

Dover District Council

Disabled Adaptations Policy



March 2024

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1. Introduction

- 1.1 Dover District Council (the “Council”) is a stock owning Local Authority with a Housing Revenue Account (HRA). The Council understands the importance of allocating homes to make best use of its housing stock, however where there is not a readily available property which meets the disabled tenant or disabled household member’s needs or they become disabled or their needs change, the Council will apply this Policy.
- 1.2 The Council will use its HRA to fund disabled adaptations to its own properties, non-Council tenants can apply for a Disabled Facilities Grant, or other grants and loans are available.

2. Definitions

- 2.1 For the purposes of this policy:
 - ‘We’, ‘ours’ and ‘us’ refers to Dover District Council.
 - ‘Staff’ refers to members of staff who provide housing related services, including housing management, housing options, strategic housing, and property services.
 - ‘Contractors’ refers to third party organisations who provide housing-related services on our behalf.
 - ‘Tenants’ refers to an individual or individuals who have an active tenancy agreement and are renting and living in a Council owned property.
 - ‘Household members’ refers to an individual or individuals living in a Council owned property with a tenant, who are not named on the tenancy but who must abide by the provisions within the Tenancy Agreement.
 - ‘Residents’ refers to tenants and/or household members.
 - ‘For definition of ‘disability’ and ‘adaptations’ see section 7.
 - ‘The ‘Policy’ refers to this Disabled Adaptations Policy.

3. Legal duties

- 3.1 The Housing Grants, Construction and Regeneration Act 1996 places a duty on housing authorities to:
 - Approve adaptations for the relevant purposes subject to the Council:
 - Being satisfied that the works are necessary and appropriate to meet the needs of the disabled occupant and that it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the property.
 - Having consulted social services on whether the works are necessary and appropriate.
- 3.2 The Social Housing (Regulation) Act 2023 introduced new rules that social housing landlords must comply with regarding the safety of homes. The revised Consumer Standards set a requirement that Registered Providers must assist tenants seeking housing adaptations to access appropriate services. This Policy sets out how we will meet requirements of the [Safety and Quality Standard](#) (clauses 2.4.1 and 2.4.2)

- 3.3 The Value for Money Standard (April 2018) requires registered providers to '*ensure that optimal benefit is derived from resources and assets and optimise economy, efficiency and effectiveness in the delivery of their strategic objectives*'.
- 3.4 Section 149 of the Equality Act 2010, also referred to as the Public Sector Equality Duty (PSED), encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet the needs of different groups.

4. Policy purpose and scope

- 4.1 The purpose of this Policy is to set out how the Council will oversee disabled adaptations requested and/or made to its properties.
- 4.2 The Policy applies to tenants as defined in paragraph 2.1 who are applying for an adaptation on behalf of themselves or a household member who is disabled (see 7.1 - 7.2).
- 4.3 The Council's Housing Revenue Account (HRA) will be used to fund these adaptations to homes within its stock; therefore, this Policy does not include non-Council tenants or homeowners.
- 4.4 Private tenants or homeowners may be able to apply for a disabled adaptations through the grants and / or loans managed by the Private Sector Housing Team, further information on this can be found here: [Private Sector Housing Grants and Loans](#).
- 4.5 This Policy should be read alongside the following policies:
 - Vulnerable Tenant Policy
 - Equality Policy
 - Safeguarding Policy
 - Mobility Scooter Policy
 - Hard to Let Properties Protocol
 - Tenancy Strategy 2021 – 2026
 - Housing Allocations Policy

5. Policy aims

- 5.1 The aim of this Policy is to provide residents with a consistent process to disabled adaptations which enables disabled occupants to be safe in their homes. The specific aims of the Policy are to:
 - 1) Find the best possible solution for the residents needs whilst meeting legal and regulatory requirements.
 - 2) Make the best use of HRA expenditure to apply the Value for Money Standard.
 - 3) Operate a service that offers suitable, practical, cost-effective and long- term solutions that best meet residents assessed needs.
 - 4) Set out expectations regarding waiting lists and waiting times, minimising these where possible.

6. Policy principles

- 6.1 We are committed to the following principles when assessing an application for a disabled adaptation:
- 1) Supporting residents with disabilities to live independently by offering necessary and appropriate adaptations to meet the needs of the disabled person.
 - 2) Help to restore or enable independent living, privacy, confidence and dignity for residents.
 - 3) Providing a prompt and efficient service for completing adaptations to meet the residents' needs in a timely manner.
 - 4) Sensitivity and empathy to the diverse needs of residents who are recognised as having a disability

7. Definition of disability and adaptations

- 7.1 For the purposes of this Policy a person is disabled as defined by section 100 of the Housing Grants, Construction and Regeneration and Regeneration Act 1996 if:
- their sight, hearing or speech is substantially impaired,
 - they have a mental disorder or impairment of any kind, or
 - they are physically substantially disabled by illness, injury or impairment.
- 7.2 A person over 18 is disabled if:
- they are registered under section 77(1) or (3) of the Care Act 2014, or
 - in the opinion of the social services authority the person falls with a category mentioned in section 77(4) of that Act
- A person under the age of 18 is disabled if:
- they are registered under paragraph 2 of Schedule 2 to the Children Act 1989, or
 - in the opinion of the social services authority, they are a disabled child for the purposes of Part III of the Children Act 1989
- 7.3 ● Home adaptations refer to changes made to the fabric and fixtures of a home to make it safer and easier to get around and to use for everyday tasks like cooking and bathing.

8. Policy statements

Referral process and adaptation categories

- 8.1 In order for an adaptation request to be reviewed by us, a resident must request a referral from an Occupational Therapist (OT) approved by KCC Social Services ([Care needs assessments - Kent County Council](#)) who will assess the level of need and make a referral to us. In some cases, the OT might request a joint visit with us to consider the feasibility of a proposal they may wish to recommend.

- 8.2 The disabled person must intend to live in the dwelling as their only or main residence for 5 years or for such shorter period as their health and other relevant circumstances permit.
- 8.3 We will categorise assessments as minor adaptations or major adaptations, the former includes works of £1,000 or less (or stairlifts) and the latter are works over £1,000 which typically reflects the structural changes required.
- 8.4 We will follow advice from the OT to establish whether the works are urgent, cases are likely to be urgent in the following circumstances:
 - Coming out of hospital and at risk
 - Living alone and at risk
 - Severe cognitive dysfunction and at risk
 - Living with a carer who is elderly or disabled
 - Living without heating or hot water and at risk
 - Limited life expectancy
- 8.5 We will provide our written decision. We will work in accordance with the below target timescales which are applicable from the Council's receipt of referral from the OT, which we will communicate with the resident:
 - Minor adaptations: 55 working days.
 - Major adaptations: 130 working days.
- 8.6 Where works are approved, we will aim to keep the tenant updated on progress and any delays throughout the process, as well as providing them with a contact point. We will work together with health and social service authorities to provide timely adaptations delivery, for example, for those being discharged from hospital.
- 8.7 We will work with the tenant(s) to consider whether temporarily moving them (and their household members where applicable) is appropriate considering the nature of the works and the tenant(s)/household member(s) needs.

Eligible works

- 8.8 The following steps should be followed to assess whether the proposed adaptations are eligible:
 - Does the disabled occupant need adaptations that meet one or more of the “purposes” as outlined in paragraph 8.10?
 - Are there “relevant works” that would meet the identified needs for one or more of the “purposes”?
 - Are those “relevant works” “necessary and appropriate” to meet the needs of the disabled occupant and “reasonable and practicable” to carry out given the age and condition of the property?
- 8.9 If so, they are “eligible works” for adaptation assistance. The tenant requesting the works must be doing so on behalf of a disabled occupant (which may or may not be themselves) who lives in their household.

Purposes

8.10 The Housing Grants, Construction and Regeneration Act 1996 sets out a number of “purposes” for which a grant must be approved. The first stage is to assess whether the disabled person needs adaptations to meet these “purposes”:

- Facilitating access to the home and garden
- Making the premises safer
- Access to the principal family room or bedroom
- Access to a toilet
- Access to a bath or shower
- Access to a wash hand basin
- Facilitating the preparation and cooking of food
- Better heating
- Control of power, light and heat
- Caring for others
- An application can be made to fund adaptations to common parts of buildings containing one or more flats

Relevant works

8.11 Where one or more purposes have been identified, and the OT has proposed adaptations ('necessary and appropriate') we will take this into consideration when deciding what is 'reasonable and practicable'. This will be consistent with the disabled occupants' needs and preferences, wherever possible.

8.12 **Necessary and appropriate**

- Whilst we will receive recommendations from social services regarding what is “necessary and appropriate”, we will make the final decision regarding adaptations.
- Where the relevant works have been deemed “necessary and appropriate”, we will consider whether it is “reasonable and practicable” having “regard to the age and condition” of the property. Adaptations are subject to the constraints of the existing construction and layout of the property, and we will consider the most cost-effective option where it does not compromise safety.
- Each purpose will be considered individually, just because one of the relevant works cannot be carried out, this does not mean we will not carry out works to meet another identified purpose. We will also consider urgency regarding the order of which we address the purposes.
- Where the disabled occupant has a limited life expectancy, we will aim to complete the works as quickly as possible to support palliative care, however we may consider adaptations which can be easily removed if this is appropriate.
- We will determine the works to satisfy the OT’s recommendation such as fencing a proportion of a garden rather than the entire garden or using a ground floor second reception room as a bedroom rather than building an extension.

8.13 Examples of one or more relevant works we can carry out include, but is not limited to:

- Installation of grab rails in various locations throughout a property
- Installation of access steps/ramps to front and/or rear entrances
- Additional internal banister rails
- Additional external handrails
- Installation of lever taps
- Alterations to the height of electrical sockets and switches
- Fixed aids for visual and hearing impairment (doorbells/fire alarms/smoke detectors)
- Specialist equipment such as wash/dry toilets
- Level access shower facilities
- Over bath shower facilities
- Stairlifts
- Through floor lifts
- Kitchen adaptations
- Extensions

8.14 Other planning and regulatory regimes may be applicable in carrying out the relevant works.

8.15 When after approval but before the works are finished, the applicant stops being eligible for the adaptation or the works are no longer necessary, we might not complete the works and return the property to its previous condition.

Non-eligible works and circumstances where we may refuse to undertake an adaptation

8.16 Our primary aim is that residents are housed in the most appropriate home to meet their needs, and our secondary aim is that the HRA is spent effectively and that long-term benefits are derived from the housing stock.

8.17 Each application is to be considered on its own merits. Where an adaptation is refused, we will provide the reasons why in writing. Examples of possible refusals may include (but are not limited to):

Non-eligible works

8.18 In cases where a tenant requests an adaptation which does not meet the requirements of this Policy the adaptation will not be approved. There might be other options available, such information can be provided to the tenant.

8.19 We will not remove substantial adaptations (e.g. extensions) or previously installed major adaptations solely on the basis that the resident no longer needs it, even if they (or a new non-disabled resident) request it.

Unreasonable or impracticable having “regard to the age and condition” of the property

8.20 Where we deem it unreasonable or impracticable to undertake an adaptation, we will be able to explain this, and we will endeavor to explore alternative solutions with social services and the resident.

8.21 We will always adopt a risk-based approach. Adaptations which require alteration to common areas and would have fire, health and safety implications or would impact upon the use of the common area by other residents will be considered on a case-by-case basis.

8.22 Whether the property is 'suitable' for a disabled person will not be grounds to refuse adaptations, however residents are welcome to discuss housing options with the Council, should there be concerns around the suitability of their home.

Occupation intention not being met

8.23 Given that the person for whom the works are carried out must intend to live in the property as their only or main residence for 5 years from the date of completion of works (or for such shorter period as their health and other relevant circumstances permit) then we are likely to refuse to adapt a property in the following circumstances:

- Where possession action has been initiated.
- Where they are waiting for a transfer to another property.
- Where the property is used for temporary accommodation.
- This is not an exhaustive list.

Health and social services

8.24 Provision of appliances and portable specialist equipment will not be funded as these are considered to be either a resident's responsibility or that of health and social services.

8.25 Equipment which can be installed and removed easily with little or no structural modification of the dwelling is the responsibility of the social services authority.

Right to Buy

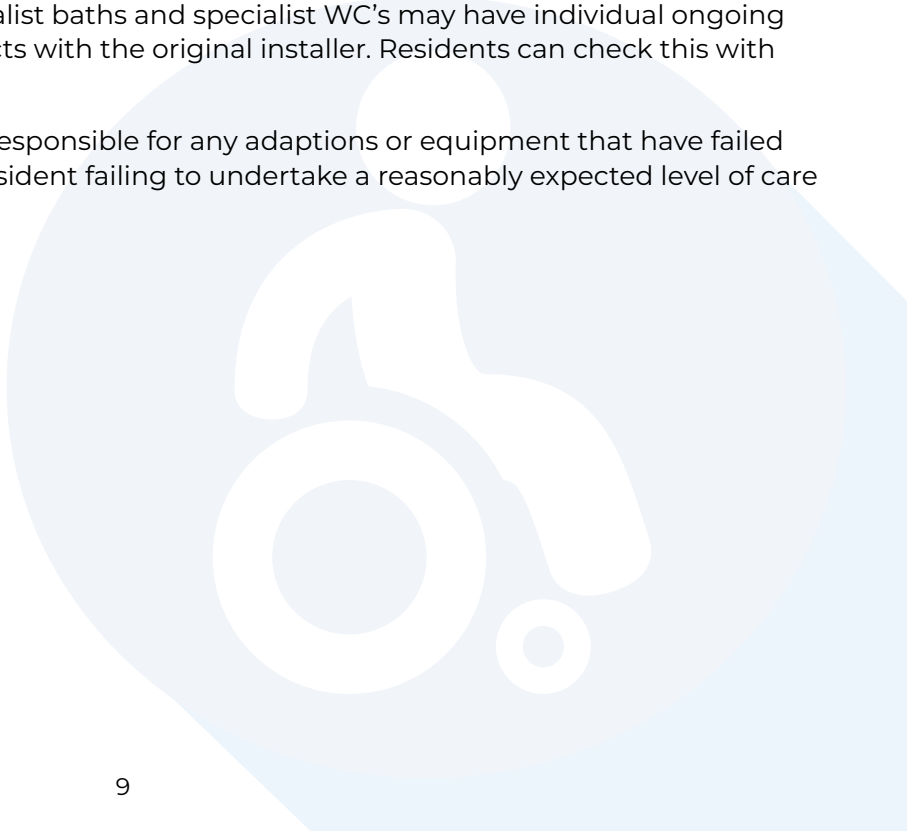
8.26 We will not carry out adaptations to properties upon which a Right to Buy application (RTB1) has been received. Once the Right to Buy application has been completed and the property transferred into the ownership of the applicant, any adaptation may be considered by applying for adaptations through the DFG or other options available for residents (see para 4.3).

Maintenance of equipment

8.27 Most equipment, such as lifts, can be added to the Councils' servicing and maintenance contract, after the initial warranty has expired.

8.28 Other equipment such as specialist baths and specialist WC's may have individual ongoing maintenance and repair contracts with the original installer. Residents can check this with their OT.

8.29 In all cases, we will not be held responsible for any adaptations or equipment that have failed due to misuse, neglect or the resident failing to undertake a reasonably expected level of care of any adaptations or equipment.

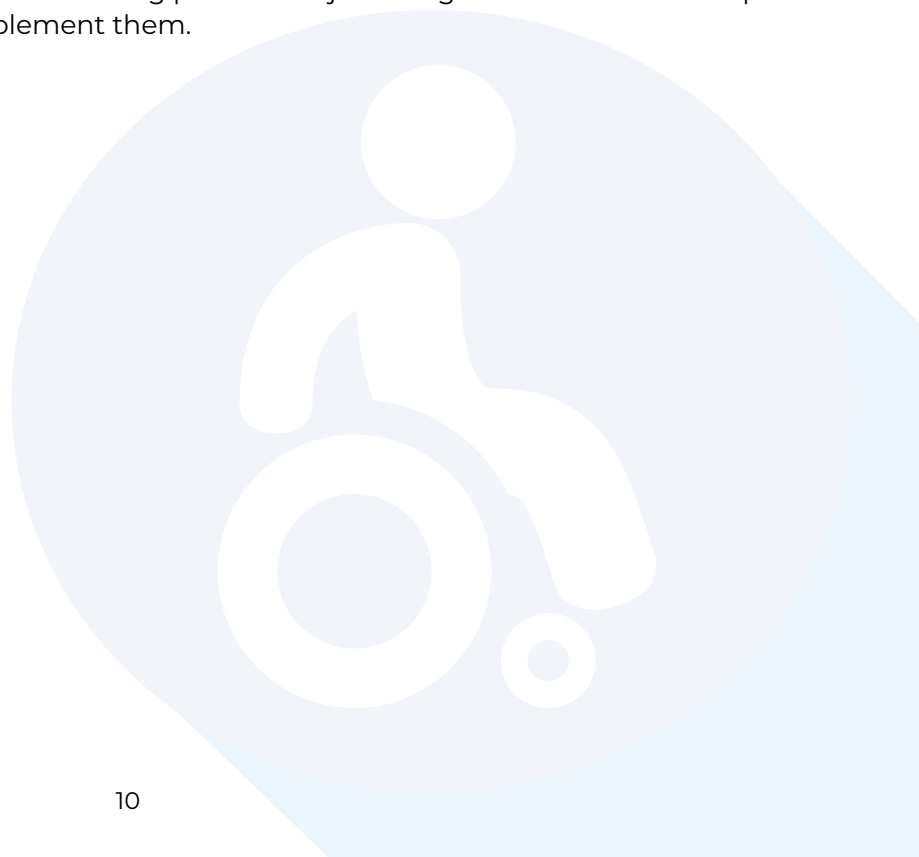


Communication

- 8.30 We recognise the importance of communicating with tenants and we will endeavour to:
- Provide clear information to tenants, with an aim for a single point of contact.
 - Contact tenants to confirm approval of recommended adaptations; when the work will be carried out, or that there is a waiting list.
 - Inform tenants and explain if recommended adaptations have been refused.
 - Consult in person with tenants regarding major works and explain the scope of the works and how long it will take to complete.
 - Where appropriate, provide tenants with colour choices (e.g. for major bathroom adaptations – paint, tiles, flooring etc.).
 - Work with OTs on individual cases to ensure the most timely and cost-effective options are considered.
 - We will inform the tenant of who will be carrying out the works.

9. Implementation, monitoring and review

- 9.1 Monitoring is necessary to ensure that the Council delivers the aims and objectives set out in this Policy. Senior Managers will be responsible for ensuring that staff are complying with this Policy and national guidance on disabled adaptations.
- 9.2 Staff will be provided with disabled adaptations procedures to ensure that they comply with the Policy provisions and both legislation and regulation. The procedures will also ensure that staff are providing a consistent approach to disabled adaptations.
- 9.3 This Policy will be reviewed every three years, or in response to relevant changes in legislation, organisational structure, development of good practice, or to address operational issues.
- 9.4 Any minor amendments required will be made through delegated approval. Any amendments made because of changes to operational process or Government legislation will be made through the local decision-making process. Major changes will be consulted upon before a decision is taken to implement them.



10. Complaints

10.1 The Council's definition of a complaint is:

“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or a group of residents.”

10.2 The Council takes complaints made about any service it provides, officers who work for the Council or contractors who provide our services, seriously. If a tenant wishes to make a complaint about the service they have received, a Council officer or contractor, they can be made:

- In writing (letter or email)
- Using our online complaint form
- Using the Council's Complaint Leaflets (these are available at the Council's office reception, or they can be posted to the tenant)
- Via telephone; or
- In person by an appointment

10.3 All complaints received will be dealt with in accordance with the Council's Complaints Policy and Procedure. More information about how to make a complaint can be found on our website: [If you are unhappy \(dover.gov.uk\)](http://www.dover.gov.uk).

11. Equality, diversity, and inclusion

11.1 We are committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of race, age, disability, gender, sexual orientation, religion, belief, financial status, and any other difference that can lead to discrimination or unfair treatment considering the principles of the Equality Act 2010. Please see our [Equality Policy](#) for more details.

11.2 A full Equality Impact Assessment (EIA) was conducted for this policy in accordance with our Public Sector Equality Duty (PSED) when carrying out our duties (s149 of Equality Act 2010). The EIA has identified potential negative impacts to individuals with protected characteristics. Mitigative actions have been documented on the EIA where a potential negative impact has been identified, the overall impact for each characteristic is deemed to be neutral.

12. Data protection and confidentiality

12.1 We process personal data in compliance with data protection legislation including the Data Protection Act 2018 & General Data Protection Regulation 2016. All processing of personal data will be done in line with the data protection principles and where appropriate the necessary exemption applied.

12.2 Full details of how we store and use personal information about our residents can be found on our website and in our privacy statement at www.dover.gov.uk/privacy. This will also contain contact information if you have any questions or require assistance from the data protection/information governance team.

13. Version control

Approval date	TBC
Approved by	Cabinet
Policy owner	Housing Services
Scheduled review	TBC

Policy controls sheet		
Date	Summary of change	Author and approver
		Author: Approver(s):

