

CABINET (HOUSING) COMMITTEE

4 APRIL 2012

REVIEW OF DISABLED ADAPTATIONS POLICY

REPORT OF HEAD OF LANDLORD SERVICES

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The Council is committed to assisting its tenants to meet their needs for adaptations to enable them to maintain their independence, privacy, confidence and dignity. It undertakes a significant amount of adaptations to properties, usually based on independent occupational health recommendations.

Demand for adaptations has increased significantly in recent years and annual spend is now over £800,000 annually. A number of measures have been adopted in recent years to help control that spend, including ensuring we make best use of already adapted stock.

This report seeks to clarify existing policies and gain approval for additional measures to assist with managing the delivery of this service.

RECOMMENDATIONS:

- 1 That the proposals for the amendment to the Council's existing policy for Disabled Adaptations to Council homes, as detailed in paragraph 6, be approved.

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1 Introduction

- 1.1 The Council is committed to assisting tenants, or persons usually living with a tenant, to meet their needs for adaptations to enable them to maintain their independence, privacy, confidence and dignity. It has a duty to undertake adaptations to meet such need, and in 2011 committed in excess of £800,000 to meet such demand. This amounts to double the cost of adaptations in the last five years.
- 1.2 Spend in this area has increased significantly in recent years. In previous years, it has been necessary to manage a lengthy waiting list even for essential adaptations. Current investment levels are considered adequate to meet existing demand. However, spend is significantly higher than average and way ahead of Government provision for such work in their Housing Finance Reform assumptions. They included provision for £60 per property in the Reform assumptions, which amounts to £300,000 for Winchester.
- 1.3 It is accepted that spend in this area for the Council will be high due to the higher than average proportion of older tenants currently housed in Winchester stock along with the above average provision of sheltered housing in the district.
- 1.4 Current spend on adaptations to Council stock is more than 50% higher than the Council spends on private residents through its Disabled Facilities Grants programme (aimed at 45,000 private households compared to 5,000 Council properties).

2 Review of Policies

- 2.1 The Council has completed a review of its approach to the management of adapting Council properties for disabled tenants and their families and a number of proposals are included in this report to clarify existing practice, although they also aim to provide means to reduce expenditure of this service in the longer term.

3 Service Aims

- 3.1 The service aims to make the most efficient use of the limited funds available to adapt properties to make them suitable for needs, in order that those in greatest need benefit while at the same time maximising

the number who can be helped and making the most effective use of our housing stock.

3.2 It must be remembered that to ensure vulnerable tenants are protected at all times the process includes:

- Review - regular reviews of individuals situation and Fair Access to Care Services (FACS) assessment.
- Flexibility - built in throughout to allow an approach to be adopted outside of the policy and procedure if necessary to meet needs and in consideration of individual's circumstances.
- An Appeals process for tenants to follow if they feel a 'suitable alternative housing recommendation' made at Options Debate stage is inappropriate.

4 The Adaptations Procedure

4.1 Broadly, the general procedure for assessing adaptation proposals remains unchanged, although some additional specific measures are recommended in paragraph 6 below. The full detailed procedure runs to some 50 pages and is not reproduced for this report. However, the key elements and the specific new measures are summarised in the report.

4.2 If the estimated value of the work is £500 or less, the work is deemed "minor works". Anyone can apply for minor works. The application is dealt with through a "fast track" process and if appropriate passed to relevant officers for completion.

4.3 Work over £500 is deemed "major works". In such cases:

- a) Tenants usually have to be registered as disabled.
- b) A Hampshire County Council occupational therapist makes an application to the Council using a form called a DP15 for an adaptation to a property for which the Council is the landlord.
- c) The application is made with reference to the Fair Access to Care Services (FACS) criteria.
- d) The application is checked by the Council's occupational therapist to confirm assessment and estimate cost. Possible outcomes of this check are:
 - (i) Rejection of works which are not 'reasonable and practicable' or 'necessary and appropriate'.
 - (ii) Works under £3,000 are passed for completion.
 - (iii) Works over £3,000 go through an "Options review".

- 4.4 The "Options review" will be undertaken by an Adaptations Panel, consisting of the Council's Occupational Therapist and a senior surveyor as well as other Council officers and relevant agencies who have knowledge of the tenant's circumstances, needs and views as considered appropriate by the OT.
- 4.5 Potential Outcomes of Options review could include:-
- (i) Work passed for completion or
 - (ii) Recommendation that suitable alternative housing be found. (Examples when this could occur are - work doesn't meet tenants long term needs, property under occupied, level access showers to first floor or above flats where there is no lift, etc).

5 Waiting List

- 5.1 Once the adaptation has been forwarded for completion the tenant will be placed on the waiting list in accordance with the priority system relating to "Fair Access to Care Service" (FACS) which is as follows:

a) **Critical**

Tenants identified as "critical" can usually expect their work to be undertaken within approximately **2 months**. These are people who:

- Cannot return/ access their home following hospital admission, or decline in their condition.
- Cannot access basic essential amenities within the home, such as toilet, bedroom, kitchen, or care for a family member by accessing such facilities and cannot sustain living, or life, at home unless the essential adaptations are undertaken (even with carer support).

b) **Substantial (Essential)**

Tenants identified as "Substantial" can usually expect their adaptations undertaken within approximately **9 months**. These are people who:

- Have an appreciable but not "Critical" need.
- Life within the home and community may be severely compromised but they or their carers are not affected to the point that life cannot be sustained. However, if the adaptation is not undertaken within a reasonable timescale, it could affect their ability to maintain independence and may lead to a decline in their general condition and ability to remain in the community.

c) **Moderate**

Tenants identified as "Moderate", may not receive Major Adaptations, But MAY be offered other alternatives, i.e. minor works, equipment for easier living, if this is felt by both W.C.C. and Social Services that this would be an acceptable offer to enable such tenants to remain "independent and safe" within their own home. These are people who:

- Can generally manage their lives independently, and may not have a severe disability that affects many aspects of their daily living.
- They may cope currently with moderate difficulty, and manage with "equipment" but would ideally prefer to have a major adaptation to ensure life is "easier", i.e. a level access shower, over bath shower.

d) **Low**

Tenants identified as "Low" are unlikely to be eligible for anything more than advice and information about what options are available for them should they choose to fund their own adaptations.

6 New Formalised Measures

6.1 It is proposed that the Policy and Procedure for Adaptations should now include the following clarifications:

- a) Scooter access and storage – tenant purchased scooters and buggies which are not supported by an OT assessment are not supported under this scheme e.g. provision of hard standings, storage.
- b) Mutual exchanges– Where a tenant whose property has undergone major adaptation work (which can be deemed substantially different as required by Ground 7 of schedule 3 of the Housing Act 1985) wishes to exchange, this will only be approved if the other party to the exchange has an identified need for the adaptations.
- c) Transfers - Tenants whose property has undergone major adaptation work (which can be deemed substantially different as required by Ground 7 of schedule 3 of the Housing Act 1985) will still be able to apply for a transfer, but the following restriction will apply unless they can demonstrate significant reasons for a transfer being necessary:

- no adaptations will be carried out to the new property if they move to another property within 5 years of the completion of adaptations.
- d) Use of Discretionary Ground for Possession (Ground 13) – Ground 13 of Schedule 2 of the Housing Act 1985 allows the Council to seek possession where a substantial adaptation has been made to a property and the person for whom the adaptation was carried out is no longer resident. The Court will only grant possession if it considers this reasonable and suitable alternative accommodation is offered. Prior to adaptations being made, tenants will be formally notified of these legislative provisions, so they are fully aware of the possible consequences.
- e) Suitable Alternative Housing Recommendation – It is proposed to restrict adaptations to inaccessible first floor and above housing. This means adaptations required due to immobility (walk in showers for example) will not be installed in communal housing on first floor or above that does not have assisted access and which has no means of reasonably providing assisted access (lift or stair lift for example). In such cases, tenants would be supported in moving to ground floor accommodation and given appropriate priority to assist with this.
- f) Restricted allocation - Where applicants have been assessed as requiring adapted properties they will not be allocated a non adapted house under the CBL Scheme of Allocations, when suitable alternative accommodation, which does not need adapting, is available and which meets their needs.
- g) Applying the upper limit of £30,000 – There is currently no upper limit for major works and in the last year, £162,000 has been spent on 4 specific adaptations. This level of spend is not sustainable and therefore it is recommended that an upper limit for such works of £30,000 be approved. This is in line with the upper limit for Disabled Facilities Grants to the private sector. Any works above this level will require additional “top up” funding from other agencies or from the tenant themselves. This proposal has been discussed with Hampshire County Council’s Adult Services team who had no objections and confirmed it was in accordance with other schemes they worked with.

7 Suitable alternative housing Recommendation

- 7.1 The policy and procedure outlines clearly the issues to be considered when making this recommendation such as support & social networks, education, employment, stress, relative costs, housing availability, cultural and faith considerations, the tenants view.

- 7.2 Assisted moving provisions, funded from the disabled adaptations budget will include:
- a) Removal services to organise move.
 - b) Handy man to take down shelving etc.
 - c) Disturbance allowance for curtains, carpets and Removal costs to a maximum of £1,000.
 - d) Adaptations to new property.
 - e) Minor works to existing property while waiting.
- 7.3 Tenants will need to actively bid through Hampshire Home Choice and will be given appropriate priority to assist this. Cases will be reviewed after 3 months.
- 7.4 If a tenant refuses to move they can remain in existing housing with support from the Council through minor works and Social Services would be notified.

8 Adaptations to Under-Occupied Properties

- 8.1 Initially, it was intended to propose that adaptations should not be carried out where tenants under occupied a property by more than one bedroom (i.e. their housing need was for a property more than one bedroom less than their current one). However, this was challenged under impact assessment as potentially unlawful as a measure to address under-occupation in isolation as it potentially discriminates against individuals needing adaptations whilst others would be allowed to remain in such accommodation unchallenged. It is recommended that officers discuss the potential to move to more appropriate properties and that support be provided where this can be agreed in such cases. However, it will not be a formal restriction at this stage. In the future, it will be considered as one element of a more comprehensive policy to address under occupation.

9 Equality Impact Assessment

- 9.1 The Policy and Procedure was impact assessed on 10 January 2012 and this was validated on 18 January 2012.
- 9.2 The key findings of the impact assessment which are accepted were as follows:-
- A) **Adaptations Panel**
 - The group felt that the Adaptations Panel, provided it operates properly should ensure that no group would be disadvantaged or discriminated against because of their protected characteristics.

To work properly the appropriate people would need to be consulted in regard to the tenants particular circumstances and how they would be affected by a suitable alternative housing recommendation. This would need to kick in at the right point so that one person is not left to make the decision on their own.

- It was recommended that the wording of the Adaptations Panel section of the procedure be strengthened to highlight the need to invite the right people and who these would be for example. if the tenant is known to have a mental health condition or learning disabilities.

B) £30,000 cap on funding from the HRA

- It was recommended that officers provide a briefing for Hampshire County Council Occupational Therapists to update them on the formalised procedures and the introduction of the £30,000 cap on HRA funding. Officers will explain that works which are estimated to cost in excess of this amount will only continue if all other options have been exhausted. Head of Landlord Services approval will be required to continue with such works and the funding of costs in excess of £30,000 will need to be met by other agencies or the tenant themselves following a means test (please note that works to meet the needs of children are exempt from the means test process).

C) Under Occupation

- Following legal guidance on the issue of under occupation and further debate at the validation meeting it was agreed that it was inappropriate for under occupation to be listed as a criterion for not adapting a property and that the wording implied that it carried equal weight, in terms of not being reasonable and practicable, to the other criteria of not meeting the long term needs of the tenant and the property structure not being suitable.
- It was recommended therefore that the policy and procedure be amended and that this criterion be removed and set out as an additional measure available under stock management and linked with the existing under occupation Removal and Cash Incentives.

D) Flexibility

- It was also noted at validation that while the document sets out the policy and procedure that flexibility around the general principles is very clearly stated. Every application by an Occupational Therapist (OT) will be decided on an individual case basis with due consideration being given to the circumstances surrounding the application. The policy guidelines

included within the document will not prevent the Council from using its own discretion with regard to an individual case.

OTHER CONSIDERATIONS:

10 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS
(RELEVANCE TO):

10.1 The proposals in the report accord with the targets and actions relating to Active Communities within the Council's Change Plan.

11 RESOURCE IMPLICATIONS:

12 Provision of £800,000 is included within the Capital programme to fund disabled adaptations work. This is sufficient to meet existing demand and the additional restrictions set out in this report will assist in controlling future demand. The measures in themselves are unlikely to result in a significant reduction in annual spend, although progress with this will be monitored closely and reported to a future meeting of this Committee.

13 TACT COMMENT

13.1 TACT reviewed the draft proposals at their meeting in January and gave full support to measures to control spend in this area whilst ensuring we continue to assist tenants in need.

13.2 TACT in particular support limiting major works to a maximum of £30,000.