

Democratic Services Officer: Erica Fredericks (Ext. 37547)

17 February 2015

## **HOUSING & CUSTOMER SERVICES WORKING GROUP**

A meeting of the Housing & Customer Services Working Group will be held in Committee Room 1 at the Arun Civic Centre, Maltravers Road, Littlehampton on **Thursday, 5 March 2015 at 6.00 pm** and you are requested to attend.

Members: Councillors; Clayden (Chairman) Edwards (Vice-Chairman) Bicknell, Mrs Bower, Mrs Goad, Mrs Harrison, Mrs Oakley, Oliver-Redgate, Mrs Pendleton and Squires.

## **A G E N D A**

### 1. APOLOGIES FOR ABSENCE

Please send your apologies to Erica Fredericks – tel: 01903 737547 or e-mail: [erica.fredericks@arun.gov.uk](mailto:erica.fredericks@arun.gov.uk)

### 2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declaration of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating:

- a) the item you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest

You then need to re-declare your interest and the nature of the interest at the commencement of the item or when the interest becomes apparent.

3. MINUTES

To approve as a correct record the Minutes of the meeting of the Housing & Customer Services Working Group held on 8 January 2015 (attached).

4. ITEMS NOT ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES.

5. GAS SAFETY CERTIFICATES VERBAL UPDATE

The Head of Housing will update Members on the current position with respect to Gas Safety Certificates.

6. ROUGH SLEEPER UPDATE

The Head of Housing will update Members on the current numbers of Rough Sleepers in the Arun District.

7. \*COUNCIL HOUSING DISABLED ADAPTATIONS POLICY

The Council is committed to facilitating the provision of aids and adaptations where required and aims to deal with requests for assistance as quickly, effectively and sensitively as possible. This report details the updates that have been made to the Council Housing Disabled Adaptation Policy.

8. DRAFT HOUSING REVENUE ACCOUNT BUSINESS PLAN 2015-2025

The draft Revenue Account (HRA) Business Plan 2015-2025 is brought to the Housing & Customer Services Working Group for consideration prior to being considered for approval by Cabinet at its meeting to be held on 16 March 2015. This report sets out proposed further amendments to the Allocation Scheme 2014. (Please note that this report and its appendix will be circulated under separate cover)

9. ARUN DISTRICT COUNCIL'S WEBSITE VERBAL UPDATE

A verbal report, for information, will be given by the Head of HR & Customer Services.

10. WORK PROGRAMME 2015/16

To note the work programme and meeting dates for the new Municipal Year 2015/16 (attached)

Note: \*Indicates report is attached for Members of the Committee only and the Press (excluding exempt items). Copies of reports can be viewed on the Council's web site at [www.arun.gov.uk](http://www.arun.gov.uk) or can be obtained on request from the Committee Manager.)

'Subject to Approval at the Next Working Group Meeting'

HOUSING & CUSTOMER SERVICES WORKING GROUP

08 January 2015 at 6.00 p.m.

Present: - Councillors Clayden (Chairman), Edwards (Vice-Chairman), Mrs Oakley, Mrs Pendleton and Squires.

Councillors Elkins and Chapman were also present.

28. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Goad and Oliver-Redgate.

29. DECLARATIONS OF INTEREST

There were no declarations of interest.

30. MINUTES

The Minutes of the meeting held on 23 October 2014 were approved by the Working Group and were signed by the Chairman.

31. GAS SAFETY CERTIFICATES VERBAL UPDATE

The Head of Housing reported that there were three Gas Safety Certificates outstanding. Of these, two had been referred to Legal Services for resolution and entry was planned for Monday 12 January for the remaining one.

32. ROUGH SLEEPER VERBAL UPDATE

The Head of Housing distributed a hand-out which gave members an update from Glenlogie for November and December 2014, and informed members that a hand-out would be available prior to the meeting in future. He confirmed that there had been 14 new clients (13 male and one female), and that 50% of clients were homeless due to substance abuse, and over 50% were in the 18-45 age range.

In response to questions raised, the Head of Housing agreed to bring information from Stonepillow to the next meeting of the working group to inform members about the impact of its new service in Littlehampton. He also confirmed that, whilst it remained full, Glenlogie had not turned anyone away.

33. RENT SETTING POLICY FROM APRIL 2015

The Finance and Home Ownership Manager presented the report setting out the current rent setting policy and the changes in government

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Dated.....

‘Subject to Approval at the Next Working Group Meeting’

policy effective from April 2015.

It was confirmed that the policy was proposed to apply to existing tenants, however when a property was re-let (excluding mutual exchange or succession) the rent would be set at the ‘formula’ rate, as would any additional properties built or acquired by the council. It was discussed that the formula rate was approximately 60% of market rent, whereas affordable rent is approximately 80% of market rent.

In answer to a question raised, it was discussed that an increase in rent could have an impact on Housing Benefit claims, however it was noted that this proposed change was as a result of government policy.

Following the debate, the Housing & Customer Services Working Group agreed to

**RECOMMEND TO CABINET**

that the Council adopts the Government policy of increasing rents by CPI +1% (2015/2016 = 2.2%) for existing tenants and of charging formula rents on new tenancies from April 2015..

**34. HOUSING ALLOCATIONS REVIEW**

The Housing Services Manager presented the report on the proposed amendments to the Housing Allocations Scheme.

It was noted that the amendments were proposed following a change in case law at the end of 2014 which clarified issues around access to the housing register.

The Housing Services Manager drew members’ attention to the proposed changes, which centred on balancing housing legislation, which gave certain applicants the right to apply for housing, with the localism agenda which gave local authorities the ability to set local connection criteria. The priority categories were discussed as detailed in the report and the proposed Housing Allocations Scheme, and it was noted that certain groups of applicants would not be excluded from priority categories if they did not meet the council’s local connection criteria.

It was noted that other minor changes were proposed to the policy in line with current good practice.

Members welcomed the proposal to assist down-sizing for tenants with some housing arrears in cases where the arrears would be cleared by the Under-occupation Incentive payment. It was noted that changes affecting ex-armed forces personnel would not have a large impact in Arun. It was also clarified that, although institutions were covered in the legislation, there were no specific benefits offered to people leaving prison.

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It was questioned whether the proposed changes would have an impact on Arun’s housing list, but was noted that the proposed changes were in line with case law and good practice and were therefore supported.

The Housing and Customer Services Working Group agreed to

**RECOMMEND TO CABINET**

That the further amendments to the Allocation Scheme 2014 be accepted and implemented from April 2015.

**35. ARUN DISTRICT COUNCIL’S WEBSITE VERBAL UPDATE**

The Services Development Manager updated members on the ‘Digital Arun’ project, which was currently in its second phase. The first phase had been the appointment of SOCITM to assist in identifying how to improve Arun’s on-line services. This followed meetings with stakeholders and Councillors, among others in order to identify what our customers want from our website and how best to provide this.

It was noted that a new team had been established to manage and develop the website, and access had been removed from most of the 60 people who had previously been updating different parts of the site. The new team was located next to the Contact Centre and was within the Customer Services team. This location was also endorsed by SOCITM and it was recognised as providing the best opportunities for information exchange and learning from the questions our customers were asking.

A new website was being built by the team and would be launched at the beginning of March 2015. There would be a new front page and fewer, and more succinct, service pages.

It was likely that the new site would first be launched internally in order to resolve any potential issues prior to a public launch. There was potential for new services to be developed in the future, including live messaging to resolve customer questions.

In response to questions raised it was discussed that service areas have been looking at their web pages and how they provide services to their customers and it was hoped that this could lead to greater efficiency.

The Chairman extended the thanks of the working group to the Services Development Manager and his team.

**36. WORK PROGRAMME 2014/15**

In addition to the items due for discussion at the next meeting, an item on the impact of the Welfare Reform Act was requested. As this had been discussed at the meeting on 23 October, the Head of Housing agreed to provide members with a brief update on the report presented at that time. It

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Dated.....

‘Subject to Approval at the Next Working Group Meeting’

was noted that the Local Government Association was considering this issue in the coming week so more information might also be available to members from LGA resources.

The work programme, as updated, was agreed. It was noted that the next meeting of the working group was on 5 March 2015.

37. EXEMPT INFORMATION

The Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

38. GREENSPACE MANAGEMENT CONTRACT RETENDER (Exempt – Paragraph 3 – Information Relating to the Financial or Business Affairs)

The Greenspace Contract & Development Manager presented the report, informing members that the current contract would end in December 2016 and detailed work was underway to establish a new contract to start from January 2017.

A full report was being considered by the Environmental Services & Community Development Working Group on 18 February 2015 with recommendations to Cabinet, but the contract would cover grounds maintenance services for housing land, thus Arun’s housing service would be a key stakeholder.

The length of the contract and the formula for awarding it was discussed and supported.

Members discussed the alignment of the contract with the council’s priorities of supporting people who need help, and delivering the best services we can afford. Members also discussed the opportunities for added value and working with local communities. Consultation was also debated, along with biodiversity and wellbeing.

It was confirmed that the awarding of the contract would comply fully with Arun’s procurement rules.

The Greenspace Contract & Development Manager was thanked for his report.

(The meeting concluded at 7.02 pm)

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Dated.....

AGENDA ITEM NO.7ARUN DISTRICT COUNCILHOUSING & CUSTOMER SERVICES WORKING GROUP – 5<sup>TH</sup> March 2015

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Subject : Council Housing Disabled Adaptations Policy

Report by : Louise Crane

Report date: 3<sup>rd</sup> February 2015

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EXECUTIVE SUMMARY

The Council is committed to facilitating the provision of aids and adaptations where required and aims to deal with requests for assistance as quickly, effectively and sensitively as possible. This report details the updates that have been made to the Council Housing Disabled Adaptation Policy.

RECOMMENDATIONS

Members are requested to recommend to Cabinet that the updated Council Housing Disabled Adaptations Policy November 2014 is approved.

1.0 INTRODUCTION

- 1.1 Section 8 of the Housing Act 1985 requires local housing authorities to consider housing conditions in their area and have regard to the particular needs of chronically sick and disabled persons. This includes the provision or adaptation of existing accommodation for disabled Council tenants.
- 1.2 The Council has a policy which sets out the principles that will be applied in the provision of aids and adaptations within Council Housing stock, to help ensure a consistent approach to who would be eligible and the works that would be undertaken.

2.0 BACKGROUND

- 2.1 Requests for adaptations are received via a referral from West Sussex County Council Occupational Therapists following an assessment of their needs.

2.2 Any adaptation works are funded from the Housing Revenue Account (HRA) and the tenant will be means tested to assess if they have to make a contribution towards the cost of works. If the tenant is in receipt of qualifying welfare benefits they will receive 100% funding.

### 3.0 FACTS AND FIGURES

3.1 Funding can be awarded for a whole range of adaptations, including for example level access showers, ramps, adapted kitchens and stairlifts, a maximum grant is £30,000.

3.2 Table 1 below shows the number of disabled facilities grants completed and the spend in the Council Housing stock over the past 5 years.

Table 1

Year	Number of Referrals	Number Completed	Total Spend
2009/10	76	73	£442,889.00
2010/11	60	54	£395,911.00
2011/12	64	75	£450,913.81
2012/13	63	79	£426,544.21
2013/14	93	64	£400,435.22

### 4.0 UNDER OCCUPANCY

4.1 This report provides members with an update to the Council Housing Adaptations Policy and the main change has been to include the consideration of whether the property is under occupied before carrying out any adaptation works.

4.2 The Council has a responsibility to all residents and to those on the housing register to ensure the best use of the social housing stock. This will therefore be taken into account when considering major adaptations, whilst also considering the needs of the individual client.

4.3 Under occupying tenants who apply to downsize via the Council's housing register will be placed in Band A in recognition of the need to move to a right sized property and to enable the Council to meet the housing demand of other housing applicants.

4.4 The under occupation incentive of £1500 will be paid to Council tenants downsizing to a right sized property after subtracting any housing arrears.

4.5 Minor adaptations may be made to the existing home to alleviate immediate health or safety concerns, if a transfer is unlikely to be available within a reasonable timescale.



5.0 RECOMMENDATION

5.1 Members are requested to recommend to Cabinet that the updated Council Housing Disabled Adaptations Policy November 2014 is approved.

**Background Papers:** Council Housing Disabled Adaptations Policy November 2014

**Contact:** Louise Crane Principal Environmental Health Officer (Private Sector Housing) Ext: 37669



**Arun District Council**

# **COUNCIL HOUSING DISABLED ADAPTATIONS POLICY**

Prepared by: Richard Ayres, Judy Knapp  
Last updated: Nov 2014  
Version: 8.0  
Date for next review:

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## Policy Aims

This policy aims to help Council tenants, or members of their household, who have a disability or long-term ill health, to live independently and to carry out essential day-to-day activities.

It sets out the principles that will be applied in the provision of aids and adaptations.

The policy also establishes the partnership arrangements between Housing teams at Arun District Council and occupational therapists in the Independent Living Service.

The Council is committed to facilitating the provision of aids and adaptations where required and aims to deal with requests for assistance as quickly, effectively and sensitively as possible.

The Council accepts that there may be circumstances that warrant exceptions to this policy. The Head of Housing is therefore authorised to assess individual cases. Where it is appropriate and reasonable, the Head of Housing may agree exceptions to the policy.

## Legal background

Section 8 of the Housing Act 1985 requires local housing authorities to consider housing conditions in their area and have regard to the particular needs of chronically sick and disabled persons. This includes the provision or adaptation of existing accommodation for disabled Council tenants.

The definition of a disabled person under the Housing Grants, Construction and Regeneration Act 1996 is that a 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.

Generally the impairment of the applicant must have lasted or is likely to last for at least 12 months.

## Qualification for adaptations

The client with the impairment must be the tenant; their spouse or civil partner; a son or daughter or adopted child aged under 16 living permanently at the property; or up to 19 if a young person in full time education or with a severe need that requires them to live at the property. The Council will consult with Social Services when considering an application regarding a foster child.

The impairment must have a serious long-term effect on the client's ability to carry out normal day-to-day activities.

In cases where a child is disabled and the parents are separated, adaptation work will usually only be completed at the property of principal residence (this is normally the residence of the parent who is in receipt of child benefit for that child). Other equipment may be supplied at the second parent's address. The Independent Living Service is required to take into account the child's needs and to facilitate them spending time with both parents.

Adaptation works will not be carried out for lodgers or temporary visitors or for relatives of the tenant who have an alternative sole or main residence.

The tenancy must be an introductory, secure or flexible secure tenancy. The Council will not undertake adaptations in hostels or temporary accommodation. Where a flexible secure tenancy only has a short period remaining (typically one year or less) the Council will take into account whether the fixed term tenancy will be extended or will end at the planned date before determining the request for adaptations.

## The role of the Independent Living Service

The Independent Living Service assists those with a physical impairment to live more independently. Occupational therapists will assess the functional needs of the client and make recommendations to the Council regarding equipment and specialist adaptations.

Arun Housing services and the Independent Living Service are committed to effective partnership working and to avoid duplication and complications for the client.

The Independent Living Service will also provide some services direct to tenants, including:

- Provide advice and information, and demonstrate techniques to help the client to manage everyday tasks;
- Provide access to equipment via the Community Equipment Service, which may be available on loan, free of charge, to help independent living. This does not include wheelchairs or walking aids, although these are supplied by the National Health Service (NHS);
- Give advice and help to people offering care to family or friends;
- Arrange for minor adaptations, including:

<b>Minor adaptations which may be arranged by the Independent Living Service:</b>	
External areas	Grab rails (e.g. outside back door)
	Key safe (available to rent via Telecare)
Stairs	Grab rails
Bathroom	Fixed toilet frame
	Grab rails
	Carer screen

## Minor Adaptations

Minor adaptations may help sustain clients' independence and postpone the need for more substantial adaptations. Minor adaptations are those which have a low level of potential risk to users.

The provision of minor adaptations is seen as an important preventative service to Council tenants and will be undertaken without charge up to a maximum value of £800. The value limit is per property, per year.

Minor adaptations may include:

Rails	Galvanised grab rails, where the occupational therapist does not need to specify the exact location
	Hand rails
	Stair rails
Kitchen and bathrooms	Window opening equipment (non-electric)
	Lever taps
Access	Level door threshold
	Internal door widening (1 door only), subject to construction
	Door entry intercom (simple speaker phone)
Visual impairment	Staircase adaptations
	External lighting to external door
Hearing impairment	Flashing / amplified doorbell
	Vibrating flashing smoke alarm / alerts
General and safety	Door and wall protectors for wheelchair users
	Additional internal electric socket (1 only)

If the client requires more complex assessment of need, they will be advised to apply for an occupational therapy assessment.

Adaptations must be agreed in writing by Arun District Council before any works commence.

## Major adaptations

All major adaptations require an application and assessment by the Independent Living Service.

The occupational therapist will provide Arun District Council with a written recommendation assessing the needs of the individual and making recommendations for adaptations.

The Council will usually follow the Independent Living Service recommendation, but is not bound to do so by law. Any adaptation work recommended must be both necessary and appropriate and also reasonable and practicable. The application process will include distinguishing between what is desired by the client and what is needed and can be justified.

The Council must be satisfied that it is reasonable and practical to carry out the relevant works, having regard to the age and condition of the dwelling or building. In some cases it may not be reasonable or practical to carry out adaptations, due to property design or layout.

Major adaptations may include:

Bathroom fittings and alterations	Showers over baths
	Level access showers / wet rooms shower conversion
	Wash / dry WC
	Reposition WC pan
	Wheel chair accessible wash hand basin
Kitchen fittings and alterations	Kitchen unit adaptations
	Low height surfaces
	Creation of turning space, where structurally possible
Provide front and rear access, rooms and facilities	Ramps and pathways (with planning permission and occupational therapist recommendations)
	Stair lifts
	Through-floor lifts
	Widening doors
	Low level light switches and raised power sockets
	Internal room conversions
	Bathroom and / or bedroom extensions
Street to property access	Dropped kerb within ADC land boundary
	Handrail provision within ADC land boundary
	Driveways and path alterations (with planning permission)
This list is not exhaustive and works may vary based upon the client's needs and the configuration of the property.	

## Suitability of the property

The Council may also consider rehousing the client to alternative, suitable accommodation, which may already be adapted. This decision will be in consultation with the client. Rehousing may be proportionate in order to avoid the cost of major adaptations in the current property or where an alternative property is better suited to adaptations to meet the client's needs.

When making a decision on adaptations the Council will consider:

- Any existing adaptations
- Whether the adaptations are reasonable
- The adaptability of the current property, based on property age, condition, structural characteristics
- Whether the current property is the right size & type for the client household, including external & internal accessibility
- Whether the property would remain unsuitable for the client after being adapted
- The property type and demand on the housing register
- The likely availability of more appropriate alternative accommodation
- The availability of the tenant's existing support network and carers
- Whether competing needs of family members could be met in that particular property
- Whether adaptations to a property would adversely affect the amenity of the area for other residents
- Any legal proceedings being pursued against the client

- Any alternative accommodation already offered to the client in their preferred area, which meets needs, or could meet needs, which has been refused by the client
- Where the client lives in sheltered accommodation, the availability of an adapted communal bathroom which meets the needs of the client and it is reasonable for the client to use these facilities. In such cases the Council may not further adapt the bathroom within the client's accommodation.
- The client's medical prognosis. In cases where the prognosis is not favourable, the request may be declined

## Under occupation

Arun District Council has a responsibility to all residents and to those on the housing register to ensure the best use of the social housing stock. The best use of housing stock will be taken into account when considering major adaptations, whilst also considering the needs of the individual client.

If the current property is under-occupied, the Council will consider the current demand on the housing register for the property type & size of the client's under-occupied home. Where there is demand for this property size, particularly from applicants in Bands A & B on the housing register, the client will be asked to consider a transfer to a right-size property, either with existing adaptations or where adaptations can be installed.

The individual circumstances of the client will be considered when determining whether adaptations will be refused in an under-occupied property. Individual factors taken into consideration will include:

- The urgency of the need for the adaptation
- The client's ability and willingness to move
- The support available to assist the client to move
- The availability of right-size properties which will meet the client's needs
- The likely improvements in accessibility, independence or quality of life resulting from a move to an alternative property
- The client's prognosis, which means the current property may become unsuitable for the client's needs
- Other housing needs of the client household which mean the current property may become unsuitable
- The client's reasons for wishing to remain in the current home

Under-occupying clients who apply to downsize via the Council's housing register will be placed in Band A in recognition of the need to move to a right-size property and to enable the Council to meet the housing demand from other housing applicants. The under-occupation incentive of £1500 will be paid to Council tenants downsizing to a right-size property, after subtracting any housing arrears.

Minor adaptations may be made to the existing home to alleviate immediate health or safety concerns, if a transfer is unlikely to be available within a reasonable timescale



## Funding / client contributions for adaptations

Once a recommendation has been received from the Independent Living Service, a financial assessment will be carried out to assess the client's liability for the cost of works.

Receipt of qualifying welfare benefits will entitle the client to a mandatory Disabled Facilities Grant. These are subject to change.

The current qualifying welfare benefits include:

- Income Support
- Income based Employment and Support Allowance
- Income based Jobseekers Allowance
- Guarantee Pension Credit
- Housing Benefit
- Working Tax Credit and/or Child Tax Credit provided that the annual income for the purposes of assessing entitlement to the tax credit is less than a prescribed figure.
- Universal Credit

Clients who do not receive qualifying welfare benefits will be required to complete an income and expenditure form. This will be assessed using a Government-prescribed formula based on income and saving. Clients may be liable for contributions to the disabled facilities works.

If the adaptations are in respect of a child, a financial assessment is not required. For the purposes of this policy a child is a person under 16; or up to the age of 19 and receiving full-time education up to and including A level or equivalent; or a child with a severe need that requires them to live at the property for guardian / parental support.

The Council will fund the cost of the adaptation to Council housing up to a maximum of £30,000 if the tenant is in receipt of one of the qualifying welfare benefits. The Independent Living Service may consider making a contribution towards the cost of major adaptations.

If the Council's budget for disabled adaptations is likely to be insufficient due to high demand, cases will be prioritised according to the criteria applied by the Independent Living Service. Adaptations categorised as urgent will be carried out in date order, followed by the non-urgent cases.

## Timescales

The Council is committed to providing adaptations to properties as quickly, effectively and sensitively as possible.

Minor adaptations will be carried as soon as possible, typically within 30 days.

Major adaptations will normally be completed within 12 weeks of receiving the referral from the occupational therapist.

If planning permission is required, these target timescales may be delayed.

The Council aims to minimise delays with occupational therapists' referrals where the client is being discharged from hospital, to help the client return home as quickly as possible.

## **Use of the adapted property**

After adaptations have been carried out, the client is expected to remain living at the property unless circumstances do not allow this, such as a worsening medical condition.

A client living in an adapted property may not join the housing register for a transfer unless their circumstances have changed, resulting in a housing need.

## **Rehousing and mutual exchanges**

The Council may ask the Independent Living Service to provide supporting evidence and recommendations for a client who has a housing need where the current property is not suitable for their disability.

Where significant adaptations have been carried out and the client dies or is unable to remain living at the property and permanently resides elsewhere, the remaining family members may be asked to move to alternative accommodation.

Mutual exchanges may be refused if the person seeking to exchange into the adapted property does not need the adaptation.

## **Adapted properties which become void**

When a property has been adapted for a disabled person, the adaptations will normally be left in place in the property. Where possible the property will be allocated to a client with a need for the adaptation.

Adaptations will not be removed from void properties unless there are legitimate practical or financial reasons to do so. If the adaptations are a barrier to letting, adaptations may be removed. If necessary, level access showers may be converted back to a bath. Any decision to remove or reverse adaptations must be authorised by the Head of Housing.

Loan equipment left in an empty Council property will usually be collected, if it can be issued to another client. Some equipment which cannot be loaned to other clients may be disposed.

Parking spaces created as part of an adaptation apply to the adapted property. If the property is re-let, the Council will aim to allocate it to another disabled client requiring a parking space.

## **Reasons for refusal of an adaptation request**

Each case will be considered on its individual merit. Reasons for refusal will be provided in writing. Requests for adaptations will not normally be approved where:

- A Right to Buy application has been received or the client has a housing need on the housing register;
- Possession proceedings or other legal action has commenced against a client. If the client is under investigation prior to legal proceedings, the Council will consider all the circumstances and may refuse the application;
- The client has a flexible fixed term tenancy, which is coming to an end and will not be extended;
- The request for an adaptation is not reasonable or practicable;
- The property is above the ground floor and there is no lift;
- The works would negatively affect the future lettable of the property

## **Clients wishing to install their own adaptations**

If a client wishes to install their own adaptations, written permission must be obtained from Arun District Council. The client will need to state the adaptations they wish to carry out and who will be undertaking the work.

Any adaptations not installed by the Council will not be maintained by Arun District Council. Responsibility for repairs will lie solely with the client. In addition Arun District Council will not be liable for any damage or injury caused by adaptations not installed by the Council.

Clients may remove certain adaptations at their own expense and with the approval of the Head of Housing. However, if the original adaptation is later required by the tenant they will be responsible for funding the works.

The Council may be required to remove any adaptations and make good any damage to the property at the end of their tenancy.

## **Change of Needs**

If the client's needs change after adaptations have been installed, the needs will be re-assessed and further adaptations may be provided.

## **Specific issues**

Mobility scooters: storage and charging points for mobility scooters are not classified as adaptations.

Mobility scooters in sheltered schemes: storage and charging points will not be provided for individual residents in sheltered housing schemes where communal storage and charging points have been provided.

Hard-standing / dropped kerbs: these may be funded through the adaptation process but will be subject to an occupational therapist's recommendation and the necessary highway consent and planning approval.

Ceiling Track Hoists: the occupational therapist must obtain permission from Arun District Council before arranging for the installation of a hoist, providing technical data regarding the hoist as required. The Council will undertake any strengthening and ancillary work required, which will be subject to structural engineer recommendations.

Servicing costs: Arun District Council will pay the annual service costs in respect of certain equipment items, such as stair lifts, through-floor lifts and wash-dry WCs.

## **Performance measurement**

The following measures will be used to monitor Council housing adaptations:

- Number of days' notice given to the applicant before starting works
- Average and actual number of weeks to commence major adaptations (from receipt of OT8 to start of work)
- Average and actual end to end time (from receipt of OT8 to completion of works)
- Customer satisfaction surveys

## **Complaints**

Complaints will be managed via the Council's complaints procedure.

## **Policy review**

There will be a review of this policy whenever there is a fundamental change of legislative or regulatory provisions. Minor amendments to the policy will be subject to the approval of the Head of Housing.

## Legal Background / information

Law consists of several elements: primary legislation (acts of parliament), subsequent case law (decisions made by judges about what the legislation actually means) and governmental guidance and regulations. It is not sufficient to be familiar with only the acts of parliament.

### The duty to assess and provide services

**National Assistance Act 1948** (part III) gave Local Authorities the *power* to provide a range of rather vaguely worded services. Section 29 gives a definition of disability:

Persons aged eighteen or over who are blind, deaf or dumb or who suffer from mental disorder of any description and other persons aged eighteen or over who are substantially and permanently handicapped by illness, injury or congenital deformity or such other disabilities as may be prescribed by the Minister. (this wording is as amended by the Local Government Act 1972, Mental Health (Scotland) Act 1960 and Children Act 1989.)

Note the rather outdated language, the exclusion of those under eighteen years of age and the rather absolute categorisation of sensory impairment that leaves a question mark over those who are visually impaired but not blind, for example. The phrase "substantially and permanently" is still of importance today and is found in the criteria of most Social Services departments.

The Act does not confer specific *rights* but empowers Local Authorities to provide certain services. The Act also introduced registers of disabled people.

Section 21(1) empowered local authorities to provide residential accommodation for elderly people or those who were "infirm" or otherwise in need of care that could not be delivered at home. Section 22 allowed the Authority to charge the person for the costs of the accommodation according to their ability to pay.

The **Health Services and Public Health Act 1968** (Section 45) empowered Local Authorities to provide services "for promoting the welfare of old people". DHSS Circular 19/71 expanded this to include

- meals and recreation in the home and elsewhere
- information about services to which elderly people might be eligible
- facilities or assistance for travelling to and from the home in order to access services
- assistance in finding suitable households for boarding elderly persons
- visiting and advisory services and social work support
- practical assistance in the home, including assistance in carrying out adaptations and provision of additional facilities to secure greater safety, comfort or convenience.
- contribution to the cost of employing sheltered housing wardens
- provision of warden services for private housing

The **Chronically Sick and Disabled Persons Act** (1970, Section 2) gave Local Authorities a *duty* to assist disabled people (as defined by Section 29 of the National Assistance Act 1948) with:

- practical assistance in the home
- provision (or assistance to obtain) radio, TV, library or other recreational services
- provision of lectures, games, outings, recreational or educational activities outside the home
- provision of services or assistance in obtaining travel to and from the home to participate in any of the activities mentioned
- assistance in arranging adaptations or provision of additional facilities to promote "*safety, comfort or convenience*"
- provision of meals in the home or elsewhere
- assistance in obtaining a phone and any special equipment necessary to use it

Thus the Act formed the basis for the provision of a whole range of services including equipment, adaptations, home helps, meals on wheels, etc. As the Act is vague in specifying "assistance", it is not

necessarily the case that a local authority must pay for the rental and installation of a telephone, for example.

With regard to adaptations, there is a duty both to assist with adapting existing facilities and, if necessary, to provide additional facilities. Minor adaptations will usually be performed by technicians from the social services department, or through referral to a housing association's technical services. It is not sufficient merely to make the referral, though, as the duty is to "make arrangements". If the housing association or other agency is failing to comply, the Social Services department remains the lead agency and must bring whatever influence it has to bear on the matter. Major adaptations will usually be performed by the housing department (in the case of council tenants) or through the application for a Disabled Facilities Grant as before, assisting with the application is not enough. For more information on Disabled Facilities Grants, see the Housing Construction and Regeneration Act (1996) below.

Section 1 gives Local Authorities a duty to publish information and inform individuals of their entitlement to relevant services.

The Act gives local authorities a duty to make arrangements for the provision of the above services if the authority is satisfied that it is necessary to do so in order to meet the person's needs. However, the authority is permitted to take its resources into account when deciding whether a person has need for its services (Case law: R v Gloucester County Council *ex parte* Barry, 1997) but...

- Eligibility criteria must be used in determining need
- Resources cannot be the sole determinant -- they must also consider the person's needs, current living standards, and other factors.
- Once a need for services has been identified, the services must be provided. Services cannot be cut for resource reasons without a fresh assessment of needs.

The **National Health Service Act 1977** gave Local Authorities the *power* to make provision for care of expectant mothers, nursing mothers and children under the age of five not attending primary school. It also gave a *duty* to provide home help to households where such help is required due to illness, expectant mother, age or disability, and the *power* to provide laundry facilities to homes qualifying for home help services.

The **Health Services and Social Security Adjudication Act 1983** (section 17) is significant for giving Local Authorities the right to charge for domiciliary services provided under section 29 of the National Assistance Act (1948), The Health Services and Public Health Act 1968 (Section 45), and others including meals on wheels, welfare services for disabled or elderly people.

The **Disabled Persons (Services, Consultation and Representation) Act (1986, Section 4)** gives Local Authorities a duty to assess (when requested) a disabled person's needs for services under Section 1 of the Chronically Sick and Disabled Persons Act (1970). The duty also applies to children (only the 1948 National Assistance Act is restricted to adults).

The **Children Act (1989, section 17)** uses similar wording for those under 18, giving Social Services a general duty "*to safeguard and promote the welfare of children within their area who are in need*". It also obliges Local Authorities to

- keep a register of children with disabilities in order to quantify need.
- publish information regarding services and levels of need
- operate a complaints procedure
- minimise the effect of disability on disabled children
- and to provide a range of other services including counselling, advice, laundry facilities, home help, assistance with holidays and cultural/recreational activities for children in need.

**NHS and Community Care Act (1990)** Section 47 gives Local Authorities the duty to perform an assessment if it appears that a person has need of such services. It (and subsequent guidance and regulations) forms the backbone of most social services legislation today and introduced the concept of needs-led assessments and written care plans. All that is required to establish a duty to assess is the appearance of need. A request is not necessary, and the duty cannot be discharged by writing the

person to ask for a reply if they want an assessment (Case law: R v Gloucestershire County Council *ex parte* RADAR, 1996).

The Act obliges local authorities to assess for community care services, which are defined in section 46 as the services outlined in the following:

- National Assistance Act 1948, Part 3 (welfare and accommodation services)
- Health Services and Public Health Act 1968, Section 45 (Welfare of older people -- a wider definition than that of disability in the 1948 Act)
- National Health Service Act 1997 (Section 21 -- mothers and young children, after care)
- Mental Health Act 1983 (after care services following hospital discharge)

### **Carer's Assessments**

**Carers (Recognition and Services) Act** 1995 states that if a local authority carry out an assessment under section 47(1)(a) of the National Health Service and Community Care Act 1990 or Part III of the Children Act 1989 or section 2 of the Chronically Sick and Disabled Persons Act 1970 and an individual ("the carer" ) provides or intends to provide a substantial amount of care on a regular basis for the person being assessed, "*the carer may request the local authority, before they make their decision as to whether the needs of the [person being assessed] call for the provision of any services, to carry out an assessment of his ability to provide and to continue to provide care for the [person being assessed]; and if he makes such a request, the local authority shall carry out such an assessment and shall take into account the results of that assessment in making that decision.*" Paid carers or volunteers working for a voluntary organisation are excluded.

### **Disability Discrimination**

The Disability Discrimination Act (1995) obliges employers and service providers to make reasonable adjustments to facilitate equal treatment for disabled people. As most occupational therapy services in the physical disability field are specifically set up to cater for disabled people, it might be assumed that this Act has little relevance but attention must be paid to the accessibility of buildings and services for disabled clients and to the question of accessibility of the workplace for disabled workers. Furthermore, service providers have a duty to ensure that the information they distribute about their service is available in a form accessible to disabled people. This might, for example, mean audio or braille alternatives to occupational therapy service leaflets and educational information sheets for clients. Social services and health websites should be configured in such a way that blind people using screenreaders can access them. Where a service cannot be made accessible, alternatives should be provided where possible. For example, a tourist attraction up narrow spiral stairs might provide a video or multimedia alternative if the stairs cannot be made accessible.

### **Direct Payments**

The **Community Care (Direct Payments) Act** 1996 stated that when a Local Authority has assessed and identified a need for services, it may make payments to the disabled person (not to relatives) to purchase their own care. Initially this was only available to those under the age of 65, but the age limit has now been removed. This can include payment for special equipment and meals. The question of direct payments is raised in the National Service Framework for Older People (Department of Health, 2001) though without specific reference to equipment. The framework for direct payments is expanded further with the Health and Social Care Act 2001 and related regulations and guidance.

### **Disabled Facilities Grants**

The **Housing Construction and Regeneration Act** (1996) sets out the entitlement to apply for a Disabled Facilities Grant to fund works of adaptation or provision of additional facilities. The grants are administered by the local Housing Authority, though the Social Services Authority must be consulted in determining whether the adaptation is "*necessary and appropriate*". This is where the Occupational Therapist is involved.

The Housing Authority is not obliged to comply with the recommendations of the Social Services Authority (though it is unusual for them not to do so). Applications can be made direct to the Housing Authority or through the Social Services Authority. In addition, the Housing Authority must be satisfied that the works are *reasonable and practical*. They must consider the age and condition of the building and its fitness for human habitation, but grants can still be approved if the building would remain unfit for habitation after the completion of the works. Further considerations are detailed in DOE Circular 17/96, Annex 1.

Section 23(1) states that a grant should be approved to facilitate, for the disabled person,:

- access to the building
- safety in the home for the disabled person and other people living in the building
- access to the principal family room
- access to a bedroom
- access to a room with a wash hand basin
- access to a room with a toilet
- access to a room with a bath and/or shower
- access to a room for cooking
- the ability to control a usable heating system (or the provision of such if it does not exist)
- use of sockets, switches and other means of using power, light and heat
- access and movement of the disabled person to care for someone else normally resident in the property who needs such care (*i.e.* a disabled parent caring for a child)

The above are reasons for which a disabled person should qualify for a *mandatory* grant. Detailed guidance on the above can be found in DOE Circular 17/96, Annex 1.

Section 23(2) states that the Housing Authority may approve a grant for "*making the dwelling or building suitable for the accommodation, welfare or employment of the disabled occupant in any other respect*". This is known as a *discretionary* grant. There must be no blanket policy to refuse discretionary grants, and the Authority should have policies to set out the conditions for approval. It is possible for both a mandatory grant and a discretionary grant to be used if the cost of the works is in excess of the maximum amount of a mandatory grant.

Section 100 defines the disabled occupant as someone registrable under Section 29 of the National Assistance Act (1948) or the Children Act (1989), or one who has:

- substantial impairment of hearing, sight or speech
- mental disorder or impairment of any kind
- substantial physical disability through illness, injury, congenital impairment, or other causes.

Note that this definition includes sensory impairment that is not absolute.

Section 19 states that the person applying for the disabled facilities grant must have the requisite interest in the property. The application can come from the owner (or landlord) or the tenant. In the case of an owner's application, Section 101 states that they should have the freehold or a leasehold of which at least 5 years remains. It also includes an assured shorthold tenancy with at least 5 years remaining (Case law: *R v Tower Hamlets ex parte von Goetz*, 1998).

A tenant's application can be made by any form of tenant, including those whose tenancy accompanies their job (a service tenancy) and local authority tenants.

The application should be made on the form set out in the Housing Renewal Grants (Prescribed Form and Particulars) Regulations (1996), so the authority must still accept an application even if it is not on their own form. The form must be accompanied by estimates from two different contractors of the cost of the works and the owners or tenants certification.

Section 30 states that the amount of the Disabled Facilities Grant is subject to a means test, which is detailed in the Housing Renewal Grants (Prescribed Form and Particulars) Regulations (1996), with guidance in DOE Circular 17/96, Annex J2. If the financial resources of the relevant person exceed the "applicable amount", the amount of the DFG is reduced. The relevant person is the disabled occupant for whose benefits the works will be carried out, and his or her spouse or partner. The total income and capital of the person will be considered, with the income taken as the average weekly income for the 52 weeks prior to the application. The first £5000 of capital is disregarded. Every £250 of capital in excess of this £5000 is regarded as equivalent to an income of £1 per week. There are several elements of both income and capital that are disregarded. The "applicable amount" is set out in a series of allowances and premiums reflecting the "relevant person's" weekly needs. If the financial resources are less than or equal to the applicable amount, the grant will reflect the full cost of the works. Otherwise, the amount of the grant is reduced, with the relevant person being expected to pay the difference. The amount paid by the relevant person should be an amount that they could



obtain through an affordable loan. The income of the parents of a disabled child was previously subjected to means testing but the abolition of means testing for disabled children came into force on 31 December 2005.

The repairs and maintenance of the works (a stair lift, for example) would normally be the responsibility of the owner or landlord, particularly if the works can be considered as fixtures and fittings. Inclusion in the works of a maintenance contract should be considered.

An interesting case relating to the meaning of 'safe' in qualifying for a disabled facilities grant arose with *R (B) v Calderdale Metropolitan Borough Council*: CA (Dame Elizabeth Butler-Sloss, President, Lords Justice Clarke and Sedley): 4 February 2004 . The applicant's eldest son had autism and was uncontrollably aggressive toward the younger son, with whom he shared a bedroom, so he applied for a DFG to build an extra bedroom. The local authority refused the application and a judicial review found that there was no mandatory entitlement for a DFG to ensure the safety of other household members rather than the disabled person but on appeal the decision was overturned and it was ruled that the proposed adaptation, to qualify for a grant, had to minimise material risk as far as reasonably practicable and make the dwelling "safe for the disabled occupant and other persons residing with him". The fact that there might be other areas of risk not dealt with by the grant was immaterial. Please note that since this study guide was written, there have been significant changes to the legal context and a shift away from primary legislation to the use of the powers of the secretary of state in producing national service frameworks and other regulatory measures. Even when these measures lack the force of an act of parliament, they still heavily affect the balance of the legal framework by forming the background to any test of reasonableness or of the nature of the duty of care in the courts. The reader is advised to refer to relevant "National Service Frameworks" and other measures such as Fair Access to Care Services and the Single Assessment Process, most of which can be found on the Department of Health Website.

**Housing & Customer Services Working Group - 2014/15**

<b>Meeting Date</b>			<b>07-Jul-15</b>	<b>22-Oct-15</b>	<b>07-Jan-16</b>	<b>10-Mar-16</b>	
<b>Item</b>	<b>Lead</b>	<b>Origin</b>					<b>COMMENTS</b>
Election of Chairman & Vice-Chairman		ToR	*				
Terms of Reference		ToR	*				
Work programme - set and review		ToR	*	*	*	*	
Corporate Vision	PA		*	*			
Impact of Welfare Reform Act (including Bedroom Tax, Housing Rent Arrears and Housing Allocations)	RA						Deferred from 2014/15 work programme to later in 2015 per RA
Update on new Housing IT System (QL) (To be presented in early 2015)	RA						Deferred from 2014/15 work programme to later in 2015 per RA
<b>Agenda Prep Timetable</b>							
Send to Gemma for CMT by 2pm Thurs			04-Jun-15	17-Sep-15	26-Nov-15	04-Feb-16	
CMT Tues			09-Jun-15	22-Sep-15	01-Dec-15	09-Feb-16	
Draft Reports to Erica by 11am Thurs			15-Jun-15	24-Sep-15	03-Dec-15	11-Feb-16	
<b>Agenda Prep Date 3pm</b>			<b>17-Jun-15</b>	<b>30-Sep-15</b>	<b>09-Dec-15</b>	<b>17-Feb-16</b>	
<b>Room</b>			<b>Ash</b>	<b>CR2</b>	<b>CR2</b>	<b>CR2</b>	
Final Reports to Erica by 11am Mon			22-Jun-15	05-Oct-15	14-Dec-15	22-Feb-16	
Despatch Agendas by 2pm Thurs			25-Jun-15	08-Oct-15	17-Dec-15	25-Feb-16	
<b>Date of Meeting 6pm</b>			<b>07-Jul-15</b>	<b>22-Oct-15</b>	<b>07-Jan-16</b>	<b>10-Mar-16</b>	
<b>Room</b>			<b>CR1</b>	<b>CR1</b>	<b>CR1</b>	<b>CR1</b>	
OSC Meeting Dates			28-Jul-15	24-Nov-15	26-Jan-16	15-Mar-16	
Cabinet Meeting Dates			20-Jul-15	16-Nov-15	18-Jan-16	21-Mar-16	
Full Council Meeting Dates			15-Jul-15	11-Nov-15	13-Jan-16	16-Mar-16	