

West Lancashire Borough Council



Housing & Regeneration Service

DRAFT

Adaptations Policy

For

Council Tenants

June 2015

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1.0 Introduction

1.1 West Lancashire Borough Council (WLBC) directly fund adaptations for its housing tenants.

The aim of the policy is to assist disabled tenants or those with long-term illness who require an adaptation to their home to enable them to live independently or to assist carers in their caring role.

1.2 Under Section 1 of the Housing Grants, Construction and Regeneration Act 1996, grants are available from local housing authorities towards the cost of works required for the provision of facilities for disabled people.

1.4 The definition of a disabled person under the Act states that the person is disabled if:

- Their sight, hearing or speech is substantially impaired
- They have a mental disorder or impairment of any kind
- They are physically substantially disabled by illness, injury, impairments that have been present since birth or otherwise

1.5 This policy is being delivered to compliment West Lancashire Borough Council Disabled Adaptations Policy for private sector residents. To ensure equity across all tenures, applications for adaptations received from council tenants will be dealt with in the same way as those from home owners, private tenants and housing association tenants up to the point of grant approval.

1.6 This policy is to assist officers in delivering an adaptations programme and provide clarity to its tenants. WLBC want to ensure the fair, equitable and consistent treatment for all disabled people who require financial assistance in adapting their home.

2.0 If tenants wish to install their own adaptations

2.1 If tenants wish to install their own adaptations, written approval must first be gained from WLBC and the works must be done in accordance with industry acceptable standards. Any adaptations not installed by WLBC will not be maintained and responsibility for any repairs work will lie with the tenants themselves.

2.2 At the end of the tenancy, the tenant may be asked to remove any alterations and make good any damage to the property.

3.0 Scope

- 3.1 Help can be provided to tenants in the form of an aid or an adaptation depending on the needs of the individual. Aids are often items such as grab rails or a hand rail up the stair case. An adaptation is an adjustment to a property such as a ramp or lifting equipment.
- 3.2 If a person would like to be assessed for equipment or adaptations they can apply to LCC (Social Services Authority) for an assessment of needs telephone 0300 1236720. If as an outcome of the LCC assessment a recommendation is made for a major adaptation¹ to a council property, LCC will send the recommendation to WLBC.
- 3.3 This policy only applies to adaptation work and does not include the provision of aids which are dealt with by LCC. It is important to note that it only governs mandatory assistance. Regulation 2 of the Community Care (Delayed Discharges etc.) Act (Qualifying Services) (England) Regulations 2003 provides that any community care equipment (including grab rails, bath chairs etc.) may be provided free of charge by the LCC. Therefore, any such aids will be considered for funding directly by Lancashire County Council (LCC). Social services authorities also have additional powers, e.g. Chronically Sick and Disabled Persons Act 1970.
- 3.4 WLBC has a duty to provide disabled facilities grants (DFGs) to qualifying applicants to help them pay for any major adaptations needed to their home.
- 3.5 A detailed list of work eligible for adaptations can be found in Section 23 (1) of the Housing Grants, Construction and Regeneration Act 1996 and Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008/1189.

4.0 Stage 1 – Initial Assessment

- 4.1 Residents in the borough wishing to be considered for adaptations to their home, must request an assessment of their needs from LCC by calling 0300 1236720 or visiting www.lancashire.gov.uk/health-and-social-care.
- 4.2 The tenant of the property to be adapted will be the one to make the application for assistance on behalf of the disabled person or for themselves. A tenant can request assistance in the process from WLBC.

5.0 Stage 2 - Application

- 5.1 If LCC decides that major adaptation works are required to a council property, the OT and WLBC Housing Surveyor will visit to establish the best way of meeting the occupants' needs. Following the visit, the OT will provide the Council with a recommendation, outlining the adaptation works that have been discussed. This will be considered as an application by the tenant for a disabled facilities grant (DFG) to assist in paying for the work to be completed.

¹ Examples of major adaptations include stairlifts, vertical floor lifts, bathroom or bedroom extensions.

- 5.2 Applications for major adaptations will be reviewed by the adaptation panel. Each case will be assessed on its own merits. This panel meets monthly and will contain representatives from the LCC Occupational Therapist Service and relevant officers from WLBC. It will consider applications from tenants and private sector applications in line with the Care Act 2015. The panel will consider if the recommended major adaptations is the most appropriate way of helping the tenant or if an alternative solution will be better. Once a decision has been made applicants will be informed of the outcome as soon as possible in writing.
- 5.3 Applications will be processed based on the level of priority given by the panel. Referrals are either High Priority or Standard Priority depending on the urgency of the applicants' needs.
- 5.4 Depending on the level of investment, the suitability of the tenant and property availability, WLBC may discuss transferring the applicant to a more suitable accommodation or to a property that has already been adapted.
- 6.0 Stage 3 – Funding and maximum amounts**
- 6.1 The adaptations recommended must be necessary, appropriate, reasonable and practicable to meet the needs of the disabled person. In deciding whether any works are necessary and appropriate, officers shall take into account:
- the recommendations of the OT;
 - whether a more cost effective option is available;
 - whether aids and equipment have been considered or tried;
 - whether an alternative option has been declined
- 6.3 The Council will fund adaptations up to a maximum limit of £30,000 as adjusted in line with legislation and in line with the Private Sector Disabled Adaptations Policy 2015.
- 6.4 Where the cost of the adaptation is greater than £30,000, the tenant will be recommended to source this funding by other means e.g. charitable funding or through Lancashire County Council's Hardship Fund.
- 6.5 Where the tenant wishes to alter, or enhance the works recommended and providing the OT approves the altered scheme, the tenant is required to fund the difference in cost.
- 6.6 Alternatively, if the Council's funding does not cover the cost of the scheme recommended, the applicant will be required to make a contribution for the work to go ahead.

7.0 Stage 4 – Means Test (Test of Resources)

7.1 Means testing is governed by the Housing Renew Grants Regulations 1996/2890 as amended which takes in account the resources of all “relevant persons” (as prescribed by the regulations).

7.2 Applications for funding disabled adaptations are subject to a means test known as the test of resources and may be subject to additional contributions unless they fall within one of the following categories:

- The adaptations are for a disabled child (a child is defined as someone between the age of 0 and their 16th birthday)
- The adaptations are for a disabled young person (a young person is defined as someone aged between 16-19) who is in full time education.
- The applicant is also the tenant and is in receipt of one of the following benefits:
 - Universal Credit
 - Income Support
 - Income-based Employment and Support Allowance
 - Income-based Jobseeker’s Allowance
 - Guarantee Pension Credit
 - Working tax credit and/or Child Tax Credit (where the annual income for the purpose of the tax credits assessment is below £15,050)
 - Housing Benefit

7.3 The means test works by looking at how much money the relevant person’s family needs to live on for a week. This is called the ‘applicable amount’ and is set by government based on the size and any special circumstances of the relevant person’s family (outgoings are not included). If the household income exceeds the ‘applicable amount’ the relevant person will have to contribute towards the cost of the work. Any contribution needs to be paid in advance of work undertaken.

8.0 Stage 5 – Waiting list

8.1 WLBC aims to notify applicants as to whether the application has been approved or refused within 6 months of the date of application.

8.2 WLBC aims to complete High Priority cases within 83 working days and Standard Priority cases within 151 working days from when the OT receives the request. If major work is required, such as internal alterations or an extension, the work will take longer as building regulations and planning permission may be needed.

8.3 Due to waiting lists and level of demand we may need to write to you to schedule a date for your adaptation in the future.

9.0 Stage 6 - Maintenance

- 9.1 The Housing & Regeneration Service will be responsible for maintenance of the adaptation works for the life of the tenancy and any future tenancies.
- 9.2 Where an adaptation requires on-going servicing, WLBC will apply a service charge to cover the costs of maintenance.
- 9.3 The Council will not maintain or repair any adaptation works or equipment carried out or installed privately.

10.0 Adapted Properties

- 10.1 When a property has been adapted for a disabled person the adaptations will remain in place. The property will be added to a register for future use for people with disabilities. The adaptations will not be reversed once they have taken place, for example, where a bath has been replaced by a shower and new tenants enter the property the shower will remain. Where possible, the property will be re-used by someone meeting the needs of the adaptation. Where that is not possible, due to supply and demand, the above is adhered to and the adaptations will remain in place for any future use.
- 10.2 Where a property has already been adapted for a disabled tenant, any transfer would lose any medical priority as they would be assessed as appropriately housed.

11.0 Rent Increases

- 11.1 If the adaptation works involve adding additional floor space to a home, the rent may (subject to re-evaluation) increase. The rent increase would be based upon an estimated valuation of the property once it has been adapted. Any increase in rent will be discussed with the tenant before the adaptation works are agreed. If the tenant is claiming a relevant benefit the increase may be covered by this.
- 11.2 If equipment is installed that requires on-going servicing/maintenance such as stair lifts, the tenant will be charged a service charge to cover these costs.

12.0 If a tenants needs change

- 12.1 If a tenant's needs change after any adaptations have been made – for example, if they find they can no longer do something that they could manage before, the tenant will need to contact LCC (0300 1236720) who will arrange to re-assess their needs.

13.0 When the adaptation is no longer required

13.1 In the situation where the person needing the adaptation no longer resides in the property WLBC may look to transfer the tenant to another property after six months. This will only occur if a household on the adaptations waiting list is in need of the specific modifications and a suitable alternative property is available for the existing tenant. This will enable another tenant who is in need to move in and make use of the facilities available. WLBC may contribute to reasonable moving expenses.

14.0 Reasons for payment withdrawal or amendment

14.1 If the grant is approved and prior to the eligible works being completed, the applicant ceases to be entitled to a grant, or is evicted, or the entitled applicant ceases to (or intends to cease) occupy the dwelling then:

- i) no grant shall be paid
- ii) no further instalments will be paid
- iii) WLBC may demand any payments that have been made to be repaid by the tenant together with interest
- iv) the application may be reconsidered in light of the changed circumstances

14.2 WLBC may approve an application for a grant with a provision that the money will not be paid before a certain date (no more than 12 months after the date of application).

15.0 Right to appeal

15.1 Each individual application will be reviewed on its own merit. If a request for an adaptation is refused, WLBC will advise the tenant in writing.

15.2 Any person who is dissatisfied with a decision made by the Council has the right to appeal. Appeals with additional information can be sent to the panel for reconsideration and should be provided within 28 days of receiving the decision.

16.0 Exercising your Right to Buy

16.1 Once a property has been adapted so that it is substantially different from an ordinary dwelling house in order to make it suitable for a physically disabled person and the following apply:

- It is one of a group of dwellings which is let for the occupation of physically disabled people and
- A social service or special facilities are provided in close proximity to the group of dwellings wholly or partly for the purpose of assisting those people

then the property stops being a general needs property. In accordance with paragraph 7, schedule 5 of the Housing Act 1985, the tenant will not be able to exercise their "Right to Buy" due to the modifications.

17.0 Data Protection

17.1 WLBC will keep some personal data, including sensitive personal data, to process requests and carry out any adaptations. WLBC treat all information as strictly confidential, however, information may be shared with other council departments, the Benefits Agency and contractors purely to make sure the work is carried out correctly and to prevent fraud.

18.0 Telling us what you think and how to make a complaint.

18.1 After any works have been carried out WLBC will send a customer satisfaction survey for completion. The feedback tenants provide enable WLBC will help to see how successful the adaptations have been and also help to improve the service in the future.

18.2 If you have a complaint you should first contact the relevant Service Manager and explain your problem so that it can be put right.

A copy of our complaints procedure can be found at www.westlancls.gov.uk.

If you require this publication in an alternative format and/or language please contact us by:

E-mail: customer.services@westlancls.gov.uk

Telephone: 01695 577177

Text phone : 01695 585029

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