

Mid Devon District Council

Aids & Adaptations Policy

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Version Control Sheet

Title: Aids & Adaptations Policy

Purpose: To review the Aids & Adaptations Policy in accordance with good practice and any changes in legislation.

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Staff – w/c 7th June 2021

Corporate Manager – w/c 7th June 2021-06-29

Homes PDG – TBC

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Title	Date	Version Approved
Cabinet Member for Housing		
Corporate Manager		
Homes Policy Development Group		
Cabinet		

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1.0. Introduction

- 1.1. This policy statement outlines Mid Devon District Council's (MDDC) approach to providing aids and adaptations for tenants or their household members who have a disability or suffering from long term ill health, to help them remain and live independently in the home. It is recognised that in some instances the accommodation they live in may no longer be suitable to support their needs.
- 1.2. We are committed to helping people with disabilities to live independently in our housing stock, by providing effective aids and adaptations or alternative suitable accommodation. In addressing the identified and assessed needs of our tenants or eligible household members, we aim to ensure that we comply with the requirements of the Disability Discrimination Act 1995 and Housing Act 1985.
- 1.3. The Housing Service has an obligation, as set out in clause 2.2.2 of the Home Standard 2013 to provide an adaptations service that meets tenants' needs.

2.0. Scope

2.1. This policy sets out the Council's provision of providing aids and adaptations within their housing stock and how they will be delivered. It covers the following points and should be read in conjunction with the related documents as stated below:-

- Who is considered under this policy
- Who qualifies for assistance
- Minor and major adaptations
- Cost of aids and adaptations
- Servicing, repairs and maintenance
- Installing your own adaptations
- Removing adaptations
- Recycling adaptations
- Letting adapted properties
- Moving, transfers and mutual exchanges
- Change of circumstances
- Applications falling outside of this policy

3.0 Related Documents

- Tenancy Agreement

- Recharge Policy
- Improvements to Council Properties Policy
- Allocations Policy
- Devon Home Choice Scheme
- Decant Policy

4.0 Definitions

4.1 For the purposes of this policy, the following definitions apply:

- Aids and adaptations: Is the provision of fixed equipment and/or modification to the property or associated land where there has been an identified need to enable the tenant or household members to live independently and safely in their home.
- Minor adaptations: Involves non-structural alterations or additions to a property. These include aids or adaptations costing less than £1,000, examples include grab-rails, special taps, shower seats, small ramps or handrails to external paths and steps.
- Major adaptations: Involves extensive structural adaptations to a property costing more than £1,000, examples include installation of stair lifts, level access showers, new over-bath showers or building an extension.
- Disabled: A person is defined as “disabled” under the Housing Grants, Construction and Regeneration Act 1996 if:
 - a) Their sight, hearing or speech is substantially impaired;
 - b) They have a mental disorder or impairment of any kind; or
 - c) They are physically substantially disabled by illness, injury or impairments that have been present since birth or otherwise.

Generally the impairment of the applicant must have lasted or is likely to last for at least twelve months.

- Tenant: This means anyone who holds a Council tenancy with MDDC.
- Household member: This means relatives, partners, lodgers or subtenants who reside at the property.
- Family member: This means relatives such as spouse, civil partner, children including partners who reside at the property. For the purpose of this policy, a child must be under 18 and living at the property as their main permanent residence.

5.0 Who is considered under this policy?

5.1 This policy applies to Council tenants and members of their household including lodgers and subtenants (where eligible, in line with the terms and conditions of the tenancy agreement). Leaseholders, owner occupiers, private and Registered Provider tenants are not included within the scope of this policy. However, they will be signposted to the relevant agencies.

6.0 Who qualifies for assistance?

6.1 Where a tenant or household member has a disability or a long term illness, the Council will consider providing equipment or adaptations to their home to enable them to remain living in that property. The Council will take into account any advice or recommendations provided by health professionals in agreeing works with the tenant and/or family/household member.

6.2 Before adaptations are carried out, the Council will consider whether they are reasonable and practicable, taking into account the type of works required, the age and condition of the property. Alternatively, where it may be more appropriate for the tenant or household member to move to another property, including accommodation with a different housing provider, the Council will discuss the options available to them. The Council will ensure that it makes the best use of its housing stock.

6.3 Examples of cases where it will generally be considered not reasonable or practicable for major adaptations works to be undertaken include:

- In a family dwelling where under or over occupation exists
- Where there is a requirement to provide an additional bedroom or living room space and suitable alternative accommodation exists within the near locality
- Where a level access shower is required in properties at first floor or above, where there is no lift, or in bathrooms of family sized accommodation, which is under occupied
- Where parking bays and access ramps would adversely affect the amenity of the area
- Where the works would significantly affect the Council's ability to let the property in the future and there is suitable alternative accommodation available
- Where the Council are seeking possession of a property because of a breach of tenancy conditions.

6.4 The above list under point 6.3 is not exhaustive and individual circumstances will be taken into account. Factors affecting the decision on whether it is reasonable or practicable include:

- The extent to which the property is capable of being adapted
- The cost of the works
- The availability of suitable alternative accommodation

- The degree of occupation in the premises
- The extent to which the tenant is complying with the terms and conditions of their tenancy agreement.

6.5 Adaptations for lodgers or subtenants, will only be carried out in exceptional circumstances. This will be determined by the Housing Services Manager and Building Services Manager.

6.6 For household members who are not a named tenant on the tenancy agreement, they must be registered as living at the property for council tax purposes and if aged over eighteen years, they should be registered on the electoral role for that address.

6.7 Adaptations for a child will only be carried out at the main residence of a child who has a disability whose parents are separated. This is normally the residence of the parent who is in receipt of child benefit, if applicable, for that child.

7.0 Minor Adaptations

7.1 The Council will provide minor adaptations for works under £250 where the tenant feels that they may help them or their household member to live more independently. This can be achieved by the tenant contacting their Neighbourhood Officer or directly to the Repairs Service.

7.2 Examples of aids and adaptations under £250 include: lever taps, special handles, grab rails, handrails, flashing doorbells, lowering of light switches or raising floor level sockets.

7.3 The Council will require a referral from the Occupational Therapist for adaptations costing between £250- £1,000. Examples of adaptations include: ramps, safety glass or minor internal alterations to the kitchen or bathroom.

7.4 The Council aims to offer an appointment for minor adaptations within 28days of receipt of the request.

8.0 Major Adaptations

8.1 The Council will provide major adaptations to help eligible tenants and household members to live independently. A referral from an Occupational Therapist will be required before carrying out any works. Major adaptations can involve extensive structural alterations and will normally cost more than £1,000.

8.2 Examples of major adaptations include: property access (ramps, drop kerbs) widening doorways, level access showers, change of heating or lighting controls, stair lifts or changes to the configuration of the bathroom or kitchen and extensions to the property.

8.3 Approval of works that exceed £1,000 will be made on the condition that:

- An Occupational Therapist completes an Assessment of Need which outlines clear recommendations that the work is necessary to sustain independent living;

- An assessment is carried out with the tenant and household member to check whether a move to a more suitable property may resolve the need for adaptations and present a better long-term solution to their circumstances; and
 - The proposed works comply with all regulatory requirements and permissions.
- 8.4 The Council aims to complete major adaptations classed as high priority (danger) within 6 months of receipt of an Occupational Therapy statement of need.
- 8.5 The Council aims to complete major adaptations classed as medium priority (deterioration) within 12 months of receipt of an Occupational Therapy statement of need.
- 8.6 The Council aims to complete major adaptations classed as low priority (difficulty) within 18 months of receipt of an Occupational Therapy statement of need.

9.0 Cost of adaptations

- 9.1 The Council will set a budget for the provision of aids and adaptations which will be reviewed annually.
- 9.2 Adaptations that are carried out by the Council within the scope of this policy will normally be funded up to £30,000. Tenants or household members may need to contribute (children are exempt) towards the cost of works over £5,000 and under £30,000. An assessment will be based on an individual's financial circumstances.
- 9.3 Where top up funding is required for major adaptations to a property, the Council will work with other agencies to make recommendations to support additional funding and to evidence that other long term options and other funding sources have been explored.
- 9.4 Where another organisation has agreed to part fund the cost of works, this must be done in agreement with the Council and the Occupational Therapist.
- 9.5 Any adaptations funded or part funded by the Council must remain in the property and should not be removed or altered by the tenant, household member or anyone acting on their behalf without the agreement of the Council. Even if the tenant or household member contributes towards the cost of works, the adaptations must remain in the property unless agreed otherwise.

10.0 Adapted properties

- 10.1 All aids and adaptations work completed at a property will be recorded as part of the property details held on the housing management system. Wherever practical, this information will be used to ensure any future allocations are made to applicants requiring such adaptations.
- 10.2 If major adaptations are required to a property which requires the tenant or family member to move, the Council will only decant the tenant as a last resort and where all

other possible solutions have been investigated. All decants will be dealt with in accordance with the Council's Decant Policy. Bullet 1

11.0 Servicing, repairs and maintenance

- 11.1 An annual programme to undertake servicing and maintenance of equipment such as stair lifts and lifting equipment will be put in place by the Council.
- 11.2 The Council will meet the cost of all routine repairs and maintenance to any adaptations provided or adopted by them. This will be funded through the Internal Major Adaptations budget.
- 11.3 Where adaptations have aged and there are persistent repairs, the Council will liaise with the Occupational Therapist to check that the adaptation is still required.
- 11.4 If any aids or adaptations have been wilfully damaged by the tenant, a household member or visitor to the property, the tenant will be recharged for any costs incurred for putting the property right.
- 11.5 If a tenant moves, any adaptations fitted by the Council are to remain at the property. Any adaptations fitted by the tenant are to be removed unless agreed otherwise by the Council.

12.0 Installing your own adaptations

- 12.1 For all adaptations installed by the tenant or household member at their own expense, the tenant is required to obtain written permission from the Council before carrying out any works. The Council will only refuse permission with good reason, such as if the work:
- Would interfere with any maintenance to the property;
 - May cause a potential health and safety risk; or
 - Would breach any regulatory requirements.
- 12.2 The written request will need to state what works and adaptations the tenant requests to carry out and include a plan of the required works. Completed works may be inspected to ensure they have been carried out to a satisfactory standard.
- 12.3 The tenant will be responsible for obtaining the necessary planning permissions and/or building regulations and any costs incurred by doing so.
- 12.4 The Council will not be responsible for maintaining, servicing or repairing any aids or adaptations installed by the tenant or household member. At the end of the tenancy, the tenant may be required to remove any approved aid or adaptation they or their household member have fitted and make good any damage to the property. Alternatively, if the Council agrees to take responsibility for the alterations, the tenant or household member will be required to sign over ownership free of charge.
- 12.5 The Council will not fund any alterations or adaptations that may be required to the interior or exterior of the property following the purchase of a mobility vehicle. If the

tenant needs to make changes to the property such as vehicle access, hard standings, pathways or shelters or electric charging points, these will need to be funded by the tenant or household member. The tenant will be required to obtain written consent from the Council for carrying out such works.

12.6 If adaptations have been carried out at the tenant's or household member's expense without written permission, then the Council may:

- Agree to take over the ownership of the adaptations;
- Ask the tenant to seek retrospective consent;
- Ask the tenant to remove the adaptation and make good any damage to the property;
or
- Recharge the tenant for the removal of adaptations or repair any damage after a tenancy has ended and the former tenant will be liable for any costs incurred for such works.

13.0 Removing adaptations

13.1 Where adaptations have been carried out to a property designated for elderly or a person with a disability, these will normally not be removed, for example where a bath has been replaced with a level access shower.

13.2 The Council advertises adapted properties through the Devon Home Choice Scheme, and every effort will be made to re-let an adapted property to a person who has a need for that type of property. Where this is not possible, and a non-disabled tenant accepts an offer of an adapted property, adaptations such as level access showers will not usually be removed. However, the Council reserves the right to remove the adaptation if they consider it to be unsuitable for the property.

14.0 Recycling adaptations

14.1 Where the Council has reserved their discretion to remove adaptations from the property, they will recycle adaptations where possible, for example stair lifts, hoists or through floor lifts. However they will not remove structural adaptations that have been carried out to a property, such as door ramps, level access showers and widened doors. Subsection 14.2

15.0 Letting adapted properties

15.1 Properties available for allocation will be placed on Devon Home Choice Scheme, this will include adapted properties to ensure the process is open and transparent. There may be individual cases where significant adaptations have been carried out where a direct let may be made to match the property to the applicant most in need of the property

16.0 Moving, transfers and mutual exchanges

16.1 Following a major adaptation the Council would normally expect the tenant to remain at the property for a reasonable period before moving again. Where applicants are on the transfer list then each request will be considered on an individual's basis. The Council may not approve further adaptations where the tenant moves from an adapted property to an unsuitable or un-adapted property.

16.2 However, the Council understands that there may be exceptions where the tenant or household member's needs have changed, for example, there is a need to move to more suitable accommodation. Where the Occupational Therapist and Council agree a move is necessary, if the new home requires adaptations, it will be assessed and adapted in accordance with this policy.

16.3 Secure and flexible tenants who have adaptations in their home have the right to mutual exchange with other eligible tenants. However, the Council can refuse a mutual exchange on grounds outlined in legislation.

17.0 Change of Circumstances

17.1 If a tenant or household member needs have changed after adaptations have been installed, for example, they can no longer do something that they could manage before, then the applicant will be advised to make contact with their Occupational Therapist or the relevant organisation such as Care Direct.

18.0 Applications falling outside of this policy

18.1 The Council accepts that there may be circumstances that warrant exceptions to this policy. Applications for assistance that fall outside of this policy will be considered by the Housing Services Manager and, where appropriate, and reasonable to do so, they may agree exceptions to this policy

19.0 Service Standards

19.1 The Council are committed to the principle of openness and transparency and for this reason we will ensure that this policy is well-publicised. If there are any operational matters which impact upon our ability to operate this policy, we will ensure that information about this is given to tenants and other stakeholders

20.0 Right to Buy

20.1 Adaptations works may not be completed whilst there is an active right to buy application.

20.2 In accordance with section 5 paragraph 11 of the Housing Act 1985, the right to buy may be affected in cases where adaptations make the property particularly suitable for elderly persons.

21.0 Appeals / Disputes

21.1 Tenants have a right to dispute or appeal if they feel that this policy has not been adhered to, or if there is evidence that an adaptation request outcome should be reconsidered.

21.2 Disputes can be dealt with informally by phone, email or letter, should a Tenant wish to discuss this with a Repairs Officer.

21.3 Disputes can be formally dealt with as a service request.

21.4 First time disputes or appeals cannot be dealt with as formal complaints in the first instance.

22.0 Complaints

22.1 Were a Tenant is dissatisfied with the outcome of their response to their formal service request then the formal complaints process can be initiated.

22.2 We will deal with any complaints about our service in accordance with our Complaints Procedure. Details are available on the Council's website at www.middevon.gov.uk or available by telephone on 01884 255255.

23.0 References

- Chronically Sick and Disabled Persons Act 1970
- The Housing Act 1985
- Housing Grants, Construction and Regeneration Act 1996
- Equality Act 2010
- The Care Act 2014
- The Housing Regulatory Framework, specifically Home Standard 2015.

24.0 Equality and Diversity

24.1 The Housing Service will tailor its services to meet the diverse needs of individuals. We foster good relations with people when providing services to eliminate discrimination, to promote equality of opportunity and to maximise their independence.

24.2 We will ensure that no individual is discriminated against on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation or marital/partnership status.

24.3 We will promote equality of opportunity by publishing information in different formats on request, where possible.

24.4 Covered by the Equality Act 2010, the Housing Service will consider the public sector equality duty. As part of this duty, the Housing Service aims to tackle prejudice and promote understanding between people from different groups. In some cases, compliance with this duty may involve treating some people more favourably than others.

24.5 Other areas the Housing Service will have regard to in order to comply with the public sector equality duty may involve:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging and enabling people from protected groups to participate in public life or in activities where their participation is disproportionately low.

25.0 Review

25.1 This Policy has been written in line with good practice and current relevant legislation. The policy will be reviewed and revised to reflect any legislation requirements and/or other guidance or good practice. The next review of this Policy is due October 2025 and every five years thereafter.

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Appendix 1 – Summary of additions and revisions

Policy Ref	Description	Date
N/A	Policy reference change (HSG to OBS Operations – Building Services)	27/09/2020
N/A	Review frequency changed from 4 – 5 years	27/09/2020
4	Ramps – clarified to small ramps, as larger ramps are likely to be major adaptation	27/09/2020
4	Hard standing removed	27/09/2020
4	Handrails added as example of minor adaptations	27/09/2020
4	An eligible child must be under 18 and living at the property as their main permanent residence.	27/09/2020
7.3	Hard standing removed	27/09/2020
9.2	Contribution requirement changed from £1000 - £5000	27/09/2020
16.1	Moving from adapted to un-adapted property.	27/09/2020
21 and 22	Appeals and disputes, complaints sections added	27/09/2020
24.1	Review information updated	27/09/2020
N/A	Index added	27/09/2020
22.3	Additional reference added – homes Standard	23/02/2021
23.	Equality and diversity clause amended and addition of 23.2-23.5 to clarify actions to ensure equality and diversity.	23/02/2021
1.2, 1.3	Additions to introduction	23/02/2021
4.1	<i>Definitions. New over-bath shower moved from minor to major adaptation due to increased material costs. Some may still be minor if tiling is already in place.</i>	23/02/2021
12.5	<i>Removal of occupational therapy recommendation section for mobility scooter adaptations.</i>	23/02/2021

7 +8	<i>Target completion dates added</i>	23/04/2021
20	<i>Right to buy</i>	23/04/2021

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