



Oadby & Wigston
BOROUGH COUNCIL

Aids and Adaptations Policy

2022

Date approved by Housing Service Manager	
Committee	
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Review Date	
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1. Introduction

- 1.1 Oadby & Wigston Borough Council recognises that housing adaptations can often play an important role in enabling a disabled person to remain in the comfort and safety in their own homes, by restoring or promoting independent living or to use their home more effectively.
- 1.2 The link between housing and wellbeing is increasingly acknowledged. A suitable, well adapted home can improve quality of life, wellbeing, enable safe access and increase independence to prevent, reduce or delay care needs. Appropriate, accessible housing is vital in addressing people's needs and enabling them to meet their chosen outcomes efficiently and cost effectively.
- 1.3 There is greater focus on supporting people with disabilities to consider how their housing needs can be met in the longer term. The council will look at the best use of resources by looking to keep tenants in their own home where possible, or through options to relocate to a more suitable property.

2. Purpose

- 2.1 The purpose of this policy is to provide guidance and understanding of Oadby & Wigston Borough Council's approach to the provision of adaptations to support their tenants with the management of long term health issues or disability to remain living in their home. It is to set out the criteria by which the council will assess requests for adaptations to their properties.
- 2.2 This policy applies to residents living in social housing properties owned by the council, both adults and children who require adaptations in their homes. Private Sector housing adaptations are provided through a Disabled Facilities Grant.
- 2.3 This policy refers to and only applies to disabled and older people. Under the terms of this policy, we have used the definition of disability from the Equalities Act 2010, which states a person is disabled 'if they have a physical, mental or sensory impairment that has a substantial and long-term (i.e. more than 12 months) adverse effect on your ability to do normal daily activities.'

3. Principles of the policy

- 3.1 The main principles of this policy is:
 - To ensure that all residents have access to accommodation that enables independent living, privacy, dignity and promotes the wellbeing for the individual and their families. This may include offers of alternative accommodation, Supported Living or modifying the existing property
 - To provide a service that seeks to best meet the needs experienced and identified by the disabled person, with regards to the persons own views, wishes and feelings
 - To ensure that constraints on independent living are not imposed on disabled people by virtue of the construction, layout or design of their homes

- The process utilises the skills and experience of a wide range of disciplines and includes consultation and choice for the disabled person.
- The appropriateness and acceptability of the adaptation is measured by the extent to which it meets the needs of the individual.

4. Legal and regulatory framework

4.1 This document makes reference to the legal requirements and policies that must be adhered to. We have had regard to legislation including (but not limited to) the following:

The Care Act 2014

Applicable to adults – Section 1 of the Care Act states that local authorities have a general duty to promote the wellbeing and independence of the disabled person. This includes the physical, mental and emotional wellbeing. Therefore home adaptations are highly relevant to the individual's wellbeing and regard should be given to their own views, wishes and feelings.

Section 2 places duties on local authorities to identify, provide and arrange services that help people prevent developing needs for care and support or delay people deteriorating such that they would need on-going care and support.

However, eligibility criteria from the Care Act or any legislation should not apply to adaptations, however the principles of wellbeing should be considered.

The Chronically Sick and Disabled Person Act (1970 Section 2)

Continues to apply to children, it gives local authorities a duty to assess and assist chronically sick or disabled children that may be necessary and appropriate with assistance in arranging adaptations or the provision of additional facilities to promote safety, comfort and convenience.

The Equality Act 2010

Legally protects people from discrimination. Section 29 states that the council, in providing a service to the public, must not discriminate against a persons with a protected characteristic.

The Housing Act 1996

In determining this policy, regard has been given to Oadby & Wigston Borough Council's Housing Allocations Policy, which complies with the above Act.

Housing Grants, Construction and Regeneration Act 1996

Local Authorities have a statutory duty to provide grant aid to disabled people for a range of adaptations to their home. This will be explored in more detail in the policy.

5. Equalities statement

5.1 Oadby & Wigston Borough Council promotes equal opportunities and ensures there is equality and diversity in all services that we provide. In line with the provisions of the Equality Act 2010, Oadby & Wigston Borough Council will:

- Have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people of different groups
- Our aim is to continue to maintain equality and ensure that we adapt our homes in a non-discriminatory way based on meeting housing need. We also anticipate that the transparency of this will not let any individuals be treated less favourably on the grounds of gender, marital status, pregnancy and maternity, race, disability, sexual orientation, age, faith or gender reassignment. Oadby & Wigston Borough Council Housing Service will treat all applications for adaptations in a sensitive and supportive manner.

5.2 This document can be made available in other languages and in large print or audio transcript if required.

6. Policy detail – funding for major adaptations

6.1 For major adaptations within council homes, funding is provided within the Housing Revenue Account, rather than using Disabled Facilities Grants, which are available to people living in privately owned, rented or Housing Association properties. However the council follows the rules applied to Disabled Facilities Grant (DFG) adaptation policy whereby a maximum limit of £30,000 is available to fund a major adaptation. In circumstances where the proposed works are above this limit, the council will discuss with the Head of Built Environment the options on a case by case basis. This will include options for re-housing to a more suitable property, or increasing the maximum limit.

6.2 Currently, council tenants are not subject to means testing, because funding comes directly from the Housing Revenue Account and adaptations can provide long term benefits for the property as well as the tenant. However, this is subject to review should budgetary pressures require the council to reflect a more equitable distribution of funds to its services.

6.3 In order to manage this annual budget, applications for adaptations will be prioritised as demand often exceeds the funding available.

7. Eligibility requirements for making an application for an adaptation

7.1 Oadby & Wigston Borough Council will normally only consider a request for major and minor adaptations if the person:

- Is registered as an Oadby & Wigston Borough tenant, or the tenant's partner or a member of the immediate family who have been noted as living permanently with the tenant

- Has an impairment or disability which has significant effects on their ability to carry out normal day-to-day activities and requires safe access to essential facilities within their home
- Adaptations for children will be ordinarily within their principal main home, unless there is a case by case reason which will be assessed by an Occupational Therapist
- Major Adaptations will not be carried out at a property which as an active Right to Buy application. In these circumstances the tenant will be advised about the DFG which can be applied for once they have purchased their own home
- Major Adaptations will not be carried out at a property where the tenant has an active Housing Application or is actively seeking home-swappers via a mutual exchange

7.2 If the person is under occupying, for example, if one person was living in a three bedroom house, and there are alternatives to consider we will look to support them to a move to a more suitable property, and liaise with the Lettings Officer. These requests will be considered on a case by case basis.

8. Making an application for major adaptations

8.1 Tenants can contact their Housing Officer, Housing Support Worker or Social Care Service to request an assessment of need to assess whether adaptations are necessary and appropriate. They will then decide whether a referral to an Occupational Therapist at the Leicestershire County Council Occupational Therapy Service is necessary.

8.2 The Council will only consider adaptations if an Occupational Therapist has assessed the household situation and recommended that the works are both necessary and appropriate, given the nature of the disability.

8.3 In all cases, the Council and the Occupation Therapist (O/T) will work together to ensure that:

- Cases are assessed fairly and equally
- Exceptional individual needs are taken into account
- Public money is used responsibly
- Alternative options to meet the applicant's needs are considered
- The OT works closely and arranging joint visits where necessary with the Adaptations Officer, especially with complex cases to discuss all available options for the tenant
- Regular meetings are held between the Adaptations Officer and the OT to discuss the progress of individual cases and current working practices

8.4 The Council has the final decision on whether to accept an OT's recommendations and ultimately, adapt its properties.

8.5 Under the Regulatory Reform (Housing Assistance) Order 2002 the Council has wide discretionary powers to provide financial assistance for repairs, improvements and adaptations to living accommodation. This includes help with the cost of moving and adapting or improving another property where it is deemed to be a more cost effective

option. It is therefore the policy of the Council to examine all the options available to the individual before immediately embarking on plans to adapt the current property where major adaptations are required.

9. Types of adaptations available

9.1 Adaptations are split into two categories – minor adaptations and major adaptations.

Minor adaptations feature prominently amongst the preventative services to maximise independence. There is a £1,000 limit applicable to each minor adaptation, and minor works can include but are not limited to:

- Grab rails
- Mop-stick banister or newel rails
- Galvanised rails
- Lever taps
- Over-bath showers
- Door entry systems
- Half steps
- Removal of thresholds
- Installation of specialist lighting
- Installation of flashing door bells or smoke alarms
- Window opening technology
- Key safes

9.2 The Council aims to have all minor adaptations installed within 21 days of the request being made.

10. Types of major adaptations available

10.1 This is works that cost over £1,000 and although not exhaustive, can include the following:

- Stair-lifts
- Level Access Showers
- Ramps to access the property at the front or back
- Widening doorways
- Accessible kitchens
- Through floor lifts
- Widening pathways for wheelchair access
- Hard standing – **See Appendix 1**

10.2 It is Oadby & Wigston Borough Council's intention to match the same provision for those living in the private sector, who are eligible for a DFG. Therefore this policy reflects the provisions set out within the Housing Grants, Construction and Regeneration Act 1996, as follows:

- Facilitating access by the disabled occupant to and from the dwelling, the building in which the dwelling or, as the case may be, flat is situated

- Making the dwelling safe for the disabled occupant and other persons residing with him/her
- Facilitating access by the disabled occupant to a room used or usable as the principal family room
- Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or useable for sleeping
- Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility
- Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility
- Facilitating access by the disabled occupant, or providing for the disabled occupant, a room in which there is a wash hand basin, or facilitating the use by the disabled occupant of such a facility
- Facilitating the preparation and cooking of food by the disabled occupant
- Improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating systems there or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs
- Facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source by providing additional means of control
- Facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident there and is in need of such care
- Such other purposes as may be specified by order of the Secretary of State

10.3 The Council will process applications for major adaptations within the financial year it is received. However, in some cases there are circumstances where this will not always be possible. Where major adaptations are not likely to be completed within the financial year of its request the Council will ensure that this is communicated with the individual at the earliest opportunity.

11. If they do the work privately

11.1 Council tenants may organise their own adaptations privately and at their own expense, subject to agreement from the council. In all cases, tenants must obtain written agreement from the Council before carrying out any alterations or adaptations to their property. The Council have a right to refuse permission if the work would interfere with

any maintenance on the property, may cause a potential health and safety risk or would breach any regulatory requirements, or affect other tenants.

- 11.2 The written request will need to state what works and adaptations will need to be carried out and who will be undertaking the works. Tenants must not start any works without first gaining written permission from the Council. The Council may inspect the completed works to ensure that they have been carried out satisfactorily. Tenants will be responsible for the repair and maintenance of the adaptations that they have arranged for the duration of the tenancy.
- 11.3 The Council will not be liable for any damage or injury caused by adaptations not installed by the Council.

12. Circumstances in which work will not be carried out

- 12.1 This section of the policy only relates to adaptations exceeding £1,000.
- 12.2 If the Council deems that it is not reasonable and practicable to adapt the property, applicants will be requested to consider transferring to a more suitable property, for example:
- Installing a level access shower to a flat above ground floor which cannot be accessed by an existing lift
 - Where an adaptation would adversely affect the council's ability to make best use of the stock and re-let the property in the future
 - Where an adaptation would place others at risk e.g. a stair-lift installed in a communal stairway which could impede access for other residents
- 12.3 This lists the adaptations that will not usually be funded under the adaptations process, and is not exhaustive.
- Adaptations for the storage of mobility scooters – unless the person has been assessed for a powered outdoor wheelchair
 - Appliances such as ovens, hobs, fridges unless there is a specific need for a piece of equipment to meet their requirements on a case by case basis

13. Alternative options/making best use of current stock

- 13.1 Other options will be considered where extensive adaptations have been requested. These include:
- Adapted council properties, which become available, will be offered in the first instance to those most in need of this type of property before consulting the general needs housing and transfer list
 - Sheltered or Extra Care Homes

- 13.2 It is the Council's policy to discuss at an early stage other options available to meet the tenant's needs. This will include offering to transfer to appropriate alternative accommodation.
- 13.3 If alternative accommodation is considered it would need to meet the following suitability conditions:
- Consideration should be given to allowing the tenant to remain in or nearby to the area they currently live if this is where their support needs are fulfilled and cannot be delivered elsewhere
 - The new property must be suitable, or capable of being made so to meet the tenant's needs within the grant limit
 - Consideration should be given that this accommodation would become available within 18 months of assessment for major adaptations
- 13.4 If the tenant refuses the option of more suitable alternative accommodation, landlord permission for major adaptations to adapt their property would only be given in exceptional circumstances where a move is not considered advisable by a medical practitioner. For all major adaptations, the council will discuss with the tenant the option of a transfer to alternative accommodation that better meets the needs of the disabled person.

14. Prioritisation of approved major adaptations

- 14.1 Demand for major adaptations is high, and therefore have to be prioritised which determines their position for the works to be carried out in conjunction with the date of assessment.

15. Conditions of providing major adaptations

- 15.1 Where a major adaptation above £1,000 has been completed at a property, the expectation is that the disabled tenant remains living at that property for a minimum of five years. However, there may be circumstances where this is not possible e.g. due to a change in need from deterioration or new medical condition the property is no longer suitable and cannot be adapted further.
- 15.2 Where extensive adaptations have been carried out at a property and the disabled tenant dies, or is unable to remain at the property, the remaining household members may be encouraged to consider alternative accommodation to allow the adapted property to be let to a disabled person.

16. Right to Buy

- 16.1 The Right to Buy was introduced in 1980. It means that secure tenants can buy their home at a discount to the full market value.
- 16.2 The Housing Act 1985, Schedule 5 details the exceptions to the Right to Buy scheme. This includes certain dwelling-houses for the disabled. The Housing Act 1985 states;

'The Right to Buy does not arise if the dwelling-house has features which are substantially different from those of ordinary dwelling-houses and are designed to make it suitable for occupation by physically disabled persons'

16.3 Properties where the Council has made specialist adaptations are therefore exempt from the Right to Buy scheme.

17. Appeals and complaints

17.1 The council is committed to supporting people in providing suitable housing for its tenants. The council welcomes feedback that enables it to improve services. The council has established a corporate Compliment, Comment and Complaints procedure for dealing with complaints.

17.2 A complaint should be linked to the council's systems and procedures and may be about delay, lack of response, discourtesy or any item that leaves cause for dissatisfaction with the council's conduct.

17.3 If any applicant is dissatisfied with a decision made concerning their request for aids or adaptations, they may appeal via the Councils Compliment, Comment or Complaint procedure. Applicants can make a complaint in the following ways:

- Online - www.oadby-wigston.gov.uk
- Telephone - 0116 288 8961
- Email - csc@oadby-wigston.gov.uk
- Letter – Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR

Appendix 1 – Provision of hard standing and dropped kerbs

The one will not be considered without the other unless one of the above already exists.

Description: Hard standing is a level parking area which provides safe access from the car to the property. A dropped kerb is when the existing kerb to the pavement is lowered to allow vehicular access.

Criteria:

- The service user (driver or passenger) is unable to reach their car parked on the road safely
- Parking in close proximity to the address cannot be found for a major portion of the day, for most days
- The existing drive is too narrow to carry out a safe transfer for a wheelchair user without risk to the service user and/or the carer
- The service user is an adult or child who has a physical disability, or learning or behavioural difficulties and cannot safely transfer in/out of the car on the road e.g. narrow road, dangerous bend or challenging behaviour
- The service user's prognosis does not indicate the likelihood of significant improvement in their mobility
- The driver is a Blue Badge holder who is only able to walk or propel a wheelchair for short distances outside the home and has a permanent disability
- The passenger is a Blue Badge holder and the driver is unable to park in the road to allow the disabled person out, or cannot push a wheelchair from the nearest parking area which is an unreasonable distance away
- Passengers will not normally qualify as it is not unreasonable to expect that an able-bodied driver should "double park" if necessary to set down the disabled passenger and remove the vehicle afterwards. Although this may entail short-term obstruction of the highway, as it is not either "unnecessary" or "wilful", it is unlikely to be considered to constitute as an offence
- Exceptions may be made where the passenger requires constant attendance, or where the driver is of advanced age or frailty and has to lift equipment such as a wheelchair into the car, or use a hoist to transfer the passenger into and out of the car
- Hard standing will not be provided to prevent car vandalism alone
- Hard standing will not be provided solely for wheelchair and scooter access. The service user needs to have a car
- Work can only be considered within the boundary of the property i.e. we are unable to provide further hard standing or access across public/communal land such as wide grass verge

Factors to be considered:

- Permission to drop the kerb needs to be granted by the Highways Authority. If this is not granted the adaptation cannot proceed
- Would a marked disabled bay meet the need? If so, the resident applies directly to the Highways Authority without involvement of Social Care. NB – if granted the disabled bay can be used by any Blue Badge holder
- Hard standing should only be laid in a semi permeable material

- The maximum area for hard standing is 3.6 metres wide and 6.00m long. (The size of a standard disabled parking bay). More space can sometimes be achieved by abutting the hard standing to the existing front garden path
- It is not the purpose of the adaptation to provide hard standing to the whole of the front garden in order to make the front garden low maintenance for the resident
- Is a dropped kerb needed for wheelchair access only? This cannot proceed without permission of the Highways Authority. There are occasions when they will allow a half width dropped kerb which will only allow the wheelchair or pedestrian use but the request must be justified by Day Care attendance or frequent hospital visits on a regular basis. The Highways Authority would expect there to be a dropped kerb opposite so that the use can cross the road
- Although a service user/carer may meet the criteria, it may not be possible for the provision to be made due to local planning or traffic considerations

Note: The Council has the final decision on whether to accept an OT's recommendations and ultimately, adapt its properties

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EQUALITY ASSESSMENT

PART 1 - INITIAL SCREENING

Name of Policy/Function: Aids and Adaptations Policy	X	This is new
		This is a change to an existing policy
		This is an existing policy, Function, not previously assessed
		This is an existing policy/function for review

Date of screening	7 th June 2022
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1. Briefly describe its aims & objectives

The Aids and Adaptations Policy sets out guidance in relation Oadby & Wigston Borough Council's approach to the provision of adaptations to support our tenants with the management of long term health issues or disability to remain living in their home. It sets out the criteria by which the Council will assess requests for adaptations to properties.

The Aids and Adaptations Policy aims & objectives are to:

- Ensure that all residents have access to accommodations that enables independent living, privacy, dignity and promotes wellbeing
- provide a service that seeks to best meet the needs experienced and identified by the disabled person, with regard to the persons own views, wishes and feelings
- ensure that constraints on independent living are not imposed on disabled people by virtue of the construction, layout or design of their homes
- utilise the skills and experience of a wide range of disciplines and include consultation and choice for the disabled person
- ensure the appropriateness and acceptability of the adaptation is measured by the extent to which it meets the needs of the individual

2. Are there external considerations?

e.g. Legislation/government directive etc

The Care Act 2014

The Chronically Sick and Disabled Person Act (1970 Section 2)

The Equality Act 2010

The Housing Act 1996

Housing Grants, Construction and Regeneration Act 1996

3. Who are the stakeholders and what are their interests?

The Council;

- to ensure that all Legal and Regulatory Framework is adhered to when assessing requests for aids and adaptations
- to ensure tenants have access to accommodation that enables independence and promotes wellbeing
- to ensure that tenants are treated fairly and transparently
- to ensure that requests for aids and adaptations are prioritised based on need and date of requests
- to ensure the Housing Revenue Account is utilised efficiently

Tenants;

- to have access to accommodation that enables their independence and promotes wellbeing for the individual and their family
- to have clarity on the process the Council had adopted to process requests for aids and adaptations
- to ensure that their requests for aids and adaptations are considered and assessed fairly without any discrimination
- to be informed regularly on the progress on requests for aids and adaptations

4. What outcomes do we want to achieve and for whom?

The Council will want:

- to avoid liability for discrimination against tenants in the assessment of and provision of aids and adaptations
- to ensure that any major adaptations are measured, necessary and in line with the tenants needs
- to ensure requests for aids and adaptations are assessed in a timely manner
- to ensure that regular contact is maintained with the individual and/or relevant agency i.e. Occupational Therapy
- to make best use of existing adapted stock

5. Has any consultation/research been carried out?

Yes

- research into Aids and Adaptations Policies adopted by other local authorities has been completed
- a consultation exercise has been completed

6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.

No

7. Could a particular group be affected differently in either a negative or positive way?

Positive – *It could benefit*

Negative – *It could disadvantage*

Neutral – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Positive
Race (including Gypsy & Traveller)	Neutral
Age	Postive
Gender Reassignment	Neutral
Sex	Neutral
Sexual Orientation	Neutral
Religion/Belief	Neutral
Marriage and Civil Partnership	Neutral
Pregnancy and Maternity	Neutral

8. Could other socio-economic groups be affected?

e.g. carers, ex-offenders, low incomes, homeless?

No

9. Are there any human rights implications?

Yes/No (If yes, please explain)

No

10. Is there an opportunity to promote equality and/or good community relations?

Yes/No (If yes, how will this be done?)

Yes

- the consultation exercise the Council will ensure tenants, local residents, members and relevant agencies are aware of the Aids and Adaptations Policy
- through creating an awareness of the introduction of an Aids and Adaptations Policy the Council anticipates it will naturally promote equality and good community relations

11. If you have indicated a negative impact for any group is that impact legal?

i.e. not discriminatory under anti-discrimination legislation

N/A

12. Is any part of this policy/service to be carried out wholly or partly by contractors?

No

13. Is a Part 2 full Equality Assessment required?

No

14. Date by which a Part 2 full Equality Assessment is to be completed with actions.

N/A

Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required*** (please delete as appropriate).

Completed by: Sunny Basran Date: 7th June 2022
(Policy/Function/Report written)

Countersigned by:Date:.....
(Head of Service)

Screened by:.....Date:.....

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.

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