



Aids and Adaptations Policy

September 2018

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Plan Maintenance

Document Control

This document will be fully reviewed every two years unless there are changes to the legislation that governs the delivery of DFG's

No changes should be made to it without the authorisation of the Service Manager – Strategic Housing & Lettings.

The Director for Housing and Assets has delegated authority to agree minor policy amendments which do not affect the broad thrust of policy direction. Other changes must be approved by the Council Cabinet.

Record of Amendments

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Introduction

This Policy sets out the help and support Ashfield District Council is able to provide local residents who are in need of aids and adaptations in order to help them remain independent and cared for in their home.

The document is split into 2 main parts; Part 1 explains the assistance offered to private sector residents through Disabled Facilities Grants, Part 2 sets out the support provided to Ashfield District Council tenants.

There are differences between Part 1 and Part 2 because the rules, regulations and resources relating to each sector are different. However, in the interests of fairness and equality, where possible the Council has tried to adopt a consistent approach to both private and public sector residents.

Equalities

During the preparation of this plan and also when considering the roles and responsibilities of directorates and employees consideration has been given to promote equality and fairness to ensure that those employees representative and citizens of the Protected Characteristics are not disadvantaged in any way and that due regard has been given to consider their individual circumstances.

The Council's Tenant Gateway group and the County Council's Occupational Therapy Service have also been consulted in the preparation of the policy.

PART 1 - Disabled Facilities Grants

1.1 Mandatory Disabled Facilities Grants (DFG)

Statutory Duty for Mandatory DFG's

Ashfield District Council, in its role as a local housing authority, is under a statutory duty by virtue of the provisions of the Housing Grants, Construction and Regeneration Act 1996 (the Act) to provide DFG's for private sector residential adaptations where the appropriate legislative conditions are met.

The purposes for which a DFG may be given are set out in the Act and can be summarised as follows:

- Facilitating Access – grant may be given for works to remove or overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling, access to the garden and enjoying the use of the dwelling and facilities or amenities within it.
- Making a dwelling or building safe – grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with them. This may include the provision of lighting where safety is an issue or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems.
- Access to a room useable for sleeping – grant may be given for the provision of a room usable for sleeping where adaptation of an existing room in a dwelling (upstairs or downstairs) or the access to that room is unsuitable. Where the disabled person shares a bedroom with a spouse or partner a grant may be given to provide a room of sufficient size so that normal sleeping arrangements can be maintained.
- Access to a bathroom – grant may be given for the provision of, or access to, a toilet, washing, bathing and/or showering facilities.
- Facilitating preparation and cooking of food – grant may be given to re-arrange or enlarge a kitchen to improve the manoeuvrability for a wheelchair and to provide specially modified or designed storage units, work top area etc. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate to carry out certain adaptations that enable the disabled person to perform minor functions in the kitchen, such as preparing light meals or hot drinks.

- Heating, lighting and power – a grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected. Provision is also made under this section for the adaptation of heating, lighting and power to make them suitable for use by the disabled person.
- Dependant Residents – grant may be given for works to enable a disabled occupant better access around the dwelling in order to care for another disabled person who normally resides there whether or not they are related to the disabled person. Such works could include adaptations to a part of the dwelling to which the disabled person would not normally need access but which is used by the person to whom they are providing care and therefore it is reasonable for such works to be carried out.
- Common parts – grant may be given for works to facilitate access to a dwelling through common parts of a building.

In order to approve DFG's, officers of the Council will work primarily with the Occupational Therapy (OT) Services at Nottinghamshire County Council. The Council cannot refuse to accept a referral from an independent OT, usually employed directly by the prospective grant applicant, but retains its duty to consult with the County Council. In such cases all relevant information will be forwarded to the relevant Nottinghamshire County Council Occupational Therapy service and no decision on grant eligibility will be made until their assessment and recommendations have been made.

The OT services will make referrals to Ashfield District Council recommending work to be carried out which is necessary and appropriate to meet the needs of their client. The Council will approve grants if it is satisfied that the work is reasonable and practicable to carry out.

Although the provision of mandatory DFG's is covered by the Act the Council must comply with the legislation, this documents sets out the policy that will be applied by the Council in the provision of DFG's with regard to matters not covered by the legislation.

Amount of Mandatory DFG

The maximum amount of mandatory grant that the Council can pay for any single grant application is set by Order and is currently £30,000. This amount is reduced by any contribution assessed as payable by the grant applicant (see section 8.0 on the means test).

Top-Up to Mandatory Schemes

Although the maximum amount of grant available for a mandatory DFG is currently £30,000 the Council may potentially provide an additional maximum amount of up to £10,000 as a discretionary top-up where circumstances are such that the cost of work exceeds £30,000 (either as a result of unforeseen works or the extent of the original work that is recommended to the Council). This type of assistance will only be offered as a top up for schemes that fall within the mandatory grant headings as previously described.

When determining any application for discretionary assistance the Council will consider any agreed Nottinghamshire County Council funding plus the ability of the applicant to self-fund the identified additional costs. Subject to this assessment discretionary award will potentially make up the difference between the maximum grant and the cost of eligible works (up to a maximum £10,000). Any discretionary top-up will be repayable on the eventual sale of the subject property and will be recorded as a Land Registry charge.

Any discretionary top-up will only be considered having regard to the amount of resources the Council has at the time. If it does not have sufficient resources left to deal with other referrals that have been passed to the Council by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary top-up.

Discretionary Duty for DFG's

In addition to providing mandatory DFG's, the Council has the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. Using these powers, the Council may offer discretionary DFG's for private sector residential adaptations in certain specific circumstances.

1.2 Dual Residency of a Disabled Child

In cases where families separate and a court order provides that residency of the subject disabled child is split between the mother and father (or other designated guardian) the Council may consider the award of discretionary DFG to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within those headings normally applied to mandatory schemes (see Section 3).

Mandatory DFG can only be provided to the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it would be assumed that one party would apply for mandatory grant on the basis that the child occupies the subject property as their sole or main residence. The main residence will be determined by which party receives child benefit. This property may or may not be within the Ashfield district.

The Council will consider the details of any court order and specifically the allocation of time spent with each parent in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be reviewed on its own merits. Factors to be considered include the specific details of any order, likely time to be spent at each property, whether the child will stay overnight at the subject property and for what period etc.

In determining the works that might be considered as eligible for assistance the Council will consider the suitability of the subject property for adaptation, the complexity and scope of the adaptations required and any observations or referral made by the Occupational Therapy Service. The scope of any works will not necessarily mirror that to be undertaken at the sole or main residence.

Any assistance provided under this heading will be up to a maximum award of £10,000 but will not be subject to any form of means testing. Any award will be repayable to the Council if and when the subject property is sold. The award amount will be recorded as a Land Registry charge.

Any discretionary award will only be considered having regard to the amount of resources the Council has at the time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance. The budget position will be reviewed on an annual basis.

1.3 Relocation Grant

A relocation grant may be available to an applicant who owns or privately rents their property if adaptations to their current home through DFG are determined not to be practicable or reasonable and they are considering relocation to a property they intend to purchase.

- Applicants must be 18 or over on the date of application and, in the case of a disabled child, the parent(s)/carer(s)/guardian(s) would make the application. Any application must be supported by a recommendation from the Nottinghamshire County Council's OT service.
- The Council and the OT must be satisfied that the proposed property already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.
- Applicants must be relocating within the Ashfield district. Consideration may be given to a move within Nottinghamshire but this would require the approval of the relevant district/borough council, whether or not adaptations are required and the scale of any adaptations before a relocation grant can be considered.
- A grant of up to £5,000 may be made available towards specific relocation expenses, which includes estate agent fees, legal costs, removal costs and up to a 75% contribution toward cooker and/or fridge if built-in appliances are being left behind and none are, or have been fitted in the new property.
- The cost of the relocation grant together with the cost of any adaptations required to the new property must demonstrate value for money, whether the move is within Ashfield or to another district/borough council in Nottinghamshire. For moves within Ashfield up to £10,000 may be available towards the cost of any adaptations. Any scheme likely to cost in excess of this figure will be considered on its own merits by the Council.
- Applications must be submitted prior to the relocation, grants cannot be paid retrospectively. Assistance will not be given toward the purchase price of the new property.
- The Council will normally require three to five quotations (depending on the cost of the project) from independent contractors that realistically reflect the cost of the works/service provided. In some circumstances, one estimate may be accepted if the Council is satisfied that the cost is reasonable.
- All applicants will be required to complete the move within 12 months from the

date of approval of their application. Any payments made will be made either directly to the service/work provider or to the grant applicant. Valid invoices or receipts must be provided prior to payment.

- If on sale of the applicant's existing property, a net equity of more than £10,000 is released, the Relocation Grant will only fund the physical removal costs. (Net equity refers to any equity released when the purchase price of the new property is less than the existing property's selling price).
- If the move is aborted through the fault of the applicant then costs will not be paid and any costs already paid will be reclaimed from the applicant. If the reason for the move failing is through no fault of the applicant then the Council will cover the costs.
- The new property must be the disabled person's main residence and no applicant will be awarded a Relocation Grant on more than one occasion.
- If the disabled occupant moves from the new property within 5 years then the grant must be paid back in full except in exceptional circumstances.

The Relocation Grant Scheme will be subject to the same Test of Resources as the mandatory Disabled Facilities Grant scheme unless the relocation is for a disabled child in which case no test will be applied.

Any Relocation Grant will be recorded as a land registry charge and will mirror those repayment conditions attached to mandatory DFG's that breach a £5,000 threshold.

1.4 General Requirements and Grant Conditions

The following general requirements and conditions will apply to both mandatory DFG's and discretionary DFG's.

Definition of a Disabled Person:-

For the purposes of the legislation relating to DFG's a person is defined as being disabled if:

- their sight, hearing, or speech is substantially impaired
- they have a mental disorder or impairment of any kind, or
- they are physically substantially disabled by illness, injury, impairment present

since birth or otherwise

A person aged under 18 is taken to be disabled if:

- they are registered in a register of disabled children maintained under the Children Act 1989, or
- in the opinion of the social services Council (Nottinghamshire County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989

A person aged 18 or over is taken to be disabled if:

- they are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948, or
- they are a person for whose welfare arrangements have been made under that section or might be made under it

Applicant's Criteria

The Council cannot consider an application for a mandatory or discretionary DFG unless it is satisfied that;

- the applicant has or proposes to acquire an owner's interest in every parcel of land on which the relevant works are to be carried out, or
- the applicant is a tenant of the dwelling where the relevant works are to be carried out

Certificate required in case of owner's application

An owner's application for a DFG must be accompanied by an owner's certificate which will certify that the applicant has or proposes to acquire an owner's interest and that they intend that the disabled occupant will live in the dwelling as their only or main residence throughout a period of five years following completion of the works.

Certificates required in case of tenant's applications

A tenant's application for a DFG must be accompanied by a tenant's certificate which will certify that the application is a tenant's application and that the applicant intends that the disabled occupant (whether that is the applicant or someone in the applicant's household) will live in the dwelling as their only or main residence throughout a period of five years following completion of the works.

A tenant's application should be accompanied by an owner's certificate from the person who at the time of the application is the landlord under the tenancy. The Council can waive this where it is not reasonable in the circumstances to request a certificate.

Private tenants must obtain their landlord's written permission for the subject works before a DFG can be approved. Where a landlord withholds this permission for the works to be undertaken a grant cannot be approved. Any DFG approved would not include any element of reinstatement.

Occupiers and consent certificates (houseboats and park homes)

Occupiers of houseboats and park homes must provide an 'occupiers certificate' certifying the intention of the disabled occupier to occupy the qualifying houseboat or park home as his only or main residence throughout the grant condition period (5 years from the certified date). Any such certificate must also be accompanied by a 'consent certificate' from each person who owns the mooring or land on which the houseboat or park home is stationed or who owns the houseboat or park home.

1.5 Cost of Work

The Council uses public money to fund the provision of both mandatory and discretionary DFG's and as such it must take into account value for money.

When officers schedule the work to be carried out, they will ensure it meets the needs of the applicant but at the same time they will only prepare a basic specification. If grant applicants wish to have a higher or more complex specification that costs more, they will have to pay the difference themselves.

The applicant will be required to obtain three to five quotes, in line with the Council's constitution, for the cost of works (although the Council will do this for applicants if they request us to do so) – see section 11.0 below). The grant will usually be approved on the basis of the cheapest quote unless there are extenuating circumstances. Where the applicant wants to use a contractor that will cost more than the quote that is deemed acceptable by the Council, the applicant will have to pay the difference direct to the contractor. The Council will notify the contractor that the client will have to make a contribution and advise them of the value of the contribution.

If a grant applicant has a preferred scheme of works that meets their assessed need to the same degree as the scheme proposed by Council i.e. the provision of a ground floor extension in lieu of a vertical through floor lift installation, the Council will part fund the preferred scheme to the same degree as the grant eligible works. Any extra

over costs associated with the client's preferred scheme, including unforeseen works, architects fees etc., must be met by the grant applicant. Evidence that sufficient funds are in place must be made available prior to works starting. The Occupational Therapy Service will be consulted to ensure that the applicants preferred scheme meets their assessed need in full.

1.6 Means Tested Contributions

Applicants for DFG's will be required to complete a 'Test of Resources' form (means test) to determine whether any contribution is to be paid towards the cost of works. The Council will undertake such means tests in line with the prevailing statutory provisions in force at the point of application. At present parents of disabled children and young persons are not subject to a test of resources. In the majority of cases a Preliminary Test of Resources will be undertaken prior to the provision of an OT referral to provide the prospective applicant with an early indication of their likely contribution. Such preliminary tests will not be applied in cases where the OT is aware that the client is in receipt of a passport benefit.

Where the client has a contribution this will be paid into the Council's holding account before works proceed on site. Once the works have been completed and signed off as satisfactory the contribution will be released to the contractor.

1.7 Grant Approval

The Council is required to approve or refuse the grant within 6 months of a valid grant application being made. A valid application is deemed to be made when the following documentation is submitted:

A completed application form

- The appropriate certification (see 7.2 above) together with proof of ownership or tenancy
- The appropriate evidence of financial resources in order that the Council can undertake the Test of Resources
- The appropriate number of quotes

The Council is required to consult with the OT Service when making a decision on whether the works are necessary and appropriate to meet the needs of the disabled occupant.

Officers from the Council will work with prospective grant applicants to ensure the appropriate documentation is in place to make a valid application.

The Council will not approve an application for grant where the relevant work has already begun.

The Council will not approve an application for a DFG if the relevant works have been completed.

1.8 Payment of Grant

Completion of Work

The legislation requires the Council to pay the grant on condition that the work has been carried out to its satisfaction. It also states that it is able to pay the contractor direct where it has advised the grant applicant prior to the grant being approved that this would be the method of payment.

The Council has resolved through this policy that it will always pay the contractor direct and the grant applicant will be notified of this prior to the grant being approved.

The Council will inspect the works once completed and if in their professional opinion the work has been done satisfactorily will pay the contractor direct to the value of the grant. Any other payments that the grant applicant is responsible for must be made by the applicant.

If there is a dispute between the grant applicant and the contractor and the Council is satisfied that the work has been completed to a satisfactory standard, payment of any outstanding grant money will be made to the applicant and it will be the responsibility of the applicant to pay the contractor. If the Council is not satisfied with the standard of work it will retain the grant money until such time as any works issues have been resolved at which point it will pay the contractor or if the applicant is still not satisfied, it will pay the applicant.

Grant Entitlement Ceases

Where a grant applicant ceases to be entitled to a grant before completion of the works the legislation states that the Council cannot pay any grant or any further instalments (as the case may be) after that date. If the grant applicant makes an owner's application he ceases to be entitled to a grant when he ceases to have a qualifying owner's interest or ceases to have the intention specified in the owner's certificate

which accompanied the grant application. If the grant applicant makes a tenant's application he ceases to be entitled to a grant when he ceases to be a qualifying tenant of the dwelling or if the landlord ceases to have the intention specified in the owner's certificate submitted with the application.

The Council has the right under the legislation to demand any instalment that has already been paid to be repaid forthwith together with interest from the date on which it was paid until repayment. The Council will consider each case on its own merits in deciding whether to recover any such payments.

Changes in Circumstances

In some cases there is a change in circumstances after the grant has been approved that affects the payment of grant. These circumstances (which are prescribed in the legislation) are;

- where the works cease to be necessary or appropriate to meet the needs of the disabled occupant;
- the disabled occupant ceases to occupy the dwelling; or
- the disabled occupant dies

In such circumstances, the legislation states that the Council can take such action as appears to be appropriate and may decide:

- that no grant shall be paid or as the case may be, no further instalments shall be paid;
- that the works or some of them should be completed and the grant or an appropriate proportion of it paid; or
- that the application should be re-determined in the light of the new circumstances

The Council has the right under the legislation to demand any instalment that has already been paid to be repaid to the Council forthwith together with interest from the date on which it was paid until repayment. Each case will be considered on its own merits in deciding whether to recover any such payments.

Cases in Which Grant May be Recalculated, Withheld or Repaid

The Council is entitled to refuse to pay grant or any further instalment of grant which remains to be repaid or make a reduction in the amount of grant in the following circumstances:

- the Council ascertains that the amount of grant was approved on the basis of inaccurate or incomplete information and exceeds that which the grant applicant was entitled,
- the Council ascertain that without their knowledge the eligible works were started before the application was approved,
- the works are not completed within 12 months,
- the cost of works is less than the estimated expense upon which the grant was calculated,
- the work has been carried out by a contractor who was not one of the contractors who originally quoted for the work

Where any of the above situations arise, the Council can demand repayment by the applicant in whole or part, of the grant or any instalments of the grant paid together with interest from the date of payment until repayment. Each case will be considered on its own merits in deciding whether to recover any such payments.

Repayment in Case of Compensation

It is a condition of the grant that the applicant takes reasonable steps to pursue any relevant claim and to repay the grant so far as appropriate out of the proceeds of such a claim. A claim is:

- an insurance claim or legal claim against another person in respect of damages to the premises to which the grant relates, or
- a legal claim for damages in which the cost of the works to the premises to which the grant relates is a part of the claim, and a claim is a relevant claim to the extent that the works to make good the damage or the cost of which is claimed are works to which the grant relates.

In the event of a breach of this condition the applicant shall on demand pay to the Council the amount of grant so far as relating to any such works together with

compound interest from such date as may be determined or calculated at such reasonable rates as the Council may determine.

The Council may determine not to make such a demand or to demand a lesser amount. The assumption is that the amount will be demanded in full however on representations from the applicant, the Council will consider each case on its own merits.

General Provisions

Where work has commenced but grant entitlement has ceased and where the Council has decided that works or some of them should be completed and the grant or an appropriate portion of it has been paid the Council will arrange to make good the work so that the property is safe, secure and water-tight.

This may not include carrying out such work as finishing internal surfaces and plumbing any new facilities (unless these are the only facilities in the property) for example. Any work over and above making the property safe, secure and water-tight would have to be paid for by the applicant or some other appropriate person.

Deferring Grant Payment

The Council has the discretion to defer any payment of an approved grant for a period of up to twelve months from the date of grant approval. Any such decision must be set out within the grant approval notice.

1.9 Grant Conditions Following Completion

There are certain grant conditions that run for a period of time following the completion of the grant (the grant condition period). These conditions will run from the certified date i.e. the date at which the Council has certified that the works have been carried out to its satisfaction. The application of such conditions will only apply if the grant applicant has an owner's interest in the subject property and will remain in place for 10 years from the certified date.

Repayment in cases of disposal of the premises

The Council has resolved that it will demand repayment by the applicant of such part of the grant that exceeds £5,000 but will not demand an amount in excess of £10,000 if ;

the grant recipient disposes (whether by sale, assignment, transfer or otherwise of the premises in respect of which the grant was given within 10 years of the

certified date; and

The Council having considered

the extent to which the grant recipient would suffer financial hardship were they to be required to repay all or any of the grant;

whether the disposal of the premises is to enable the grant recipient to take up employment or to change the location of their employment;

whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the grant recipient or of a disabled occupant of the premises; and

whether the disposal is made to enable the grant recipient to live with, or near, any person who is disabled or infirm and in need of care which the grant recipient is intending to provide or who is intending to provide care of which the grant recipient is in need by reason of disability or infirmity;

Is satisfied that it is reasonable in all the circumstances to require the repayment.

If a grant recipient is of the opinion that any of the exemptions may be appropriate then they will be required to submit written representations to the Council setting out their case in full. The decision on whether to waive either all or a proportion of the grant recovery will be made by the Director of Housing & Assets

This condition is a local land charge and is binding on any person who is for the time being an owner of the dwelling or building.

1.10 Installation of Equipment and Maintenance

Equipment which can be installed and removed fairly easily with little or no structural modification will not be funded by either a mandatory or discretionary DFG. The cost of supplying such equipment will fall to Nottinghamshire County Council.

Typically the type of equipment that will be covered by a mandatory DFG includes (this is not an exhaustive list):

- Stair lifts
- Ceiling track hoists (excluding slings)
- Through floor lifts

- Rise and fall showering tables that are electrically powered
- Wash and dry toilets
- Body dryers

Where the provision of equipment is funded by a mandatory DFG it is usually the responsibility of the applicant to take out the necessary insurances and maintenance agreements to ensure the equipment is properly maintained. 5 year extended warranties will be provided and paid for through the grant.

If a grant application is made for replacement of defective/obsolete equipment it will not be approved if it can be shown that the equipment can be repaired at a reasonable cost in comparison to renewal. In such cases the costs of the repairs will fall to the householder.

1.11 Contractual Relationships

Following the referral from the Occupational Therapy Service at Nottinghamshire County Council, officers from Ashfield District Council will schedule the works that are required. If a referral is received from a private OT officers will consult with the OT service at Nottinghamshire County Council.

The scheduled works will form the basis upon which contractors quote. As referred to in Section 8 the grant applicant will need to obtain the relevant amount of quotes, however, officers will source such quotes on behalf of the applicant if requested. The Council reserves the right to charge a fee for this and associated services i.e. scheme design, producing plans and specification, release of interim payments, assistance with the completion of application forms etc. The costs of this will form part of the grant.

Whilst work is being undertaken officers will wherever possible visit the property to ensure that the work is being undertaken as per specification and when the work is completed, the officer will carry out a final inspection, with the OT, to ensure it has been completed satisfactorily.

Grant applicants must be aware however that the Council is in no way responsible for the work of the contractor and that there are no contractual obligations between the contractor and Ashfield District Council.

The purpose of the final inspection is simply to protect the public purse. All contractual relationships with respect to carrying out the work are between the grant applicant and the contractor.

If there is a dispute between the grant applicant and the contractor, the Council will not be able to get involved unless by some act or default the Council has caused the issue which has led to the dispute.

PART 2 – Adaptations to Council Properties

2.1 – Legal and Regulatory Framework

In determining this policy regard has been given to the Council's Allocations Policy alongside the Regulatory Framework for Social Landlords, which states that Registered Providers shall:

- Offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock.
- Co-operate with the local authorities' strategic housing function and their duties to meet identified local housing needs. This includes assistance with the local authorities' homelessness duties and through meeting obligations in nominations agreements.
- Co-operate with relevant organisations to provide an adaptations service that meets tenants' needs.
- Develop and deliver services to address under-occupation and overcrowding in their homes within the resources available to them. These services should be focused on the needs of the tenants and will offer choices to them.
- Provide tenants wishing to move with access to clear and relevant information about their housing options.

The Equality Act 2010 includes a duty for public bodies when carrying out their functions to have due regard to eliminate discrimination and promote equality and the Council will strive to achieve this wherever possible.

Discrimination on grounds of disability 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 Equality Act 2010 'Duty to make Reasonable Adjustments' applies to Landlords and Managers of rented premises or premises available to rent. This duty is not

anticipatory – it only arises if the Council are requested to make an adjustment by a person to whom the premises are let or by someone on their behalf.

There are two requirements under the Act:

- Providing auxiliary aids and services
- Changing provisions, criteria or practices (e.g. allowing a disabled person who uses an assistance dog to take a property that might otherwise have stipulated 'no dogs')

There is no legal requirement under the Equality Act for the Council to make any changes which would consist of or include the removal or alteration of a physical feature of the property which includes:

- Any feature arising from the design or construction of a building
- Any feature of any approach to, exit from or access to a building
- Any fixtures or fittings in or on a premises
- Any other physical element or quality

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 include transfers to more suitable accommodation or tenants contributing to costs may also be considered.

2.2 – Adaptations overview

The purpose and reasons for adapting Council properties mirrors those in the private sector, as explained in section 1.1.

Aids and adaptations to Council properties are divided into three broad categories; small scale, large scale and major adaptations. The type and value of the work will determine into which category it falls.

The annual funding for aids and adaptations is a fixed amount and all adaptations are subject to budget availability.

The Council will normally separate the annual aids and adaptations budget into two budget pots, one for small scale adaptations, the other for large scale and major adaptations. The budget split will be agreed annually.

Where budgets allow, the Council will fund major adaptations up to a value of £40,000. This figure represents the maximum amount of DFG grant, including any discretionary element and so ensures consistency across tenures. The upper limit will change to reflect changes to the maximum DFG grant.

The Council will obtain value for money in respect of all adaptations. The Council's Financial Regulations and Contract Procedure rules will be followed at all times.

2.3 - Eligibility

Who is eligible?

Aids and Adaptations will only be considered for Ashfield District Council tenants, their partner or a member of the immediate family who is permanently resident in the household. The individual must have an impairment which has a serious long-term effect on their ability to carry out normal day-to-day activities, see Section 1.4 definition.

Adaptations for children of tenants will only be completed at the property which is the principal home.

Who is not eligible?

Large scale and major adaptations will not be approved for individuals who are waiting for medical procedures which will improve health and mobility until their expected recovery is complete. Adaptations will be considered when the applicant is waiting to be discharged from hospital and require their current homes to be adapted, however it may not be possible for them to be completed prior to discharge.

Adaptations will not be carried out for lodgers or temporary visitors or where an additional adult (requiring adaptation) has joined the household on permanent basis within the previous 52 weeks.

Requests for large scale and major adaptations will not be approved where a Right-to-Buy application has been received. Tenants in these cases will be signposted to the assistance available through the council's DFG programme once they have bought their home.

Tenants seeking to Transfer or Mutual Exchange will be considered on their individual merit and whether they are leaving or going to a suitably adapted property will form part of this consideration.

The Council will not normally progress with an adaptation where possession proceedings have commenced or a possession order is already in place.

2.4 – Small scale adaptations

Small scale adaptation are those that typically cost £500 or less to supply and install. They include (not exhaustive list);

| | |
|----------------------------|---|
| RAILS | Grab rails Newel rails Hand rails Additional stair rail |
| KITCHENS AND BATHROOMS | Lever taps Fixed Toilet Frame Drop down shower seats Raised WC pan |
| ACCESS | Level door threshold Half steps Key safes (certain criteria will apply) |
| VISUAL IMPAIRMENT | Door entry intercom (simple speaker phone) |
| HEARING IMPAIRMENT | Flashing/amplified doorbells Vibrating Flashing Smoke alarm alerts |
| GENERAL AND SAFETY MATTERS | Location and number of electric sockets |

An application for a small scale adaptation can be made direct to the Council. An online application form is available via the Council's website. A request can also be submitted through the Council's Repairs Call Handling Centre or the local Housing/Council Office.

The application will be assessed to determine if the applicant is eligible for assistance (sec 2.3) and that the adaptation work is both **necessary and appropriate** and also **reasonable and practicable** (sec 2.5). For small scale adaptations approval will normally be given unless there is a clear and obvious reason why it should be refused.

The applicant will be advised of the outcome of the assessment. If the adaptation has been refused the applicant will be advised of the refusal reasons and the appeals

process. When a small scale adaptation has been approved the applicant will be advised of the timescale for completion.

All small scale adaptations will be completed free of charge but will cease to be available in any given year once the annual budget is exhausted.

2.5 – Large scale adaptations

Large scale adaptation will be those that typically cost between £500 - £10,000 to supply and install. They include (not exhaustive list)

| | |
|------------------------|--|
| RAILS | External steel handrail runs |
| KITCHENS AND BATHROOMS | Replacing baths with level access shower Over-bath shower Kitchen suitable for wheelchair user Wash/dry WC |
| ACCESS | Access ramp Stair lift Through-floor lift Vehicle hard standings and dropped kerb Door widening Ceiling track hoist Widened footpath |

An applicant cannot apply direct to the Council for a large scale adaptation, in all cases the applicant will be advised to contact Nottinghamshire County Council's Occupational Therapy Team.

An Occupational Therapist (OT) will conduct an assessment of the applicant's needs, this may include working with other health professionals, such as a medical consultant or GP. If appropriate, the OT will then submit an adaptation referral to the Council for consideration.

Assessing a referral

The Council will need to satisfy itself that the adaptation work recommended is both **necessary and appropriate** and also **reasonable and practicable**. To determine this the Council will consider the following;

- The total value of the proposed adaptation (including design costs, Building Regs, etc)
- The availability of alternative social housing for the applicant which meets the needs of the household
- 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
- The occupants' status, the type of tenancy held and any pending possession action.
- The person's wider physical health needs and the length of time that they will remain in the property

The Council will not normally undertake a large scale adaptation in the following circumstances:

- Where an applicant is;
 - Under occupying their home by more than one bedroom
 - Living in an overcrowded home
 - Waiting to transfer to another property.
- Where the adaptation is unreasonable, for example installing a level access shower to a flat above ground floor which cannot be accessed by an existing lift.
- Where there is other suitable alternative adapted, part adapted accommodation or where it is considered likely that a potentially more 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 re-let the property in the future.

- 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

Test of resources

Applicants being considered for a large scale adaptations with an estimated value of **£2000** or more will be subject to a test of resources (Sec 1.6). Means testing will not apply if the adaptation relates to a child.

If a referral includes a request for 2 large scale adaptations, such as a stair lift and level access shower, the combined estimated value will be considered.

Where the applicant has a contribution this must be paid in full before works start on site.

Approval process

The Assessing Officer will complete an Assessment Report that will include their recommendations. The Report will be considered by the Service Manager who will decide whether to approve the recommendations.

If an adaptation referral is refused the applicant will be advised of the refusal reasons and the appeals process (Part 3). If the referral is approved the applicant will be advised how the Council intends to proceed with the works and an approximate timescale.

The number of adaptations undertaken in any one financial year will be limited to the budget set for that year.

2.6 – Major Adaptations

Major adaptations will be those that typically cost £10,000 or more to supply and install.

Major adaptations will normally include;

- Property extension
- Property conversion (e.g. loft or garage)
- Complex major adaptations where the value of works exceed £10,000
- Multiple major adaptations where the combined value of works exceeds £10,000

The application and assessment process for major adaptations is the same as that for large scale works. All referrals must be made through the Occupational Therapy Team (sec 2.5) and all recommended adaptation works must be assessed to ensure they are **necessary and appropriate** and also **reasonable and practicable** (sec 2.5).

Normally, unless the referral has been identified by the Occupational Therapist as an urgent priority the Council will seek to identify more suitable accommodation for the applicant over a 12 month period. This principle reflects the need to make the best use of the existing stock of Council properties and we achieve value for money in regards to the adaptations budget.

During the 12 month period the Council will engage with the applicant and encourage them to consider alternative accommodation that is either suitable for their needs or more suitable for adaptation. Appropriate priority will be awarded through the Housing Register to ensure the applicant is considered for suitable accommodation.

The Council will consider if there are any interim works that can be completed during the 12 month period to assist the applicant.

Test of resources

Applicants being consider for a major adaptation will be subject to a test of resources (sec 1.6). Means testing will not apply if the adaptation relates to a child.

Where the outcome requires the applicant to contribute towards the cost of the adaptations, a minimum of 50% of the contribution will be required at the start of the works with the remainder upon completion.

Approval process

The Assessing Officer will complete an Assessment Report and this will be submitted to the Director of Housing and Assets for consideration.

The applicant will be advised of the outcome and reasons associated with the decision.

If the decision is to seek suitable alternative accommodation for a 12 month period then at the end of the 12 month period the case will be reviewed and reconsidered if suitable accommodation has not been identified,

If the applicant has failed to engage during the 12 month period or suitable alternative accommodation has been refused this will form part of consideration when case is

reviewed. The Council will not normally approve a major adaptation if an applicant has failed to cooperate and consider all housing options.

The number of adaptations undertaken in any one financial year will be limited to the budget set for that year.

2.7 - Rent and service charges

A service charge will be applied to cover the costs of annual servicing, testing and maintenance of large scale and major adaptations.

Service charges will be limited to a maximum of two per property and will be payable weekly with the rent. If the tenant is in receipt of support for their housing costs, the charge may be covered in part or in full in accordance with the benefits regulations.

Rent increases will also be made where the structure of the building is increased in size to accommodate an adaptation or internal modifications e.g. an additional room.

Adaptations subject to weekly service charge include;

- Stair lift
- Through floor lift
- Tracked hoists

Adaptations subject to weekly rent increase include;

- Bedroom/living room extension
- Bathroom extension
- Loft or garage conversion

The service charge and additional rent payment will be reviewed annually.

2.8 - Properties that cannot be adapted

If an applicant with an adaptation need is living in a property assessed as not being suitable to adapt the applicant will be encouraged to join the Council's Housing Register and seek alternative accommodation. Through the Lettings Policy, the applicant will be prioritised to ensure they are considered for accommodation suitable for their needs.

The Council has a good stock of properties with pre-existing large scale adaptations. The number of properties with major adaptations is more limited. In order to try and make the best use of the housing stock, when a property with pre-existing adaptations

becomes vacant it will normally be ring-fenced to housing applicants with adaptation needs (sec 2.10).

As the Council has a good stock of properties with pre-existing large scale adaptations it would not normally adapt a property with no pre-existing adaptations. The exception to this would be an applicant who has been assessed as having a very urgent need for rehousing (band 1) and where there are no suitable vacant properties and there is little likelihood of a suitable property becoming vacant within a reasonable period.

Where an applicant living in an unsuitable property has a need that would normally be met through a major adaptation, if the applicant has been assessed as having a very urgent need for rehousing (band 1) a Report will be produced and submitted to the Director of Housing and Assets for consideration. Normally a 12 month search for a suitable property will be conducted (sec 2.6).

At the end of the 12 month period the case will be reviewed and reconsidered. If the applicant has fully engaged but there has been no suitable properties become available normally approval will be given to adapt a property with no pre-existing adaptations. Any such approval will be subject to the normal rules regarding the upper limit on costs and budget availability.

If the applicant has failed to engage during the 12 month period or suitable alternative accommodation has been refused this will form part of considerations when case is reviewed. The Council will not normally consider adapting a property with no pre-existing adaptations if the applicant has failed to cooperate and consider all housing options.

Applicants with a large scale or major adaptation need who have not been placed in the highest housing need category (i.e. bands 2-5) will only be considered for properties with suitable pre-existing adaptations.

2.9 – Housing Register applicants

Applicants on the Housing Register who are not existing Council tenants will normally only be considered for properties that are suitable for their needs, i.e. those with suitable pre-existing adaptations.

Exceptions to this include;

- Where an applicant needs small scale adaptation(s)
- Where a property is part adapted and further adaptations are considered reasonable to make the property suitable for the applicant's needs. For example, a bungalow with ramped access and a wet room installed but needs door widening to make it suitable for a wheelchair user.

To understand their needs an applicant will normally be advised to contact the Occupational Therapy Service. To ensure we are considering an applicant for accommodation that is both safe and suitable for their needs the applicant will not normally be eligible to bid for properties until confirmation of their needs has been received.

The Council is aware of the needs of applicants on the Housing Register and where an applicant's needs cannot be met because of the limitations of the Council's stock of properties assistance will be given to identify and access private sector properties.

2.10 - Letting adapted properties

The Council will maintain a register of adapted properties and this will be updated on a regular basis when new adaptations are fitted or removed. Where possible the register will be made available to the general public so those in need can understand the number and type of adapted properties within the Council's housing stock.

When an adapted property becomes vacant it will be advertised and made available to applicants on the Housing Register with the adaptation need. If the property advert fails to find a suitable applicant the property may be re-advertised until a suitable applicant is identified.

In exceptional circumstances, where a property has adaptations that make it particularly suitable for an applicant the property may be allocated to that applicant on a 'Direct Let' basis.

If an adapted property is let to an applicant who does not need the adaptation the applicant will accept the property on the basis that the adaptation will remain in the property. For example, if a level access shower is fitted it will not be replaced for a bath. The only exception to this is where a stair lift is fitted, this will be removed upon request.

2.11 – Prioritising adaptations

Wherever possible small scale adaptations will be completed in date order, based upon the application date. Circumstances beyond the control of the Council, such as a need to order specialist equipment could impact upon this.

Once approved, the Council will also seek to complete large scale adaptations and major adaptations in chronological order, based upon the date the referral was received from the Occupational Therapist. However, delays in identifying a suitable property, in ordering specialist equipment and in finding a suitable contractor could impact on this.

Cases identified by the Occupational Therapist (or other officers/agencies) as an urgent priority will be escalated appropriately.

2.12 – Tenants own aids and adaptations

In some circumstances tenants may wish to install their own aids and adaptations, such as a shower over bath or stair lift. The Council will need to give the tenant permission in writing through its Permissions Procedure. Introductory tenants may be able to undertake these works if supporting evidence is provided from their Occupational Therapist or General Practitioner.

Aids and adaptations installed by a tenant will not normally be maintained by the Council. The tenant will be responsible for any servicing or repair costs. Likewise, any Planning or Building Regulation fees and costs will be met by the tenant.

In the case of tenant installed aids and adaptations, at the end of the tenancy the tenant will be required to remove them and make good any damage to the property. Alternatively, if the Council agrees to take responsibility for the alterations the tenant will be asked to sign over ownership free of charge.

PART 3 – Reviews and Complaints

If a resident or tenant is dissatisfied with a decision made under Part 1 or Part 2 of this Policy they can request a review of the decision. The review will normally be conducted by a Senior Officer not involved in the original decision.

If the resident or tenant remains dissatisfied with the outcome or they wish to complain about the quality of service they have received they can submit a formal complaint.

The Councils Corporate Complaints Policy is based on a two stage procedure:

Stage 1 Complaint – First Contact complaint

Stage 2 Complaint – Service Review

If the complainant remains dissatisfied at the end completion of stage 2 they will be advised to contact the relevant Ombudsman.