



# Ashfield

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DISTRICT COUNCIL

## **Aids and Adaptations Policy**

September 2021

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## **Plan Maintenance:**

### **Document Control**

This document will be reviewed periodically, in particular when 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 Director of Housing and Assets.

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 Authority's Cabinet.

### **Record of Amendments**

Date	Details of amendment / revision	Revised by
Sept '21	V2 produced	Service Manager – Strategic Housing & Lettings

### **Document Version**

Version number	Date	Status	Review Date
V1	Sept 2018	Final	Sept 2021
V2	Sept 2021	Final	TBC

## **Introduction:**

This Policy sets out the help and support Ashfield District Council is able to provide to 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 (DFG), Part 2 sets out the support provided to Ashfield District Council tenants. Part 1 reflects the DFG Policy as agreed on a countywide basis.

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 Authority has tried to adopt a consistent approach to both private and public sector residents.

The overriding purpose of the DFG and to the Council's approach to adapting its own stock is to make the dwelling or building suitable for the accommodation, welfare or employment of the disabled occupant.

## **Equalities**

During the preparation of this policy 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 with Protected Characteristics are not disadvantaged in any way and that due regard has been given to consider their individual circumstances.

## **Privacy Policy**

Ashfield District Council is committed to protecting your privacy when you use our services. The Council's privacy notice (visit [www.ashfield.gov.uk](http://www.ashfield.gov.uk)) tells you what to expect when the council collects personal information. It also explains when and why we collect this information, how we use it, the conditions under which we may disclose it to others, how we keep it secure and what rights you have in relation to the data we hold about you.

## **PART A – Disabled Facilities Grants (Adaptation to private properties)**

### **Mandatory Disabled Facilities Grants:**

#### **1.0 Introduction**

1.1 The 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 Disabled Facilities Grants (DFGs) for private sector residential adaptations where the appropriate legislative conditions are met.

1.2 The purposes for which mandatory DFGs may be given are set out in section 23(1) of the 1996 Act and have subsequently been added to by The Disabled Facilities Grants (Maximum Amounts and Additional Purposes)(England) Order 2008. The following is a summary of the categories for which grant might be provided but more detailed information can be found in the Act and associated guidance – see the following link: <https://www.legislation.gov.uk/> and search for the Housing Grants, Construction and Regeneration Act 1996. The Authority will have regard to the Act and associated guidance in determining the eligibility of any works for DFG. The categories can be broadly 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 use of the dwelling and facilities or amenities within it. This includes facilitating access to the principal family room.
- 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 usable 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

*\*Footnote : Section 19 to 24 of the act in places are also repealed, added, or substituted by:*

*(a) Regulatory Reform (Housing Assistance) (England and Wales) order 2002/1860 -> this is a key one.*

*(b) Housing Act 2004*

*(c) Definitions in section 101 are also inserted/repealed by Housing and Regeneration Act 2008 (Consequential Provisions Order 2008/3002*

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 WC, washing, bathing and/or showering facilities and includes facilitating the use of such 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.

1.3 Section 24 of the Act places a duty on housing authorities who are not themselves a social care authority, to consult the relevant social care authority on the adaptation needs of disabled people seeking help through

DFG's. Housing authorities themselves must decide what action to take on the basis of that advice and therefore the type of adaptations, if any, for which grant is approved. Any decision must be based on whether the proposed adaptations are necessary and appropriate to meet the needs of the disabled applicant and whether it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the property.

1.4 The Occupational Therapy service (OT) will identify an applicant's needs and make referrals to the relevant Housing Authority recommending work to be carried out and the Authority, in line with the previous paragraph, will consider these. Any referral made by an independent OT will be considered in the same way and the Authority will refer all relevant documentation to the Social Care Authority for comment in compliance with its statutory duty to consult.

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

## 2.0 **Amount of Mandatory DFG:**

2.1 The maximum amount of mandatory grant that the Authority 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 10.0 on the Test of Resources).

## 3.0 **Mandatory DFG – Repayment Conditions on Disposal:**

3.1 Grant repayment conditions run for a specific period following the completion of any mandatory grant that exceeds a grant total of £5,000. These conditions commence from the grants certified date i.e. the date at which the Authority has certified that the works have been carried out to its satisfaction, for a maximum of 10 years. The application of such conditions will apply only if the grant applicant has an owner's interest in the subject property. The maximum amount that the Authority can recover is £10,000.

3.2. The Authority has determined that it will require repayment by the applicant if:

- (i) 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



- (ii) The Authority having considered –
  - (a) The extent to which the grant recipient would suffer financial hardship were they required to repay all or any of the grant;
  - (b) Whether the disposal of the premises is to enable the grant recipient to take up employment or to change the location of their employment;
  - (c) Whether the disposal is made for reasons connected with the physical or mental health or well-being of the grant recipient or of a disabled occupant of the premises; and
  - (c) 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;
  - (d) Is satisfied that it is reasonable in all the circumstances to require the repayment.

3.3 If a grant recipient is of the opinion that any of the exemptions detailed above may be appropriate then they will be required to submit written representations to the Authority setting out their case in full.

3.4 If no exemption is deemed appropriate the eligible element of the grant that can be reclaimed following a disposal of the property will be recovered in full.

3.5 In all cases, before demanding repayment, the Authority will consider the reasons for the sale/transfer of the property, and whether and to what extent the payee would suffer financial hardship if the grant had to be repaid; the Authority will not demand repayment unless it is satisfied that it is reasonable in all circumstances to so.

3.6 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.

## **Discretionary Disabled Facilities Grants**

### **4.0 Introduction:**

4.1 In addition to providing mandatory DFG's, the Authority has the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. Using these powers, the Authority has agreed to offer discretionary grant for private sector residential adaptations in certain specific circumstances. This section relates solely to discretionary grant assistance provided by the Authority towards disabled adaptations or approved alternative schemes to meet the identified needs of the disabled applicant.

### **5.0 Top-Up to Mandatory Schemes & Repayment Conditions on Disposal:**

5.1 Although the maximum amount of grant available for a mandatory DFG is currently £30,000, the Authority has agreed through this policy to potentially provide up to an additional £20,000 as a discretionary top-up. Grant will be considered where circumstances are such that the cost of eligible work exceeds £30,000 (either as a result of unforeseen works post approval or the extent of the original work inclusive of an appropriate contingency sum, that is recommended to the Authority). This type of assistance will only be offered as a top up for schemes that fall within the mandatory grant headings as previously described.

5.2 Any discretionary assistance awarded under this part will be given without prejudice and will have no regard to any agreed Nottinghamshire County Council funding or the ability of the applicant to self-fund the identified additional costs. Subject to this assessment any discretionary award will potentially make up the difference between the maximum grant and the cost of eligible works (up to a maximum of an additional £20,000). Any discretionary top-up may however be repayable on any subsequent disposal of the subject property and will be recorded as a charge against the property.

5.3 If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as detailed in sections 3.2 to 3.4 (above) in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10 -year period from the certified date.

5.4 The award of any discretionary top-up will only be considered having regard to the amount of resources the Authority has at that time. If it does not have sufficient resources available to deal with other referrals that have been

passed to the Authority by the Occupational Therapy Service at the time, the Authority reserves the right not to approve any discretionary top-up. The Authority will however consider the likely demand for discretionary assistance and where practicable build this into its financial planning and bidding process.

#### **6.0 Dual residency of a disabled child:**

- 6.1 In cases where families separate, and a court order or mediation agreement provides that residency of the subject disabled child is split between the mother and father (or other designated guardian) the Authority may consider the award of discretionary grant to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within those headings applied to mandatory schemes and are determined to be necessary and appropriate and reasonable and practicable (see section 1.2).
- 6.2 Mandatory DFG can only be provided to the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it is 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 consideration of the applicant's particular circumstances including which party receives child benefit and the details of any court order or mediation agreement.
- 6.3 The Authority will consider the details of any court order or mediation agreement 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.
- 6.4 Any assistance provided under this heading will be determined and assessed using the mandatory DFG criteria and will be up to a maximum award of £30,000 and will not be subject to any form of means testing as per mandatory DFG applications for children/young persons. The grant will be recorded as a charge against the property.
- 6.5 If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as detailed in sections 3.2 to 3.4 (above) in determining if

and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10-year period from the certified date.

- 6.6 Any discretionary award will only be considered having regard to the amount of resources the Authority has at the time. If the Authority 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 Authority reserves the right not to approve any discretionary assistance. The Authority will however consider the likely demand for discretionary assistance and where practicable build this into its financial planning and bidding process.

## 7.0 **Relocation Grant**

- 7.1 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 feasible or reasonable and they are considering relocation to a property they intend to purchase or rent.
- 7.2 Applicants must be 18 or over on the date the application is made, and, in the case of a disabled child, the parent(s) would make the application. Any application must be supported by a recommendation from the Nottinghamshire County Council's OT service or relevant Health or Social Services Care partner in the event of hospital discharge.
- 7.3 The Authority 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.
- 7.4 Applicants must be relocating within the Authority's boundary. Consideration may be given to a move within Nottinghamshire, but this would require the approval of the relevant District/Borough Council, whether adaptations are required and the scale of any adaptations before a relocation grant can be considered.
- 7.5 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 towards a cooker and/or a fridge if built-in appliances are being left behind and none are fitted in the new property.
- 7.7 Applications must be submitted prior to the relocation as grants cannot be paid retrospectively. Assistance will not be given toward the purchase price of the new property.

- 7.8 The Authority will require quotations from independent contractors in compliance with the Authority's adopted procurement rules, that realistically reflect the cost of the works/service provided. In some circumstances, one estimate may be accepted if the Authority is satisfied that the cost is reasonable.
- 7.9 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.
- 7.10 If on sale of the applicant's existing property, a net equity of more than £20,000 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).
- 7.11 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 Authority will not recover the costs.
- 7.12 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.
- 7.13 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.
- 7.14 Any Relocation Grant will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's that breach a £5,000 threshold (see section 3.2 to 3.4).

### **General Requirements & Grant Conditions:**

The following general requirements and conditions will apply to both mandatory DFGs and discretionary DFGs.

#### **8.0 Applications for a grant**

##### **8.1 Definition of disabled person**

- 8.1.1 For the purposes of the legislation relating to DFGs, a person is defined as being disabled if (<https://www.legislation.gov.uk/ukpga/1996/53/section/100>):

- (i) Their sight, hearing, or speech is substantially impaired,
- (ii) They have a mental disorder or impairment of any kind, or
- (iii) They are physically substantially disabled by illness, injury, impairment present since birth or otherwise.

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

- (i) They are registered as a result of any arrangements made under the care act or any subsequent act, or
- (ii) They are a person for whose welfare arrangements have been made under that section or might be made under it.

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

- (i) They are registered in a register of disabled children maintained under the Children Act 1989 or any subsequent act, or
- (ii) In the opinion of the social services authority (Nottinghamshire County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

## 8.2 **Applicant's criteria**

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

- (i) 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
- (ii) 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**

8.2.2 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.

*\*Can be for a shorter period depending on health and other factors*

## **Certificates required in case of tenant's application**

- 8.2.3 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.
- 8.2.4 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 Authority can waive this where it is not reasonable in the circumstances to request a certificate.
- 8.2.5 Private tenants must obtain their landlords 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 normally include any element of reinstatement.

## **Occupiers and Consent Certificates (houseboats and park homes)**

- 8.2.6 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.

## **9.0 Cost of work**

- 9.1 The Authority uses public money to fund the provision of both mandatory and discretionary DFGs and as such it must take into account value for money.
- 9.2 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.
- 9.3 The Authority will obtain quotations on client's behalf in compliance with

*\*Can be for a shorter period depending on health and other factors*

Authority's adopted procurement rules for the cost of work (although the Authority will do this for applicants if they request us to do so- see section 20.1 below). The grant will 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 Authority, the applicant will have to pay the difference direct to the contractor. The Authority will notify the contractor that the client will have to make a contribution and advise them of the value of the contribution.

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

#### 10.0 **Means tested contributions / Successive applications**

- 10.1 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 Authority 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 urgent cases or where the OT is aware that the client is in receipt of a passport benefit. The recipient of a passport benefit (a number of means tested mainstream benefits) will automatically be assessed as having a NIL contribution toward any grant award and will receive full grant.
- 10.2 If an applicant has an assessed contribution toward any application this must be paid in full before the works start, this will be held in the Authorities holding account until satisfactory completion of the works. If the level of contribution is high the Authority may require evidence that the applicants have the resources in place to fund their contribution and that they may wish



to seek independent financial advice on how they might raise the necessary funds.

- 10.3 In circumstances where an applicant has a degenerative condition and where it is likely additional adaptations may be required over time it should be noted that there is no restriction on further grant applications at a later date. Any contribution paid by an applicant toward an initial application will be deducted from any future assessed contribution if the second application is made within a prescribed period (10 years for owner occupiers and 5 years for tenants).
- 10.4 This provision means that it may be in the interest of applicants to proceed with a grant application even if their assessed contribution is higher than the likely cost of works, leading to the award of a 'nil grant' approval. In such circumstances the applicant must proceed to complete the subject works to a satisfactory standard. If a second application is submitted within the prescribed period, the cost of the previously completed works will be deducted from any assessed contribution the applicant might have.

## 11.0 **Grant approval**

11.1 The Authority 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:

- (i) A completed application form
- (ii) The appropriate certification together with proof of ownership or tenancy
- (iii) The appropriate evidence of financial resources in order that the Authority can undertake the Test of Resources
- (iv) The appropriate number of quotes

The Authority is required to consult with and obtain confirmation from the OT Service that the works which are the subject of the application are necessary and appropriate to meet the needs of the disabled occupant.

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

11.3 The Authority will not usually approve an application for grant where the relevant work has already begun. It can approve however if it is satisfied that there were good reasons for beginning the works before the application was approved. Any grant offer may be reduced to reflect the works undertaken prior to approval.

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

## 12.0 **Completion of work**

12.1 The legislation requires the Authority 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.

12.2 The Authority has resolved through this policy that other than in exceptional circumstances it will always pay the contractor direct and the grant applicant will be notified of this prior to the grant being approved.

12.3 The Authority will inspect the works once completed and if in their 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.

12.4 If there is a dispute between the grant applicant and the contractor and the Authority 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 Authority 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.

## 13.0 **Entitlement to a grant ceases**

13.1 Where a grant applicant ceases to be entitled to a grant before completion of the works the legislation states that the Authority 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.

13.2 The Authority 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 Authority will consider each case on its own merits in deciding whether to recover any such payments.

#### 14.0 **Changes in circumstances**

14.1 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;

- (i) Where the works cease to be necessary or appropriate to meet the needs of the disabled occupant;
- (ii) The disabled occupant ceases to occupy the dwelling; or
- (iii) The disabled occupant dies.

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

- (i) That no grant shall be paid or as the case may be, no further instalments shall be paid;
- (ii) That the works or some of them should be completed and the grant or an appropriate proportion of it paid; or
- (iii) That the application should be redetermined in the light of the new circumstances.

14.3 The Authority has the right under the legislation to demand any instalment that has already been paid to be repaid to the Authority 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.

#### 15.0 **Cases in which grant may be recalculated, withheld or repaid**

15.1 The Authority 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:

- (i) The Authority 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,
- (ii) The Authority ascertain that without their knowledge the eligible works were started before the application was approved,
- (iii) The works are not completed within 12 months,
- (iv) The cost of works is less than the estimated expense upon which the grant was calculated,
- (v) The work has been carried out by a contractor who was not one of the contractors who originally quoted for the work.

15.2 Where any of the above situations arise, the Authority can demand repayment by the applicant in whole or part, of the grant or any instalment 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.

## 16.0 **Repayment in case of compensation**

16.1 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:

- (i) An insurance claim or legal claim against another person in respect of damages to the premises to which the grant relates, or
- (ii) A legal claim for damages in which the cost of the works to 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.

16.2 In the event of a breach of this condition the applicant shall on demand pay to the Authority the amount of grant so far as relating to any such works together with compound interest from such date as may be determined, calculated at such reasonable rates as the Authority may determine.

16.3 The Authority 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 Authority will consider each case on its own merits.

## 17.0 **General Provisions**

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

17.2 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.

## 18.0 **Deferring Grant Payment**

18.1 The Authority 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.

## 19.0 **Installation of equipment and maintenance**

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

19.2 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
- Rise and fall baths that are electrically powered
- Wash and dry toilets

19.3 Where the provision of equipment is to be 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. However, the Authority will include within the grant the cost of a supplier's standard maintenance/service agreement to give cover for up to 5 years. This will exclude hoist installations where cover is arranged by Nottinghamshire County Council.

19.4 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.

## 20.0 **Contractual relationships**

20.1 Following the referral from the Occupational Therapy Service at Nottinghamshire County Council, officers from the Authority will schedule the works that are required. The scheduled works will form the basis upon which contractors quote. The Authority reserves the right to recover their costs for obtaining quotations and associated services i.e. scheme design, producing plans and specification, release of interim payments, assistance with the completion of application forms etc.

20.2 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 to ensure it has been completed satisfactorily (see paragraph 12.3 above).

20.3 Grant applicants must be aware however that the Authority is in no way responsible for the work of the contractor and that there are no contractual obligations between the contractor and the Authority. The purpose of the final inspection is simply to confirm that the works have been completed as per the scheme specification and therefore protect the public purse. All contractual relationships with respect to the carrying out of the work are between the grant applicant and the contractor.

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

## 21.0 **Complaints**

21.1 Where Applicants are dissatisfied with the service they have received (including where a grant has been refused), they should contact the

Customer Services Manager at the main Council address. If the matter is not resolved to Applicants' satisfaction, they can make a formal complaint via the Authority's adopted Customer Comments and Complaints procedure.

21.2 If after receiving the Authority's response the complainant is still dissatisfied, they can write to the Local Government Ombudsman.

## 22.0 **Policy amendments**

22.1 The Director of Housing and Assets has delegated authority to make minor policy amendments which do not affect the broad thrust of policy direction. Other changes must be approved by the appropriate Authority Committee.

## **PART B – Adaptations to Council Properties**

### **23.0 Legal and Regulatory Framework**

23.1 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:

- (i) 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.
- (ii) 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.
- (iii) Co-operate with relevant organisations to provide an adaptations service that meets tenants' needs.
- (iv) 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.
- (v) Provide tenants wishing to move with access to clear and relevant information about their housing options.

23.2 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.

23.3 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.

23.4 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.

23.5 There are two requirements under the Act:

- (i) Providing auxiliary aids and services
- (ii) 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')

23.6 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:

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

23.8 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.

#### 24.0 **Adaptations overview**

24.1 The purpose and reasons for adapting Council properties mirrors those in the private sector.

24.2 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.

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

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

- 24.5 Where budgets allow, the Council will fund major adaptations, the normal maximum value being £50,000. The Council will not normally contribute to costs above this figure as it 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.
- 24.6 If the value of work exceeds the upper limit and the tenant is unable or unwilling to meet the additional costs then the adaptation work may not be completed and alternative solutions to meeting the housing need will be investigated.
- 24.7 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.

## 25.0 **Eligibility**

### 25.1 **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.

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

### 25.3 **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 home to be adapted, however it may not be possible for them to be completed prior to discharge.

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

25.5 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.

25.6 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.

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

## 26.0 **Small scale adaptations**

26.1 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

### HEARING IMPAIRMENT:

- Flashing/amplified doorbells
- Vibrating Flashing Smoke alarm alerts

26.2 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.

- 26.3 The application will be assessed to determine if the applicant is eligible for assistance and that the adaptation work is both **necessary and appropriate** and also **reasonable and practicable**. For small scale adaptations approval will normally be given unless there is a clear and obvious reason why it should be refused.
- 26.4 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.
- 26.5 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.

## 27.0 Large scale adaptations

- 27.1 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
- External platform lift for wheelchair

- 27.2 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.
- 27.3 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.

- 27.4 A referral which includes a number of elements may be classed as a major adaptation and dealt with as such.

### **Assessing a referral**

- 27.5 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;

- (i) The total value of the proposed adaptation (including design costs, Building Regs, etc)
- (ii) The availability of alternative social housing for the applicant which meets the needs of the household
- (iii) The availability of housing that would be more suitable to adapt
- (iv) Any exceptional circumstances which require the person to remain in their current property
- (v) Whether the property is suitable for building alterations as determined by the council
- (vi) The size of the household and their housing need
- (vii) The occupants' status, the type of tenancy held and any pending possession action.
- (viii) The person's wider physical health needs and the length of time that they will remain in the property

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

- (i) Where an applicant is;
  - (a) Under occupying their home by more than one bedroom
  - (b) Living in an overcrowded home
  - (c) Waiting to transfer to another property.

- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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
- (vi) Where an adaptation would place others at risk e.g: a communal stair lift with no alternative access for other first floor residents
- (vii) 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.
- (viii) Where the building is considered unsuitable for adaptation due to its construction, location or impact on adjoining properties.
- (ix) Where a proposed adaptation contravenes any Building Regulations.

### **Test of resources**

- 27.7 Applicants being considered for a large-scale adaptations with an estimated value of **£1,000** or more will be subject to a test of resources. Means testing will not apply if the adaptation relates to a child.
- 27.8 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.
- 27.9 Where the applicant has a contribution a minimum of 50% of the contribution will be required at the start of the works with the remainder upon completion. Works will not proceed until payment is made.

## Approval process

- 27.10 The Assessing Officer in conjunction with the Service Manager will consider and approval recommendations.
- 27.11 If an adaptation referral is refused the applicant will be advised of the refusal reasons and the appeals process. If the referral is approved the applicant will be advised how the Council intends to proceed with the works and an approximate timescale.
- 27.12 The number of adaptations undertaken in any one financial year will be limited to the budget set for that year.

## Major Adaptations

- 28.1 Major adaptations will be those that typically cost £10,000 or more to supply and install.
- 28.2 Major adaptations will normally include;
- (i) Property extension
  - (ii) Property conversion
  - (iii) Complex major adaptations where the value of works exceed £10,000
  - (iv) Multiple large scale adaptations where the combined value of works exceeds £10,000
- 28.3 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 and all recommended adaptation works must be assessed to ensure they are **necessary and appropriate** and also **reasonable and practicable**.
- 28.4 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.
- 28.5 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.

28.6 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**

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

28.8 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. Works will not commence until payment has been received.

### **Approval process**

28.9 As stated, the Council will normally seek suitable alternative accommodation for a period of 12 months. Following this the case will be reviewed if suitable accommodation has not been identified.

28.10 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. The decision will be one of the following;

- To adapt the tenant's home to make it suitable for their needs, subject to the other conditions set out in the Policy.
- To continue to search for suitable alternative accommodation for a defined period.
- Not to proceed with the adaptation request, typically due to a change of circumstance or failure to engage.

28.11 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 co-operate and consider all housing options.

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

### **29.0 Rent and service charges**

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

29.2 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.

- 29.3 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:**

- (i) Stair lift
- (ii) Through floor lift
- (iii) Tracked hoists
- (iv) Wetroom and shower
- (v) Wash/dry WC

**Adaptations subject to weekly rent increase**

- (i) Bedroom/living room extension
- (ii) Bathroom extension
- (iii) Garage conversion

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

**30.0 Properties that cannot be adapted**

- 30.1 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.
- 30.2 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.
- 30.3 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.
- 30.4 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.

- 30.5 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, approval may 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.
- 30.6 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 the case is reviewed. The Council will not normally consider adapting a property with no pre-existing adaptations if the applicant has failed to co-operate and consider all housing options.
- 30.7 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.

### 31.0 **Housing Register applicants**

- 31.1 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.
- 31.2 Exceptions to this include;
- (i) Where an applicant needs small scale adaptation(s)
  - (ii) 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.
- 31.3 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.
- 31.4 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.

## **32.0 Letting adapted properties**

- 32.1 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.
- 32.2 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.
- 32.3 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.
- 32.4 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.

## **33.0 Prioritising adaptations**

- 33.1 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.
- 33.2 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, requesting architectural drawings, applying for planning permission and the sourcing of a suitable contractor could impact on this.
- 33.3 Cases identified by the Occupational Therapist (or other officers/agencies) as an urgent priority will be escalated appropriately.

## **34.0 Tenants own aids and adaptations**

- 34.1 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.
- 34.2 Aids and adaptations installed by a tenant will not 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.
- 34.3 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.

#### 35.0 **Complaints**

- 35.1 Where a tenant is dissatisfied with the service they have received (including where a grant has been refused), they should contact the appropriate Service Manager at the main Council address. If the matter is not resolved to Applicants' satisfaction, they can make a formal complaint via the Council's adopted Customer Comments and Complaints procedure.
- 35.2 If after receiving the Council's response the complainant is still dissatisfied, they can write to the Housing Ombudsman.

#### 36.0 **Policy amendments**

- 36.1 The Director of Housing and Assets has delegated authority to make minor policy amendments which do not affect the broad thrust of policy direction. Other changes must be approved by the appropriate Council Committee.