needs. These may take the form of peer reviews or a sample check of cases where a tailored service has been provided.

### 5.3 Complaints

Any complaints about the service will be dealt with in accordance with the council's Corporate Complaints Procedure.

## 6 Related Policies

- 6.1 GBC Equalities Policy
- 6.2 Private Sector Housing Assistance Policy
- 6.3 Mobility Scooter Storage Policy

## 7 Legal Framework

- 7.1 Housing Grants, Construction and Regeneration Act 1996 as amended by the Regulatory Reform Order 2002
- 7.2 Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (Article 3)
- 7.3 Housing Acts 1985 and 1996
- 7.4 Chronically Sick and Disabled Persons Act 1970
- 7.5 Equality Act 2010
- 7.6 Human Rights Act 1998
- 7.7 Disability Discrimination Act 1995

The Housing Grants, Construction and Regeneration Act 1996 confers on local authorities a statutory duty to provide assistance for the provision of facilities for disabled persons in the form of Mandatory Disabled Facilities Grants and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 confers the discretionary power to provide grant assistance in a flexible way to meet local needs.

The Chronically Sick and Disabled Persons Act 1970 requires the Council, in discharging its duty under section 8 of the Housing Act 1985, (to consider housing conditions and needs of its district with respect to the provision of further housing accommodation), to have regard to the special needs of chronically sick or disabled persons.

By the Housing Act 1996 a person having a disability must be treated as having a priority need for accommodation.

The Equality Act 2010 imposes duties on landlords for the provision of aids to tenants with disability. If a request is received for the tenant and the Human Rights Act 1998 confers a right to respect for private and family life.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 8	Gravesham Borough Council Delivering for the Community

This policy was correct at the date of issue and it has been drafted according to

current legislation. Any subsequent changes in legislation or best practice will be adhered to and included in future updates. The delivery of this policy is via a series of specific procedure notes, which are maintained by the owner department.

## **8 Key Performance Indicators**

The Council is committed to providing a high quality service within the resources available. There is no national performance indicator relevant to this policy but, locally, the following key service standards will apply:

### **8.1 Disabled adaptations of a minor nature under £2500:-**

8.1.1 Where possible work will be undertaken within 2 months of receipt of OT recommendations. Subject to; sufficient capital funding, resources being available and Building Control/Planning consent.

8.1.2 Where such resources are not available, Tenants will be advised within 10 working days of the approximate waiting period.

### **8.2 For Disabled adaptations requiring major works that are deemed reasonable and practicable and are over £2500, the Council will:-**

8.2.1 Aim to complete all works within one year or more urgently if a critical need is identified by the OT. The OT will be made fully aware of cases where this cannot be met.

All service standards will be included in the information provided to Tenants and potential Tenants.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 9	Gravesham Borough Council Delivering for the Community

## APPENDIX A

### WORK FOR WHICH THE COUNCIL WILL FUND

#### Minor Adaptations (under £2,500)

- 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.
- Concrete half steps.

#### Major Adaptations (above £2,500)

- Full kitchen adaptations.
- Re-organisation of a property's layout.
- Installation of flush floor Showers and level access trays.
- Ramping/Hard standing.
- Access widening (Inc. internal rooms).
- Stairlifts or through-floor lifts.
- Clos-o-mat toilet
- Extensions to buildings (where no other options are available)
- Access to properties will be primarily based on access for Emergency Services, for example access on to land.

The above lists are not exhaustive and each referral will be assessed on its merits, especially where a case presents itself under the health and safety of the tenant.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 10	Gravesham Borough Council Delivering for the Community

## APPENDIX B

### CRITERIA AND DEFINITIONS

#### The definition of a disabled person under the Housing Grant, Construction and Regeneration Act 1996

This states that a person is disabled 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, impairment that have been present since birth or otherwise;

#### SUITABILITY OF ACCOMMODATION CONTAINED IN PART IV OF SCHEDULE 2 OF THE HOUSING ACT 1985

1. For the purpose of Section 84(2)(b) and (c) (case in which court is not to make an order for possession unless satisfied that suitable accommodation will be available) accommodation is suitable if it consists of premises-
  - a) which are to be let as a separate dwelling under a secure tenancy; or
  - b) which are to be let as a separate dwelling under a protected tenancy, not being a tenancy under which the landlord might recover possession under one of the Cases in Part II of Schedule 15 to the Rent Act 1977 (cases where court must order possession), or
  - c) which are to be let as a separate dwelling under an assured tenancy which is neither an assured shorthold tenancy, within the meaning of Part 1 of the Housing Act 1988, nor a tenancy under which the landlord might recover possession under any Grounds 1 to 5 in Schedule 2 to that Act.

And in the opinion of the Court, the accommodation is reasonably suitable to the needs of the tenant and his family.

2. In determining whether the accommodation is reasonably suitable to the needs of the tenant and his family, regard shall be had to:
  - a) the nature of the accommodation which it is the practice of the landlord to allocate to persons with similar needs;
  - b) the distance of the accommodation available from the place of work or education of the tenant and of any members of his family.
  - c) its distance from the home of any member of the tenant's family if proximity to it is essential to that member's or the tenant's wellbeing.
  - d) the needs (as regards extent of accommodation) and means of the tenant and his family;
  - e) the terms on which the accommodation is available and the terms of the secure tenancy;

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 11	Gravesham Borough Council Delivering for the Community

- f) if furniture was provided by the landlord for use under the secure tenancy, whether furniture is to be provided for use in the other accommodation, and if so the nature of the furniture to be provided.
3. Where possession of a dwelling – house is sought on Ground 9 (overcrowding such as to render the occupier guilty of offence), other accommodation may be reasonably suitable to the tenant and his family notwithstanding that the permitted number of persons for that accommodation, as defined in Section 326 (3) (overcrowding: the space standard), is less than the number of persons living in the dwelling – house of which possession is sought.

**SUITABILITY OF ACCOMMODATION CONTAINED IN PART IV OF SCHEDULE 2 OF THE HOUSING ACT 1985**

4. For the purpose of Section 84(2)(b) and (c) – which deal with cases in which a court is not to make an Order for possession unless satisfied that suitable accommodation will be available – accommodation is suitable if it consists of premises which are to be let as a separate dwelling:
- d) under a secure tenancy; or
  - e) under a protected tenancy, not being a tenancy under which the landlord might recover possession under one of the Cases in Part II of Schedule 15 to the Rent Act 1977 (cases where court must order possession).

And, in the opinion of the Court, the accommodation is reasonably suitable to the needs of the tenant and his family, regard shall be had to:

5. In determining whether the accommodation is reasonably suitable to the needs of the tenant and his family, regard shall be had to:
- g) the nature of the accommodation which it is the practice of the landlord to allocate to persons with similar needs;
  - h) the distance of the accommodation available from the place of work or education of the tenant and of any members of his family.
  - i) Its distance from the home of any member of the tenant’s family if proximity to it is essential to that member’s or the tenant’s wellbeing.
  - j) The needs (as regards extent of accommodation) and means of the tenant and his family;
  - k) The terms on which the accommodation is available and the terms of the secure tenancy;
  - l) If furniture was provided by the landlord for use under the secure tenancy, whether furniture is to be provided for use in the other accommodation, and if so the nature of the furniture to be provided.
6. Where possession of a dwelling – house is sought on Ground 9 (overcrowding such as to render the occupier guilty of offence), other accommodation may be reasonably suitable to the tenant and his family notwithstanding that the permitted number of persons for that accommodation, as defined in Section 326 (3) (overcrowding: the space standard), is less than the number of persons living in the dwelling – house of which possession is sought.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 12	Gravesham Borough Council Delivering for the Community

## APPENDIX C

### Mobility Scooters

Mobility scooters are not suitable for use within homes and cannot be stored in properties or communal areas. Tenants who purchase or acquire mobility scooters should make provision for suitable storage and charging facilities.

Occupational Therapists do not include mobility scooters within their Recommendations for works.

Please see the Mobility Scooter Storage Policy for further guidance.

Issue date : <b>23.01.2019</b> Version No. 2	GBC – Housing Services
Page No. 13	Gravesham Borough Council Delivering for the Community